

## SCHEDULE 5

Modifications of police and crime commissioner enactments in their application to the Mayor

### PART 1

#### Primary legislation

##### Police (Property) Act 1897

1.—(1) The Police (Property) Act 1897 <sup>M1</sup> is modified as follows.

(2) In section 2(2A), for the last reference to “relevant body” substitute “ Combined Authority ”.

##### Commencement Information

**I1** Sch. 5 para. 1 in force at 10.5.2021, see art. 1(4)

##### Marginal Citations

**M1** 1897 c. 30. Section 2(2A) was inserted by section 1(2) and (3) of the [Police \(Property\) Act 1997 \(c. 30\)](#).

##### Trustee Investments Act 1961

2.—(1) The Trustee Investments Act 1961 <sup>M2</sup> is modified as follows.

(2) In paragraph 9 of Part 2 of Schedule 1, for “similar officer of the authority” substitute “ similar officer of the Combined Authority deployed wholly or partly in relation to the PCC functions of the Mayor ”.

##### Commencement Information

**I2** Sch. 5 para. 2 in force at 10.5.2021, see art. 1(4)

##### Marginal Citations

**M2** 1961 c. 62.

##### Pensions (Increase) Act 1971

3.—(1) The Pensions (Increase) Act 1971 <sup>M3</sup> is modified as follows.

(2) In paragraph 51(aa) of Schedule 2, for “a police and crime commissioner” substitute “ the police and crime commissioner for West Yorkshire or of the Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions ”.

##### Commencement Information

**I3** Sch. 5 para. 3 in force at 10.5.2021, see art. 1(4)

##### Marginal Citations

**M3** 1971 c. 56. Paragraph 51(aa) was inserted by section 99 of, and paragraph 97 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

## Local Government (Miscellaneous Provisions) Act 1976

4.—(1) The Local Government (Miscellaneous Provisions) Act 1976 <sup>M4</sup> is modified as follows.

(2) In section 29(1) <sup>M5</sup>, for “or transferred to the authority”, substitute “ to the Mayor, or transferred to the Combined Authority in relation to the Mayor's PCC functions ”.

(3) In section 30(3)(a) <sup>M6</sup>, for “maintained by a local authority”, substitute “ maintained by the Mayor of the Combined Authority ”.

(4) In section 44(1), in paragraph (a) <sup>M7</sup> of the definition of “local authority”, for “13 to 16, 29, 30, 38, 39 and 41” substitute “ 13, 14, 16, 29 and 38 ”.

### Commencement Information

**I4** Sch. 5 para. 4 in force at 10.5.2021, see art. 1(4)

### Marginal Citations

**M4** 1976 c. 57.

**M5** Section 29(1) was amended by section 190 of, and paragraph 14 of Schedule 16 to, the [Housing and Planning Act 2016 \(c. 22\)](#).

**M6** Section 30(3)(a) was inserted by paragraph 126 of Schedule 16 to the Police Reform and Social Responsibility Act (c. 13).

**M7** Section 44(1) was amended by section 119 of, and paragraph 43(a) of Schedule 6 to, the [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#); and section 99 of, and paragraph 127 of Schedule 16, to the Police Reform and Social Responsibility Act 2011; there are other amendments to this section, but none is relevant.

## Local Government, Planning and Land Act 1980

5.—(1) The Local Government, Planning and Land Act 1980 <sup>M8</sup> is modified as follows.

(2) In section 99—

(a) after subsection (2), insert—

“(2A) Where a notice under subsection (1) is received by the Combined Authority and it relates to land used wholly or partly in relation to the Mayor's PCC functions, the Mayor is to make any representations (referred to in subsection (2)) on behalf of the Combined Authority to the Secretary of State.”;

(b) in subsection (4)—

(i) in paragraph (dbzb) after “that Act”, insert “ or (as the case may be) the Mayor ”<sup>M9</sup> ;

(ii) omit paragraph (dc) <sup>M10</sup>.

### Commencement Information

**I5** Sch. 5 para. 5 in force at 10.5.2021, see art. 1(4)

### Marginal Citations

**M8** 1980 c. 65.

**M9** Section 99(4)(dbzb) was inserted by paragraph 51 of Schedule 6 to the [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#).

**M10** Section 99(4)(dc) was substituted by section 99 of, and paragraph 141 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

## Dartford-Thurrock Crossing Act 1988

6.—(1) The Dartford-Thurrock Crossing Act 1988 <sup>M11</sup> is modified as follows.

(2) In section 19(a)(i), for “a local policing body” substitute “ the Combined Authority for use in relation to the exercise of the Mayor's PCC functions ”.

### Commencement Information

**I6** Sch. 5 para. 6 in force at 10.5.2021, see art. 1(4)

### Marginal Citations

**M11** 1988 c. 20; section 19(a)(i) was substituted by section 99 of, and paragraph 177 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011. There are other amendments to section 19(a) that are not relevant to this Order.

