

2011 No. 3026

POLICE, ENGLAND AND WALES

The Police (Amendment) Regulations 2011

Made - - - - *15th December 2011*

Laid before Parliament *19th December 2011*

Coming into force in accordance with regulation 1(1)

The Secretary of State, in exercise of the powers conferred by section 50(1), (2), (2A), (2B), (3), (4) and (7) of the Police Act 1996(a), makes the following Regulations.

In accordance with sections 62(1) and 63(3) of that Act she has supplied a draft of these Regulations to the Police Negotiating Board and the Police Advisory Board for England and Wales and has taken into consideration the representations of those Boards.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police (Amendment) Regulations 2011 and shall come into force—

- (a) in relation to the Metropolitan police district, on 16th January 2012; and
- (b) in relation to the other police areas in England and Wales, on 22nd November 2012.

(2) These Regulations extend to England and Wales.

Amendments to the Police Regulations 2003

2. The Police Regulations 2003(b) are amended as follows.

3. In regulation 3(1), before the definition of “Act” insert—

““the 2011 Act” means the Police Reform and Social Responsibility Act 2011(c);”.

4.—(1) In the provisions listed in paragraph (2), for “police authority” substitute “local policing body”.

(2) Those provisions are—

- (a) regulation 2(1) (in the definition of “university scholar”);
- (b) regulation 3(1);
- (c) regulation 5(4)(a);

(a) 1996 c.16. Section 50(2A) and (2B) was inserted by section 82(12) of the Police Reform and Social Responsibility Act 2011 (c. 13) and section 50(3) was substituted by section 126(1) of, and paragraphs 1 and 3 of Schedule 22 to, the Criminal Justice and Immigration Act 2008 (c. 4). There are other amendments to sections 50, 62 and 63 which are not relevant for the purposes of these Regulations.

(b) S.I. 2003/527. Relevant amending Regulations are S.I. 2005/2834, S.I. 2006/2278 and S.I. 2007/1162.

(c) 2011 c. 13.

- (d) regulation 6(2);
- (e) regulation 7 (in each place);
- (f) regulation 8(4) (in each place);
- (g) regulation 9(2);
- (h) regulation 10(1)(d);
- (i) regulation 13(3) (in both places);
- (j) regulation 14(a);
- (k) regulation 22(3)(b);
- (l) regulation 24(1)(a) and (3)(b);
- (m) regulation 30(1);
- (n) regulation 32;
- (o) regulation 33(1) and (5);
- (p) regulation 34(1)(a) and (3);
- (q) regulation 35(2)(a);
- (r) regulation 39 (in both places);
- (s) regulation 45 (in both places);
- (t) paragraph 3(1) of Schedule 1;
- (u) paragraph 1(2) of Schedule 2.

5.—(1) In the provisions listed in paragraph (2), for “authority” substitute “body”.

(2) Those provisions are—

- (a) regulation 5(4)(a);
- (b) regulation 7(5A);
- (c) regulation 14(a).

6.—(1) In the provisions listed in paragraph (2), omit “deputy chief constable or assistant chief constable”.

(2) Those provisions are—

- (a) regulation 8(4) (in both places);
- (b) regulation 9(2).

7. In regulation 11 (appointment of senior officers)—

- (a) in paragraph (1), for “section 11(1) of the Act” substitute “section 38(1) of the 2011 Act”;
- (b) after paragraph (1) insert—

“(1A) Subject to any enactment governing an appointment to a rank higher than that of Chief Superintendent, and to regulations 9 and 10, no person shall be appointed to such a rank unless he has satisfactorily completed such courses or assessment centres as the Secretary of State shall determine.”;

- (c) in paragraph (2B), for “police authority” substitute “person who made the appointment”.

