

SCHEDULE 5

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

PART 2

Secondary legislation

Motor Vehicles (Third Party Risks) Regulations 1972

38.—(1) The Motor Vehicles (Third Party Risks) Regulations 1972 ^{M1} are modified as follows.

(2) For regulation 7(3), substitute—

“(3) In the case of a motor vehicle owned by the Combined Authority for use wholly or partly in relation to the Mayor's PCC functions, a certificate in Form F signed by some person authorised in that behalf by the Mayor that the motor vehicle is owned by the Combined Authority for use in relation to the Mayor's PCC functions.”.

Commencement Information

I1 Sch. 5 para. 38 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M1 [S.I. 1972/1217](#); regulation 7(3) was amended by [S.I. 2011/3058](#). There are other amending instruments, but none is relevant.

Official Secrets Act 1989 (Prescription) Order 1990

39.—(1) The Official Secrets Act 1989 (Prescription) Order 1990 ^{M2} is modified as follows.

(2) In Schedule 2, for “a Deputy police and crime commissioner”, substitute “ a deputy mayor for policing and crime ”.

Commencement Information

I2 Sch. 5 para. 39 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M2 [S.I. 1990/200](#); amended by [S.I. 2012/2900](#). There are other amending instruments, but none is relevant.

Police (Disposal of Sound Equipment) Regulations 1995

40.—(1) The Police (Disposal of Sound Equipment) Regulations 1995 ^{M3} are modified as follows.

(2) In regulation 4(4), for “local policing body” substitute “ Combined Authority ”.

Commencement Information

I3 Sch. 5 para. 40 in force at 10.5.2021, see art. 1(4)

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 2. (See end of Document for details)

Marginal Citations

M3 [S.I. 1995/722](#); regulation 4 was amended by [S.I. 2000/1549](#) and [S.I. 2011/3058](#).

Police (Property) Regulations 1997

- 41.—(1) The Police (Property) Regulations 1997^{M4} are modified as follows.
- (2) In regulation 6(6), for “relevant authority” substitute “ Combined Authority ”.
- (3) In regulation 7(1), for “vest in them” substitute “ vest in the Combined Authority ”.

Commencement Information

I4 Sch. 5 para. 41 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M4 [S.I. 1997/1908](#); regulations 6 and 7 were amended by [S.I. 2002/2313](#) and [S.I. 2013/2318](#).

Health and Safety (Enforcing Authority) Regulations 1998

- 42.—(1) The Health and Safety (Enforcing Authority) Regulations 1998^{M5} are modified as follows.
- (2) In regulation 4(3)(d), for “a local policing body” substitute “ the Combined Authority in relation to the Mayor's PCC functions ”.

Commencement Information

I5 Sch. 5 para. 42 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M5 [S.I. 1998/494](#); regulation 4(3)(d) was amended by [S.I. 2011/3058](#). There are other amending instruments, but none is relevant.

Motor Vehicles (Driving Licences) Regulations 1999

- 43.—(1) The Motor Vehicles (Driving Licences) Regulations 1999^{M6} are modified as follows.
- (2) In regulation 23(1)(c)(ii)^{M7}, for “local policing body or” substitute “ the Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions or a ”.
- (3) In regulation 24(1)(d)(ii)^{M8}, for “local policing body or” substitute “ the Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions or a ”.
- (4) In regulation 58(2)(c)(ii)^{M9}, for “local policing body” substitute “ the Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions ”.

Commencement Information

I6 Sch. 5 para. 43 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M6 [S.I. 1999/2864](#).

- M7** Regulation 23(1)(c) was substituted by [S.I. 2011/3058](#). There are other amending instruments, but none is relevant.
- M8** Regulation 24(1)(d) was inserted by [S.I. 2011/3058](#). There are other amending instruments, but none is relevant.
- M9** Regulation 58(2)(c)(ii) was substituted by [S.I. 2011/3058](#).

Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999

44.—(1) The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 ^{M10} is modified as follows.

(2) For paragraph 2 of Section 6 of Schedule 1, substitute—

“**2.** The Combined Authority in relation to employees deployed wholly or partly in relation to the Mayor's PCC functions.”.

Commencement Information

I7 Sch. 5 para. 44 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M10 [S.I. 1999/2277](#); paragraph 2 of Section 6 of Schedule 1 was substituted by [S.I. 2012/2733](#).

Motor Vehicles (Access to Driver Licensing Records) Regulations 2001

45.—(1) The Motor Vehicles (Access to Driver Licensing Records) Regulations 2001 ^{M11} are modified as follows.