## Local Government Finance Act 1988

7.—(1) The Local Government Finance Act 1988 <sup>M12</sup> is modified as follows.

(2) In section 114 <sup>M13</sup> —

(a) for subsection (4)(b)(i) substitute—

“(i) a report relating to the Mayor's PCC functions, each member of the Combined Authority (including the Mayor) and each member of the police and crime panel for the Mayor's area;”;

(b) in subsection (8A)(b) <sup>M14</sup>, for “relevant authority”, substitute “ Mayor ”.

(3) In section 115—

(a) in subsection (1B) <sup>M15</sup> for “of an elected local policing body, that body”, substitute “ of the Combined Authority in relation to the Mayor's PCC functions, the Mayor (“the body”) ”;

(b) in subsection (1F)(b), for “elected local policing body's” substitute “Combined Authority's”;

(c) in subsection (2) <sup>M16</sup>, for “any authority other than an elected local policing body”, substitute “ any report other than one relating to the Mayor's PCC functions ”.

(4) For section 116(2B) <sup>M17</sup>, substitute—

“(2B) In the case of the Mayor, the chief finance officer of the Combined Authority must notify the auditor of the Combined Authority of any decision taken by the Mayor in accordance with section 115.”.

### Commencement Information

**I7** Sch. 5 para. 7 in force at 10.5.2021, see art. 1(4)

### Marginal Citations

**M12** 1988 c. 41.

**M13** Section 114(4)(b) was inserted by section 99 of, and paragraph 188(5) and of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

**M14** Subsection (8A)(b) was inserted by section 99 of, and paragraph 188(6) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

**M15** Subsections (1B) to (1F) were inserted by section 99 of, and paragraph 189(2) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

**Changes to legislation:** There are currently no known outstanding effects for the The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021, PART 1. (See end of Document for details)

**M16** Subsection (2) was amended by section 99 of, and paragraph 189(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

**M17** Subsection (2B) was amended by section 99 of, and paragraph 190(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

## Road Traffic Act 1988

**8.**—(1) The Road Traffic Act 1988 <sup>M18</sup> is modified as follows.

(2) In section 144(2)(b)—

- (a) for “a local policing body” substitute “ the Combined Authority for use in relation to the Mayor's PCC functions ”;
- (b) for “a police and crime commissioner's staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011)” substitute “ the Combined Authority's staff deployed wholly or partly in relation to the Mayor's PCC functions ”.

### Commencement Information

**I8** Sch. 5 para. 8 in force at 10.5.2021, see art. 1(4)

### Marginal Citations

**M18** 1988 c. 52; section 144(2)(b) was amended by section 99 of, and paragraph 197(3)(a) and (b) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011. There are other amendments to the section, but none is relevant.

## Local Government and Housing Act 1989

**9.**—(1) The Local Government and Housing Act 1989 <sup>M19</sup> is modified as follows.

(2) In section 1—

- (a) in subsection (9) <sup>M20</sup>, for “an elected local policing body” substitute “ the Combined Authority deployed predominantly in relation to the Mayor's PCC functions ”;
- (b) in subsection (10) <sup>M21</sup>, for “an elected local policing body does not include a deputy police and crime commissioner” substitute “ the Combined Authority deployed predominantly in relation to the Mayor's PCC functions does not include the deputy mayor for policing and crime ”.

(3) In section 4—

- (a) omit subsections (1) and (1A) <sup>M22</sup>;
- (b) for subsection (4) <sup>M23</sup> substitute—

“(4) It shall be the duty of the head of the Combined Authority's paid service, as soon as practicable after he has prepared a report relating to the Mayor's PCC functions under this section, to arrange for a copy of it to be sent to the members of the Combined Authority (including the Mayor) and to the police and crime panel.”;

- (c) in subsection (5) <sup>M24</sup>, omit “(other than an elected local policing body)”;
- (d) in subsection (5A) <sup>M25</sup>, for “by the head of the body's paid service” substitute “ that relates to the Mayor's PCC functions ”.

(4) In section 5—

- (a) omit subsection (1C) <sup>M26</sup>;

- (b) for subsection (3)(b)(a) <sup>M27</sup>, substitute—
  - “(a) in the case of a report relating to the Mayor's PCC functions, to the members of the Combined Authority (including the Mayor) and to the police and crime panel; and”;
- (c) in subsection (5)—
  - (i) for “a relevant authority” substitute “the Mayor”;
  - (ii) in paragraph (a) <sup>M28</sup> —
    - (aa) in sub-paragraph (i), omit “in the case of an elected local policing body”;
    - (bb) omit sub-paragraph (ii);
- (d) in subsection (8) <sup>M29</sup>, in the definition of “relevant authority” omit “an elected local policing body”.
- (5) Omit section 7(1)(aa) <sup>M30</sup>.
- (6) Omit section 13(5ZA) <sup>M31</sup>.

