

## 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(1) 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.”.

##### **Official Secrets Act 1989 (Prescription) Order 1990**

**39.**—(1) The Official Secrets Act 1989 (Prescription) Order 1990(2) is modified as follows.

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

##### **Police (Disposal of Sound Equipment) Regulations 1995**

**40.**—(1) The Police (Disposal of Sound Equipment) Regulations 1995(3) are modified as follows.

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

##### **Police (Property) Regulations 1997**

**41.**—(1) The Police (Property) Regulations 1997(4) 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”.

##### **Health and Safety (Enforcing Authority) Regulations 1998**

**42.**—(1) The Health and Safety (Enforcing Authority) Regulations 1998(5) 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”.

##### **Motor Vehicles (Driving Licences) Regulations 1999**

**43.**—(1) The Motor Vehicles (Driving Licences) Regulations 1999(6) are modified as follows.

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

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

(3) S.I. 1995/722; regulation 4 was amended by S.I. 2000/1549 and S.I. 2011/3058.

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

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

(6) S.I. 1999/2864.

*Status: This is the original version (as it was originally made).*

(2) In regulation 23(1)(c)(ii)(7), 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)(8), 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)(9), for “local policing body” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.

#### **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(10) 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.”.

#### **Motor Vehicles (Access to Driver Licensing Records) Regulations 2001**

45.—(1) The Motor Vehicles (Access to Driver Licensing Records) Regulations 2001(11) 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”.

#### **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(12) 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”.

#### **Police Regulations 2003**

47.—(1) The Police Regulations 2003(13) 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”.

#### **Docking of Working Dogs’ Tails (England) Regulations 2007**

48.—(1) The Docking of Working Dogs’ Tails (England) Regulations 2007(14) are modified as follows.

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(7) Regulation 23(1)(c) was substituted by [S.I. 2011/3058](#). There are other amending instruments, but none is relevant.

(8) Regulation 24(1)(d) was inserted by [S.I. 2011/3058](#). There are other amending instruments, but none is relevant.

(9) Regulation 58(2)(c)(ii) was substituted by [S.I. 2011/3058](#).

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

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

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

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

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

- (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;”.

### **REACH Enforcement Regulations 2008**

**49.**—(1) The REACH Enforcement Regulations 2008(**15**) 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”.

### **Elected Local Policing Bodies (Specified Information) Order 2011**

**50.**—(1) The Elected Local Policing Bodies (Specified Information) Order 2011(**16**) 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(**17**) —
    - (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(**18**) —

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(15) [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.

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

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

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

*Status: This is the original version (as it was originally made).*

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

### **Policing Protocol Order 2011**

**51.**—(1) The Policing Protocol Order 2011(**19**) 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.”.

## **Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012**

**52.**—(1) The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012<sup>(20)</sup> 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<sup>(21)</sup>”;

(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”).

<sup>(20)</sup> S.I. 2012/62, to which there are amendments not relevant to this Order.

<sup>(21)</sup> 1989 c. 42.

*Status: This is the original version (as it was originally made).*

(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<sup>(22)</sup>.

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

### **Police Appeals Tribunals Rules 2012**

**53.**—(1) The Police Appeals Tribunals Rules 2012<sup>(23)</sup> are modified as follows.

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

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

**54.**—(1) The Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012<sup>(24)</sup> 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.”.

### **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<sup>(25)</sup> 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”;

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<sup>(22)</sup> 2011 c. 20.

<sup>(23)</sup> S.I. 2012/2630 subject to revocation and saving by the Police Appeals Tribunals Rules 2020 (S.I. 2020/1).

<sup>(24)</sup> S.I. 2012/2087.

<sup>(25)</sup> S.I. 2012/2271.

- (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”.

### **Local Government Pension Scheme Regulations 2013**

- 56.**—(1) The Local Government Pension Scheme Regulations 2013<sup>(26)</sup> 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.”.

### **Local Audit (Auditor Resignation and Removal) Regulations 2014**

- 57.**—(1) The Local Audit (Auditor Resignation and Removal) Regulations 2014<sup>(27)</sup> 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”.

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

- 58.**—(1) The Combined Authorities (Mayors) (Filling of Vacancies) Order 2017<sup>(28)</sup> 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;”.

### **Police Appeals Tribunals Rules 2020**

- 59.**—(1) The Police Appeals Tribunals Rules 2020<sup>(29)</sup> are modified as follows.
- (2) In rule 19(4)(c) and (d) for “relevant local policing body” substitute “Combined Authority”.

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<sup>(26)</sup> S.I. 2013/2356, to which there are amendments not relevant to this Order.

<sup>(27)</sup> S.I. 2014/1710, to which there are amendments not relevant to this Order.

<sup>(28)</sup> S.I. 2017/69.

<sup>(29)</sup> S.I. 2020/1.