(2) In regulation 3(2), for “local policing body or” substitute “ the Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions or a ”.

Commencement Information

I8 Sch. 5 para. 45 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M11 [S.I. 2001/3343](#); regulation 3 was amended by [S.I. 2011/3058](#).

Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001

46.—(1) The Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001 ^{M12} are modified as follows.

(2) In regulation 2(1)(b), for “a local policing body or” substitute “ the Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions or a ”.

Commencement Information

I9 Sch. 5 para. 46 in force at 10.5.2021, see art. 1(4)

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 2*. (See end of Document for details)

Marginal Citations

M12 [S.I. 2001/2645](#); regulation 2(1)(b) was amended by [S.I. 2012/61](#).

Police Regulations 2003

47.—(1) The Police Regulations 2003 ^{M13} are modified as follows.

(2) In regulation 7(7)(a), for “a deputy appointed under section 18(1)(a) or 19(1)(a) of the Police Reform and Social Responsibility Act 2011” substitute “ the deputy mayor for policing and crime ”.

(3) In regulation 24(1)(b), for “local policing body” substitute “ Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions ”.

Commencement Information

I10 Sch. 5 para. 47 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M13 [S.I. 2003/527](#); regulation 24(1)(b) was amended by [S.I. 2011/3026](#).

Docking of Working Dogs' Tails (England) Regulations 2007

48.—(1) The Docking of Working Dogs' Tails (England) Regulations 2007 ^{M14} are modified as follows.

(2) In regulation 2, for the definition of “police identification” substitute—

““police identification” means evidence that the person presenting the identification is—

- (a) a police officer;
- (b) employed by the Combined Authority and deployed wholly or partly in relation to the Mayor's PCC functions;
- (c) contracted to work for the Mayor in relation to the Mayor's PCC functions; or
- (d) contracted to work for, or otherwise employed by, the chief officer of police;”.

Commencement Information

I11 Sch. 5 para. 48 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M14 [S.I. 2007/1120](#); regulation 2 was amended by [S.I. 2012/61](#).

REACH Enforcement Regulations 2008

49.—(1) The REACH Enforcement Regulations 2008 ^{M15} are modified as follows.

(2) In paragraph 5(c) of Part 3 of Schedule 3, for “local policing body” substitute “ the Combined Authority in relation to the Mayor's PCC functions ”.

Commencement Information

I12 Sch. 5 para. 49 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M15 S.I. 2008/2852; paragraph 5(c) of Part 3 of Schedule 3 was amended by S.I. 2011/3058. There are other amendments but none is relevant.

Elected Local Policing Bodies (Specified Information) Order 2011

50.—(1) The Elected Local Policing Bodies (Specified Information) Order 2011 ^{M16} is modified as follows.

(2) In article 1(2)—

(a) for the definition of “election” substitute—

““election” means an election for the return of a Mayor;”;

(b) in the definition of “relevant office holder”, for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;

(c) for the definition of “senior employee”, substitute—

““senior employee” means a member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions and whose salary exceeds £50,000;”;

(d) for the definition of “staff”, substitute—

““staff” means members of staff employed by the Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions but does not include the deputy mayor for policing and crime.”.

(3) In the Schedule—

(a) in paragraph 2—

(i) omit the first reference to “of the elected local policing body”;

(ii) for each of the remaining two references to “elected local policing body” substitute “Combined Authority”;

(b) in paragraph 3 ^{M17} —

(i) for sub-paragraph (b), substitute—

“(b) the PCC component;”;

(ii) in sub-paragraph (c), for “the precept” substitute “the PCC component”;

(c) in paragraph 4 ^{M18} —

(i) for the first reference to “elected local policing body”, substitute “Combined Authority in relation to the Mayor's PCC functions”;

(ii) in sub-paragraph (a), for “by, or occupied for the purposes of” substitute “by the Combined Authority in relation to the Mayor's PCC functions, or occupied for the purpose of”;

(iii) in sub-paragraphs (b) and (c), for “£10,000” substitute “£5,000”;

(iv) for sub-paragraph (d), substitute—

“(d) a list of every contract with a value not exceeding £5,000 —

(i) which the Mayor has entered into, or is to enter into, on behalf of the Combined Authority in relation to the Mayor's PCC functions; or

(ii) to which the chief officer of the police force maintained by the Mayor is, or is to be, a party,

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including the value of the contract, the identity of every other party to the contract and the purpose of the contract.”.