#### Commencement Information

**I9** Sch. 5 para. 9 in force at 10.5.2021, see art. 1(4)

#### Marginal Citations

**M19** 1989 c. 42.

**M20** Subsection (9) was inserted by section 99 of, and paragraph 200 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; and was amended by section 123 of the [Policing and Crime Act 2017](#) (c. 3).

**M21** Subsection (10) was inserted by section 123 of the Policing and Crime Act 2017

**M22** Subsection (1A) was inserted by section 99 of, and paragraph 201(2) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

**M23** Subsection (4) was inserted by section 99 of, and paragraph 201(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

**M24** Subsection (5) was inserted by section 99 of, and paragraph 201(4) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

**M25** Subsection (5A) was inserted by section 99 of, and paragraph 201(5) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

**M26** Subsection (1C) was inserted by section 99 of, and paragraph 202(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

**M27** Subsection (3)(b)(a) was inserted by section 99 of, and paragraph 202(4) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

**M28** Subsection (5)(a) was inserted by section 99 of, and paragraph 202(5) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

**M29** Subsection (8) was amended by section 99 of, and paragraph 202(6)(b) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011. There are other amendments to the section, but none is relevant.

**M30** Section 7(1)(aa) was inserted by section 99 of, and paragraph 203(b) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

**M31** Section 13(5ZA) was inserted by section 7 of the [Policing and Crime Act 2017](#) (c. 3).

#### Police Act 1996

**10.—**(1) The Police Act 1996 <sup>M32</sup> is modified as follows.

- (2) In section 22A(9)(a) <sup>M33</sup>, for “that body” substitute “ the Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions ”.
- (3) In section 41 <sup>M34</sup> —
- (a) in subsection (1), for “commissioner's council tax requirement (under section 42A of the Local Government Finance Act 1992) or budget requirement (under section 43 of that Act)” substitute “ PCC component council tax requirement ”;
  - (b) in subsection (4), for “precept issued or calculation made by the commissioner under Part 1 of the Local Government Finance Act 1992”, substitute “ determination by the Mayor of the final amount of the PCC component ”.
- (4) In section 53E <sup>M35</sup> —
- (a) in subsection (1)(a), for “a local policing body” substitute “ the Combined Authority and are deployed wholly or partly in relation to the Mayor's PCC functions ”;
  - (b) in subsection (1)(b), for “the body” substitute “ the Combined Authority ”.
- (5) In section 88 <sup>M36</sup> —
- (a) in subsection (5A) <sup>M37</sup>, for the first reference to “local policing body” substitute “ Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions ”;
  - (b) in subsection (6)(a) <sup>M38</sup>, for “local policing body” substitute “ Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions ”.
- (6) In section 92(1) <sup>M39</sup>, for “parish or community” substitute “ parish, community, or Combined Authority ”.
- (7) In section 96(1B) <sup>M40</sup>, for “precept for a financial year is issued by the police and crime commissioner under section 40 of the Local Government Finance Act 1992” substitute “ PCC component is determined by the Mayor ”.

## Commencement Information

**I10** Sch. 5 para. 10 in force at 10.5.2021, see art. 1(4)

## Marginal Citations

**M32** 1996 c.16.

**M33** Section 22A was inserted by section 89(2) of the [Police Reform and Social Responsibility Act 2011](#) (c. 13).

**M34** Section 41 was amended by paragraph 28 of Schedule 2 to the [Police and Justice Act 2006](#) (c. 48); section 22 of the Police Reform and Social Responsibility Act 2011; and by paragraph 33 of Schedule 7 to the [Localism Act 2011](#) (c. 20).

**M35** Section 53E was inserted by section 125 of the Anti-social [Behaviour, Crime and Policing Act 2014](#) (c. 12).

**M36** Section 88 was amended by paragraph 85 of Schedule 9 to the [Police Act 1997](#) (c. 50); sections 102(1) and (4) and 103(1) of the Police Reform Act 2002; paragraph 80(3) of Schedule 4 and paragraph 1 of Schedule 17, to the [Serious Organised Crime and Police Act 2005](#) (c. 15); paragraph 42 of Schedule 16 to the Police Reform and Social Responsibility Act 2011; by [S.I. 2012/1809](#), and by paragraph 45 of Schedule 8 to the [Crime and Courts Act 2013](#) (c. 22).

**M37** Subsection (5A) was inserted by section 59 of, and paragraph 80(3) of Schedule 4 to, the [Serious Organised Crime and Police Act 2005](#) (c. 15); and amended by section 99 of, and paragraph 42(4) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; and by paragraph 45 of Schedule 8 to the [Crime and Courts Act 2013](#) (c. 22).

**M38** Subsection (6)(a) was amended by section 99 of, and paragraph 42(5) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

**M39** Section 92(1) was amended by section 25(4)(a) of the Police Reform and Social Responsibility Act 2011. There are other amendments, but none is relevant.

**M40** Section 96(1B) was inserted by section 14(3) of the Police Reform and Social Responsibility Act 2011.

## Police Reform Act 2002

**11.**—(1) The Police Reform Act 2002 <sup>M41</sup> is modified as follows.

(2) In section 40(7)(d) <sup>M42</sup>, for “local policing body” substitute “ Combined Authority and who are deployed wholly or partly in relation to the Mayor's PCC functions ”.

(3) In section 42(7) <sup>M43</sup> —

- (a) for the first reference to “local policing body” substitute “ Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions ”;
- (b) for the second reference to “local policing body” substitute “ Combined Authority ”;
- (c) for “or body” substitute “ or Combined Authority ”.

### Commencement Information

**I11** Sch. 5 para. 11 in force at 10.5.2021, see art. 1(4)

### Marginal Citations

**M41** 2002 c. 30.

**M42** Section 40(7) was amended by section 99 of, and paragraphs 277 and 295 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

**M43** Section 42(7) was amended by section 99 of, and paragraphs 277 and 295 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

## Proceeds of Crime Act 2002

**12.**—(1) The Proceeds of Crime Act 2002 <sup>M44</sup> is modified as follows.

(2) For section 55(8)(aa) substitute—

“(aa) a member of the Combined Authority's staff deployed wholly or partly in relation to the Mayor's PCC functions;”.

### Commencement Information

**I12** Sch. 5 para. 12 in force at 10.5.2021, see art. 1(4)

### Marginal Citations

**M44** 2002 c. 29; paragraph (aa) was inserted by section 99 of, and paragraph 305 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

## Local Government Act 2003

**13.**—(1) The Local Government Act 2003 <sup>M45</sup> is modified as follows.

(2) In section 7—

- (a) in subsection (1)(a), for “its part”, substitute “ the part of the Combined Authority ”;

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- (b) in subsection (2), for “on the part of the authority”, substitute “ on the part of the Combined Authority ”.

#### Commencement Information

**I13** Sch. 5 para. 13 in force at 10.5.2021, see art. 1(4)

#### Marginal Citations

**M45** 2003 c. 26.

### Railways and Transport Safety Act 2003

**14.**—(1) The Railways and Transport Safety Act 2003 <sup>M46</sup> is modified as follows.

(2) For paragraph 7(2)(c) of Schedule 4, substitute—

“(c) a member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions,”.

#### Commencement Information

**I14** Sch. 5 para. 14 in force at 10.5.2021, see art. 1(4)

#### Marginal Citations

**M46** 2003 c. 20; paragraph 7(2)(c) was inserted by section 99 of, and paragraph 328 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

### Local Government and Public Involvement in Health Act 2007

**15.**—(1) The Local Government and Public Involvement in Health Act 2007 <sup>M47</sup> is modified as follows.

(2) For section 15(1)(a), substitute—

“(a) for the transfer of functions, property, rights or liabilities from a local authority, Combined Authority in relation to the Mayor's PCC functions, or local policing body for any area to another local authority, Combined Authority in relation to the Mayor's PCC functions, or local policing body whose area consists of or includes the whole or part of that area;”.

#### Commencement Information

**I15** Sch. 5 para. 15 in force at 10.5.2021, see art. 1(4)

#### Marginal Citations

**M47** 2007 c. 28; section 15(1)(a) was amended by section 74 of, and paragraph 14(2)(a) of Schedule 10 to, the Police Reform and Social Responsibility Act 2011.

### Local Democracy, Economic Development and Construction Act 2009

**16.**—(1) The 2009 Act is modified as follows.



(2) In paragraph 9(1)(a) of Schedule 5B <sup>M48</sup>, for “or deputy mayor” substitute “, deputy mayor or deputy mayor for policing and crime ”.

**Commencement Information**

**I16** Sch. 5 para. 16 in force at 10.5.2021, see art. 1(4)

**Marginal Citations**

**M48** 2009 c. 20; paragraph 9(1) of Schedule 5B was inserted by section 2 of, and paragraph 1 of Schedule 1 to, the [Cities and Local Government Devolution Act 2016](#) (c. 1).

**Police Reform and Social Responsibility Act 2011**

17. The Police Reform and Social Responsibility Act 2011 is modified as follows.

**Commencement Information**

**I17** Sch. 5 para. 17 in force at 10.5.2021, see art. 1(4)

18. In section 5 <sup>M49</sup>—

- (a) in subsection (1), for “ordinary election” substitute “ election for the return of a Mayor ”;
- (b) in subsection (13)—
  - (i) in the definition of “financial year”, for “year of the police and crime commissioner” substitute “ year of the Combined Authority ”;
  - (ii) omit the definition of “ordinary election”.