Commencement Information

I13 Sch. 5 para. 50 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M16 [S.I. 2011/3050](#).

M17 Paragraph 3 of the Schedule was amended by [S.I. 2012/2479](#) and by [S.I. 2013/1816](#).

M18 Paragraph 4 of the Schedule was amended by [S.I. 2012/2479](#).

Policing Protocol Order 2011

51.—(1) The Policing Protocol Order 2011 ^{M19} is modified as follows.

(2) In the Schedule—

(a) in paragraph 5, for “each PCC” substitute “ the Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions ”;

(b) for paragraph 13, substitute—

“**13.** Chief Constables are established in law as corporations sole within the 2011 Act. In doing so Chief Constables are enabled by law to employ staff and hold funds. Chief Constables are charged with the impartial direction and control of all constables and staff within the police force that they lead.

13A. The staff of the Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions are accountable to the directly elected Mayor to enable the Mayor to exercise their PCC functions.”;

(c) in paragraph 16, for “precept” substitute “ PCC component ”;

(d) in paragraph 17(d), for “precept” substitute “ PCC component ”;

(e) in paragraph 24—

(i) in sub-paragraph (a), for “precept” substitute “ PCC component ”;

(ii) in sub-paragraph (h), for “incapacitated, resigns or is disqualified” substitute “ suspended from the exercise of PCC functions ”;

(iii) omit sub-paragraph (i);

(f) after paragraph 24, insert—

“**24A.** Complaints against the Mayor and deputy mayor for policing and crime (if that person is a member of the Combined Authority) will be dealt with in accordance with the Combined Authority's existing standards regime, which operates under local government legislation. Serious complaints and conduct matters must be passed to the Director General of the Independent Office for Police Conduct in line with legislation.”.

Commencement Information

I14 Sch. 5 para. 51 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M19 [S.I. 2011/2744](#).

Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012

52.—(1) The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012^{M20} are modified as follows.

(2) In regulation 2—

(a) after the definition of “document”, insert—

““head of paid service” means the head of paid service designated by the Combined Authority under section 4(1)(a) of the Local Government and Housing Act 1989^{M21}.”;

(b) in the definition of “police and crime panel”, in paragraph (a), for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;

(c) in the definition of “relevant office”, for paragraph (b) substitute—

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

(3) In regulation 7—

(a) for paragraph (1)(a), substitute—

“(a) the monitoring officer appointed by the Combined Authority under section 5(1)(a) of the Local Government and Housing Act 1989.”;

(b) in paragraph (2), omit “a chief executive or”;

(c) for paragraph (3), substitute—

“(3) Where the police and crime panel delegates powers or duties conferred or imposed by or under regulation 9 (notification and recording of complaints), 11 (notification and recording of conduct matters arising in civil proceedings) or 12 (recording of conduct matters in other cases) to the monitoring officer appointed by the Combined Authority, the monitoring officer shall notify the head of paid service of any complaint or conduct matter considered by the monitoring officer in accordance with those regulations.”.

(4) In regulation 15(3)(a), for “the office holder’s staff” substitute “staff deployed by the Combined Authority wholly or partly in relation to the Mayor’s PCC functions”.

(5) In regulation 28(1)—

(a) omit paragraph (a);

(b) for paragraph (b), substitute—

“(b) the deputy mayor for policing and crime who is not a member of the Combined Authority at the time when the complaint is recorded.”.

(6) For regulation 29, substitute—

“Resolution in accordance with the Combined Authority’s code of conduct

29.—(1) If a complaint to which this Part applies concerns the conduct of—

(a) the Mayor; or

(b) the deputy mayor for policing and crime who is a member of the Combined Authority at the time when the complaint is recorded, the police and crime panel shall pass the complaint to the monitoring officer appointed by the Combined Authority under section 5(1)(a) of the Local Government and Housing Act 1989 (“the monitoring officer”).

(2) On receiving a complaint in accordance with paragraph (1), the monitoring officer shall deal with it in accordance with the Combined Authority’s code of conduct adopted under section 27(2) of the Localism Act 2011^{M22}.

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(3) The monitoring officer shall as soon as practicable inform the police and crime panel of the outcome of the complaint.”.

Commencement Information

I15 Sch. 5 para. 52 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M20 [S.I. 2012/62](#), to which there are amendments not relevant to this Order.

M21 [1989 c. 42](#).

M22 [2011 c. 20](#).

Police Appeals Tribunals Rules 2012

53.—(1) The Police Appeals Tribunals Rules 2012 ^{M23} are modified as follows.