**Commencement Information**

**I18** Sch. 5 para. 18 in force at 10.5.2021, see art. 1(4)

**Marginal Citations**

**M49** There are amendments to section 5, none of which are relevant to this Order.

19. In section 7(7) <sup>M50</sup>—

- (a) in the definition of “financial year”, for “year of the elected local policing body” substitute “ year of the Combined Authority ”;
- (b) omit the definition of “ordinary election”;
- (c) in the definition of “planning period” for “ordinary election” substitute “ election for the return of a Mayor ”;
- (d) in the definition of “qualifying day” for “ordinary election” substitute “ election for the return of a Mayor ”.

**Commencement Information**

**I19** Sch. 5 para. 19 in force at 10.5.2021, see art. 1(4)

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### Marginal Citations

**M50** Section 7 was amended by section 181 of, and paragraph 97 of Schedule 11 to, the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

**20.** In section 16—

(a) for subsection (1), substitute—

“(1) This section applies where the Mayor is required or authorised by any Act—

(a) to appoint a person to a specified post in the Combined Authority; or

(b) to designate a person as having specified duties or responsibilities,

in connection with the exercise of the Mayor's PCC functions.”;

(b) in subsection (2), for “the body” substitute “ the Combined Authority ”.

### Commencement Information

**I20** Sch. 5 para. 20 in force at 10.5.2021, see art. 1(4)

**21.** In section 18 <sup>M51</sup> —

(a) for each reference to “deputy police and crime commissioner” substitute “ deputy mayor for policing and crime ”;

(b) in subsection (6)—

(i) after paragraph (d), insert—

“(da) a deputy mayor under section 107C of the Local Democracy, Economic Development and Construction Act 2009 <sup>M52</sup>.”;

(ii) after paragraph (h), insert—

“(i) the Combined Authority.”;

(c) in subsection (7)—

(i) for paragraph (f), substitute—

“(f) calculating the PCC component council tax requirement.”;

(ii) omit paragraphs (g) and (h) <sup>M53</sup>;

(d) for subsection (10), substitute—

“(10) The deputy mayor for policing and crime is a member of staff of the Combined Authority, unless they are a member of the Combined Authority.”.

### Commencement Information

**I21** Sch. 5 para. 21 in force at 10.5.2021, see art. 1(4)

### Marginal Citations

**M51** Section 18 was amended by section 79 of, and paragraph 53 of Schedule 7 to, the Localism Act 2011 (c. 20); and section 45 of, and paragraph 116 of Schedule 12 to, the Local Audit and Accountability Act 2014 (c. 2).

**M52** 2009. c. 20. Section 107C was inserted by section 3 of the Cities and Local Government Devolution Act 2016 (c. 1).

**M53** Paragraphs (7)(g) and (h) were added by section 45 of, and paragraph 116 of Schedule 12 to, the [Local Audit and Accountability Act 2014 \(c. 2\)](#).

**22.** In section 21, after subsection (3) insert—

“(3A) Expenditure may be paid out of the police fund only if, and to the extent that, it is incurred in or otherwise relates to, the exercise of the Mayor's PCC functions.”.

#### Commencement Information

**I22** Sch. 5 para. 22 in force at 10.5.2021, see art. 1(4)

**23.** In section 28—

- (a) omit subsections (1A) and (1B) <sup>M54</sup>;
- (b) in subsection (6)(a), after “police and crime commissioner” insert, “, the deputy mayor for policing and crime and any other person who exercises any function of the Mayor pursuant to arrangements made under section 18 ”.

#### Commencement Information

**I23** Sch. 5 para. 23 in force at 10.5.2021, see art. 1(4)

#### Marginal Citations

**M54** Subsections (1A) and (1B) were added by section 6 of, and paragraph 89 of Schedule 1 to, the [Policing and Crime Act 2017 \(c. 3\)](#).

**24.** In section 29—

- (a) for subsection (1), substitute—

“(1) A police and crime panel may require—

- (a) the Mayor;
- (b) the deputy mayor for policing and crime;
- (c) members of staff of the Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions; and
- (d) any members of the Combined Authority who exercise any function of the Mayor pursuant to arrangements made under section 18,

to attend before the panel (at reasonable notice) to answer any question which appears to the panel to be necessary in order for it to carry out its functions.”;

- (b) for subsection (2), substitute—

“(2) Nothing in subsection (1) requires a person to give any evidence, or produce any document, which discloses advice given by that person to—

- (a) the Mayor in relation to the Mayor's PCC functions;
- (b) the deputy mayor for policing and crime; or
- (c) a member of the Combined Authority who exercises any function of the Mayor pursuant to arrangements made under section 18.”;

- (c) for subsection (5), substitute—

“(5) Any person referred to in subsection (1)(b), (c) or (d) must comply with any requirement imposed on them under that subsection.”;

- (d) in subsection (6), after “commissioner” insert “ or the deputy mayor for policing and crime ”.

#### Commencement Information

**I24** Sch. 5 para. 24 in force at 10.5.2021, see art. 1(4)

#### 25. In section 30—

- (a) in subsection (1), for “relevant police and crime commissioner” substitute “ Mayor so far as acting in the exercise of PCC functions ”;
- (b) for subsection (3), substitute—
- “(3) For the purposes of salary, pensions and allowances in respect of times during a period of suspension, the Mayor is to be treated as holding that office during that suspension.”.

#### Commencement Information

**I25** Sch. 5 para. 25 in force at 10.5.2021, see art. 1(4)

#### 26. In section 31(3), for paragraphs (b) to (d) substitute—

- “(b) deputy mayor for policing and crime.”.

#### Commencement Information

**I26** Sch. 5 para. 26 in force at 10.5.2021, see art. 1(4)

#### 27. In section 62—

- (a) for subsection (1), substitute—
- “(1) The police and crime panel must appoint a person to exercise the Mayor's PCC functions (the “acting commissioner”) if the Mayor is suspended from the exercise of PCC functions in accordance with section 30.”;
- (b) in subsection (2), for “member of the police and crime commissioner's staff” substitute “ member of the staff of the Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions or the deputy mayor for policing and crime ”;
- (c) after subsection (2), insert—
- “(2A) The police and crime panel may not appoint as acting commissioner any person appointed as a deputy mayor under section 107C of the 2009 Act.”;
- (d) omit subsection (3);
- (e) for subsection (5), substitute—
- “(5) Any property or rights vested in the Combined Authority in relation to the Mayor's PCC functions can be dealt with by the acting commissioner.”;
- (f) omit subsection (6)(c);
- (g) in subsection (7)—
- (i) omit “incapacitated or”;
- (ii) omit “(c) or”;
- (h) omit subsection (8).

#### Commencement Information

**I27** Sch. 5 para. 27 in force at 10.5.2021, see art. 1(4)

**28.** For section 63(1) and (2), substitute—

“(1) Subsection (2) applies where—

- (a) the deputy mayor is appointed under section 107C of the 2009 Act to act for the Mayor because the Mayor is unable to act; and
- (b) the Mayor does not cease to be unable to act during the period of 6 months beginning with the day on which the acting Mayor was appointed.

(2) At the end of that 6 month period—

- (a) the Mayor ceases to be the Mayor, and
- (b) accordingly, the office of Mayor becomes vacant.”.

#### Commencement Information

**I28** Sch. 5 para. 28 in force at 10.5.2021, see art. 1(4)

**29.** For section 64(3) to (4A) <sup>M55</sup>, substitute—

“(3) A person is disqualified from being elected as the Mayor at an election held under the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 if—

- (a) the person has been nominated as a candidate for election as police and crime commissioner for any other police area at an ordinary election, and
- (b) the ordinary election is held on the same day as the election to return the Mayor.

(4) A person is disqualified from being elected as the Mayor at an election held under the Combined Authorities (Mayors) (Filling of Vacancies) Order 2017 <sup>M56</sup> if—

- (a) the person is the police and crime commissioner for any other police area; or
- (b) the person has been nominated as a candidate for election as police and crime commissioner for any other police area for which an election is held on the same day.”.

#### Commencement Information

**I29** Sch. 5 para. 29 in force at 10.5.2021, see art. 1(4)

#### Marginal Citations

**M55** Subsections (3A) and (4A) were inserted into section 64 by article 10 of the [Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\)](#).

**M56** [S.I. 2017/69](#).

**30.** In section 65 <sup>M57</sup>—

(a) in subsection (1)(e), insert after paragraph (ii)—

“(iii) the Combined Authority;”;

(b) for subsection (1A) <sup>M58</sup>, substitute—

- “(1A) Subsection (1)(e)(i) does not prevent a deputy mayor for policing and crime—
- (a) from being elected as Mayor at an election held under the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021;
  - (b) from being elected at an election held under the Combined Authorities (Mayors) (Filling of Vacancies) Order 2017<sup>M59</sup> to fill a vacancy in the office of Mayor if, on the day on which the person is nominated as a candidate at the election and at all times between that day and the declaration of the result of the election, the deputy is acting as acting commissioner under section 62.”.