(2) In rule 15(4) for “relevant local policing body” substitute “ Combined authority ”.

Commencement Information

I16 Sch. 5 para. 53 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M23 [S.I. 2012/2630](#) subject to revocation and saving by the [Police Appeals Tribunals Rules 2020 \(S.I. 2020/1\)](#).

Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012

54.—(1) The Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012 ^{M24} are modified as follows.

(2) In regulation 3(2)—

(a) in sub-paragraph (c), omit “or”;

(b) in sub-paragraph (d), after “(c)” insert “ , or ”;

(c) after sub-paragraph (d) insert—

“(e) the Combined Authority.”.

Commencement Information

I17 Sch. 5 para. 54 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M24 [S.I. 2012/2087](#).

Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012

55.—(1) The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 ^{M25} are modified as follows.

(2) In regulation 4(2), for “may issue the proposed precept as the precept” substitute “ may determine that the proposed PCC component is the final amount of the PCC component ”.

(3) In regulation 5(2), for “precept that he now proposes to issue” substitute “ PCC component that he now proposes to determine ”.

(4) In regulation 6(2)—

(a) in sub-paragraph (a), for “issuing the revised precept as the precept” substitute “ finalising the revised precept as the PCC component to be determined ”;

(b) in sub-paragraph (b), for “precept that should be issued” substitute “ PCC component that should be determined ”.

(5) In regulation 7 (police and crime commissioner's consideration of second report), for “1st March” substitute “ the penultimate working day in February ”.

(6) In regulation 8—

(a) in paragraph (2)—

(i) in sub-paragraph (a), for “issue the revised precept as the precept” substitute “ finalise the revised precept as the PCC component to be determined ”;

(ii) in sub-paragraph (b), for “issue a different precept” substitute “ finalise a different amount of the PCC component ”;

(b) in paragraph (3)—

(i) in sub-paragraph (a), for “issue a precept” substitute “ finalise the PCC component ”;

(ii) in sub-paragraph (b), for “issue a precept” substitute “ finalise the PCC component ”.

Commencement Information

I18 Sch. 5 para. 55 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M25 [S.I. 2012/2271](#).

Local Government Pension Scheme Regulations 2013

56.—(1) The Local Government Pension Scheme Regulations 2013 ^{M26} are modified as follows.

(2) After regulation 64(8), insert—

“(8A) Paragraph (8B) applies where the exiting employer is the Police and Crime Commissioner for the area and the liabilities of the fund in respect of benefits due to the Commissioner's current and former employees (or those of any predecessor authority) have been or are to be transferred to the Combined Authority by virtue of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021.

(8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.”.

Commencement Information

I19 Sch. 5 para. 56 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M26 [S.I. 2013/2356](#), to which there are amendments not relevant to this Order.

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 2. (See end of Document for details)

Local Audit (Auditor Resignation and Removal) Regulations 2014

57.—(1) The Local Audit (Auditor Resignation and Removal) Regulations 2014 ^{M27} are modified as follows.

- (2) In regulation 2—
- (a) in paragraph (3), for “police and crime commissioner” substitute “ Combined Authority ”;
 - (b) in paragraph (4), for “a police and crime commissioner” substitute “ the Combined Authority in relation to the Mayor's PCC functions ”.

Commencement Information

I20 Sch. 5 para. 57 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M27 [S.I. 2014/1710](#), to which there are amendments not relevant to this Order.

Combined Authorities (Mayors) (Filling of Vacancies) Order 2017

58.—(1) The Combined Authorities (Mayors) (Filling of Vacancies) Order 2017 ^{M28} is modified as follows.

- (2) In article 4(d)—
- (a) omit “or” at the end of paragraph (ii);
 - (b) insert “ or ” at the end of paragraph (iii);
 - (c) after paragraph (iii), insert—
 - “(iv) the mayor ceasing to hold office by virtue of section 63 of the Police Reform and Social Responsibility Act 2011;”.

Commencement Information

I21 Sch. 5 para. 58 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M28 [S.I. 2017/69](#).

Police Appeals Tribunals Rules 2020

59.—(1) The Police Appeals Tribunals Rules 2020 ^{M29} are modified as follows.

- (2) In rule 19(4)(c) and (d) for “relevant local policing body” substitute “ Combined Authority ”.

Commencement Information

I22 Sch. 5 para. 59 in force at 10.5.2021, see art. 1(4)

Marginal Citations

M29 [S.I. 2020/1](#).

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 2.