#### Commencement Information

**I30** Sch. 5 para. 30 in force at 10.5.2021, see art. 1(4)

#### Marginal Citations

**M57** Section 65(1) was amended by paragraph 184 of Schedule 8 to the [Crime and Courts Act 2013 \(c. 22\)](#).

**M58** Subsection (1A) was inserted by section 123 of the [Policing and Crime Act 2017 \(c. 3\)](#).

**M59** [S.I. 2017/69](#).

#### 31. In section 70—

- (a) for subsection (1), substitute—

“(1) A person elected to the office of Mayor may not exercise police and crime commissioner functions unless that person has made the specified declaration to the appropriate officer.”;

- (b) omit subsection (2);
- (c) in subsection (5), for the first reference to “office” substitute “the duty of exercising police and crime commissioner functions as Mayor”;
- (d) for subsection (6), substitute—

“(6) In this section—

“appropriate officer” means the person designated as the head of paid service by the Combined Authority under section 4(1)(a) of the Local Government and Housing Act 1989; “specified declaration” means the following declaration—

I [Full Name] of [Place] do hereby declare that I accept the duty of exercising Police and Crime Commissioner functions as West Yorkshire Mayor. In making this declaration, I solemnly and sincerely promise that in exercising Police and Crime Commissioner functions: I will serve all the people of West Yorkshire. I will act with integrity and diligence in my role and, to the best of my ability, will execute my duties to ensure that the police are able to cut crime and protect the public. I will give a voice to the public, especially victims of crime, and work with other services to ensure the safety of the community and effective criminal justice. I will take all steps within my power to ensure transparency of my decisions, so that I may be properly held to account by the public. I will not interfere with the operational independence of police officers.”;

- (e) omit subsection (7).

#### Commencement Information

**I31** Sch. 5 para. 31 in force at 10.5.2021, see art. 1(4)

#### 32. In Schedule 1—

- (a) for paragraph 1, substitute—

“1. This Schedule applies in relation to the Mayor in the exercise of PCC functions.”;

- (b) for paragraph 4, substitute—

“4.—(1) The Mayor must make authorised pension payments.

(2) In this paragraph “authorised pension payments” means—

- (a) pensions to, or in respect of, persons who have been the police and crime commissioner for West Yorkshire, and
- (b) amounts for or towards provision of pensions to, or in respect of, persons who have been the police and crime commissioner for West Yorkshire,

which are of the kinds and amounts determined by the Secretary of State as payable in accordance with this paragraph.”;

- (c) in paragraph 5(2), for “any of paragraphs 2 to” substitute “ paragraph ”;

- (d) in paragraph 8 <sup>M60</sup>—

(i) for each reference to “deputy police and crime commissioner” substitute “ deputy mayor for policing and crime ”;

- (ii) for sub-paragraphs (3) and (3A), substitute—

“(3) The terms and conditions of a person appointed as the deputy mayor for policing and crime must ensure that the person's term of office ends no later than the third day after the day of the poll at an election for the return of a Mayor.

(3A) The terms and conditions must also provide for the deputy mayor for policing and crime's appointment to end when, following an election held to fill a vacancy in the office of the appointing Mayor, the person elected makes and delivers a declaration under section 70.”;

- (e) for paragraph 9(1), substitute—

“(1) The Mayor must notify the police and crime panel of each proposed appointment by the Mayor of a deputy mayor for policing and crime.”;

- (f) in paragraph 10(9)(a), for “ordinary election of a police and crime commissioner under section 50” substitute “ election for the return of a Mayor ”;

- (g) for paragraph 13, substitute—

“13.—(1) The Mayor may pay —

- (a) remuneration, allowances and gratuities to members of the Combined Authority's staff deployed wholly or partly in relation to the Mayor's PCC functions; and
- (b) allowances and gratuities to the deputy mayor for policing and crime where that person is not a member of staff of the Combined Authority.

(2) The Mayor may pay—

- (a) pensions to, or in respect of, persons who have been members of the Combined Authority's staff deployed wholly or partly in relation to the Mayor's PCC functions; and
- (b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the Combined Authority's staff deployed wholly or partly in relation to the Mayor's PCC functions.

(3) In this paragraph “allowances” —

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- (a) in relation to a member of the Combined Authority's staff deployed wholly or partly in relation to the Mayor's PCC functions, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff in relation to such functions; and
- (b) in relation to a deputy mayor for policing and crime who is not a member of the Combined Authority's staff, means allowances in respect of expenses incurred by the deputy mayor for policing and crime in the course of that person's duties as deputy mayor for policing and crime.”;
- (h) for paragraph 15(2), substitute—
  - “(2) A person who is—
    - (a) a member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions; or
    - (b) a member of the Combined Authority exercising the Mayor's PCC functions, has no personal liability for an act or omission done by the person, in the carrying out of duties relating to the Mayor's PCC functions as a member of staff or as a member of the Combined Authority, unless it is shown to have been done otherwise than in good faith.”;
- (i) for paragraph 16, substitute—
  - “16. References to the financial year of the Mayor are to be read as if they were references to the financial year of the Combined Authority.”.

#### Commencement Information

**I32** Sch. 5 para. 32 in force at 10.5.2021, see art. 1(4)

#### Marginal Citations

**M60** Paragraph 8 was amended by section 122(2) and (3) of the [Policing and Crime Act 2017 \(c. 3\)](#).

### 33. In Schedule 5—

- (a) in paragraph 1—
  - (i) for sub-paragraph (1), substitute—
    - “(1) The Mayor may not determine the final amount of the PCC component for a financial year until the end of the scrutiny process is reached.”;
  - (ii) for sub-paragraph (3), substitute—
    - “(3) References in this Schedule to the determining of the final amount of the PCC component include references to the determining of the amount of the PCC component of a substitute precept.”;
- (b) in paragraph 2, for “the precept which the commissioner is proposing to issue” substitute “the proposed amount of the PCC component”;
- (c) in paragraph 3(3), for “the precept that should be issued” substitute “the amount of the PCC component”;
- (d) in paragraph 4(3), for “precept for the financial year” substitute “PCC component for the financial year”;
- (e) in paragraph 5(3)—
  - (i) in paragraph (a), for “issue the proposed precept as the precept” substitute “determine that the proposed amount of the PCC component is the final amount of the PCC component”;



- (ii) in paragraph (b), for “issue a different precept” substitute “ determine a different PCC component ”;
- (f) in paragraph 6(2), for “issue the proposed precept as the precept” substitute “ determine that the proposed PCC component is to be the PCC component ”;
- (g) in paragraph 8—
  - (i) in sub-paragraph (1), for “the issuing of precepts” substitute “ determining the amount of the PCC component ”;
  - (ii) in sub-paragraph (4), for “precept that may be issued” substitute “ amount of the PCC component ”.

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**Commencement Information**

**I33** Sch. 5 para. 33 in force at 10.5.2021, see art. 1(4)

**34.** In Schedule 6 <sup>M61</sup>—

- (a) for paragraph 21, substitute—

“**21.** The Mayor, a member of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members may not be a member of the police and crime panel for the area.”;
- (b) in paragraph 22(1)(a), for the words “police and crime commissioner for that police area” substitute “ Combined Authority ”;
- (c) in paragraph 33, after sub-paragraph (1) insert—

“(1A) But this paragraph does not apply if the elected Mayor of that executive is a member of the Combined Authority appointed by the constituent councils.”;
- (d) in paragraph 34, after sub-paragraph (1) insert—

“(1A) But this paragraph does not apply if the current Mayor of that executive is a member of the Combined Authority appointed by the constituent councils.”.

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**Commencement Information**

**I34** Sch. 5 para. 34 in force at 10.5.2021, see art. 1(4)

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**Marginal Citations**

**M61** There are amendments to Schedule 6, none of which is relevant to this instrument.

**35.** In Schedule 7—

- (a) in paragraph 3(1)(a)(ii), for “deputy police and crime commissioner” substitute “ deputy mayor for policing and crime (unless the holder of that office is a member of the Combined Authority) ”;
- (b) for paragraph 4, substitute—

“**4.—(0)** This paragraph applies in relation to qualifying complaints which—

  - (a) relate to a holder of the office of—
    - (i) Mayor; or
    - (ii) deputy mayor for policing and crime, if the holder of that office is a member of the Combined Authority, and

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- (b) are not, or cease to be, investigated by the Director General of the Independent Office for Police Conduct or a police force.
- (2) Regulations must secure that such complaints are dealt with in accordance with the Combined Authority's code of conduct adopted under section 27(2) of the Localism Act 2011.”.

#### Commencement Information

**I35** Sch. 5 para. 35 in force at 10.5.2021, see art. 1(4)

#### 36. In Schedule 8—

- (a) for paragraph 4(10), substitute—
  - “(10) For that purpose, “relevant post-election period” means the period that—
    - (a) begins with the day of the poll at an election for the return of the Mayor; and
    - (b) ends with the day on which the person elected as Mayor delivers a declaration under section 70.”;
- (b) for paragraph 15(8), substitute—
  - “(8) For that purpose, “relevant post-election period” means the period that—
    - (a) begins with the day of the poll at an election for the return of the Mayor; and
    - (b) ends with the day on which the person elected as Mayor delivers a declaration under section 70.”.

#### Commencement Information

**I36** Sch. 5 para. 36 in force at 10.5.2021, see art. 1(4)

### Local Audit and Accountability Act 2014

- 37.—**(1) The Local Audit and Accountability Act 2014 <sup>M62</sup> is modified as follows.
- (2) In Schedule 4—
- (a) for paragraph 2(4)(a), substitute—
    - “(a) cases where the relevant authority referred to in the opening words of sub-paragraph (2) (the “relevant authority concerned”) is a Combined Authority where the Mayor exercises PCC functions;”;
  - (b) for paragraph 2(5), substitute—
    - “(5) Where the relevant authority concerned is a Combined Authority where the Mayor exercises PCC functions, references to “the authority” include the chief constable for the area.”.

#### Commencement Information

**I37** Sch. 5 para. 37 in force at 10.5.2021, see art. 1(4)

#### Marginal Citations

**M62** 2014 c. 2.

**Changes to legislation:**

There are currently no known outstanding effects for the The West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021, PART 1.