8. After regulation 11 insert—

“Removal of chief constable or commissioner or deputy commissioner of the metropolitan police

11A.—(1) If an elected local policing body is proposing to call on a member of a police force to retire or resign under section 38(3) or 48(3) of the 2011 Act, the body shall—

- (a) obtain the views of the chief inspector of constabulary in writing;
- (b) have regard to those written views;

- (c) give the member a copy of those written views at the time of giving the member a written explanation of the reasons why the body is proposing to call for the retirement or resignation in accordance with section 48(5)(a) of, or paragraph 13(2) of Schedule 8 to, the 2011 Act; and
- (d) if the body is a police and crime commissioner, give the police and crime panel a copy of those written views at the time of giving the panel a copy of the commissioner's reasons in accordance with paragraph 13(3)(b) of that Schedule.

(2) If, having complied with paragraph (1) of this regulation and paragraph 13 of Schedule 8 to the 2011 Act, a police and crime commissioner still proposes to call upon the chief constable to retire or resign, the commissioner shall, at the time of giving the chief constable and the police and crime panel notification of the commissioner's intention in accordance with paragraph 14(2) of that Schedule —

- (a) give the chief constable and the panel a written explanation of the reasons why the commissioner still proposes to call for the retirement or resignation;
- (b) give the chief inspector of constabulary a copy of the notification and the explanation; and
- (c) give the chief executive appointed under paragraph 6(1)(a) of Schedule 1 to the 2011 Act a copy of the notification, the explanation and the written views of the chief inspector obtained in accordance with paragraph (1)(a) of this regulation.

Removal of other senior officers

11B.—(1) If a chief officer is proposing to call on a member of a police force to retire or resign under section 39(5), 40(4) or 49(3) of the 2011 Act, the chief officer shall—

- (a) notify the relevant elected local policing body of the proposal as soon as is practicable;
- (b) obtain the views of the chief inspector of constabulary in writing;
- (c) have regard to those written views; and
- (d) give the member a copy of those written views at the time of giving the member a written explanation of the reasons why the chief officer is proposing to call for the retirement or resignation in accordance with section 49(5)(a) of, or paragraph 19(2) of Schedule 8 to, the 2011 Act.

(2) Paragraph (1)(a) is without prejudice to the duty of a chief constable to consult the relevant police and crime commissioner under paragraph 20(2) of Schedule 8 to the 2011 Act.

(3) In addition to giving the member of the police force the opportunity to make written representations in accordance with section 49(5)(b) of, or paragraph 19(3) of Schedule 8 to, the 2011 Act, the chief officer shall give the member the opportunity to make oral representations at a meeting attended by the chief officer.

(4) If, having complied with paragraphs (1) and (2) of this regulation and section 49(5) of, or paragraph 19 of Schedule 8 to, the 2011 Act, the chief officer still proposes to call on the member of the police force to retire or resign, the chief officer shall—

- (a) give the relevant elected local policing body—
 - (i) a written explanation of the chief officer's reasons, and
 - (ii) a copy of the written views of the chief inspector of constabulary,
 at the time of consulting that body in accordance with section 49(3) of, or paragraph 20(2) of Schedule 8 to, the 2011 Act; and
- (b) give a copy of the written explanation of the chief officer's reasons to—
 - (i) the member, and
 - (ii) the chief inspector of constabulary.”

9. In regulation 24(1)(b), for “the police authority under section 15 of the Act” substitute “the Chief Officer or the local policing body”.

10. In paragraph 1(2) of Schedule 2, for “chief constable or other senior officer within the meaning of the Police (Conduct) Regulations 2004” substitute “chief officer”.

Home Office
15th December 2011

Nick Herbert
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Regulations 2003 (“the 2003 Regulations”) to reflect changes to policing governance and organisation in England and Wales made by the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).

Regulations 4 and 5 replace references to police authorities, which are abolished by the 2011 Act, with references to the local policing bodies that replace them under the Act. Local policing bodies are the police and crime commissioners elected for those police areas listed in Schedule 1 to the Police Act 1996, the Mayor’s Office for Policing and Crime in the case of the metropolitan police district and the Common Council in the case of the City of London police area.

Regulations 6 and 10 amend provisions concerning senior police officers to reflect the fact that, by virtue of the 2011 Act, these officers are appointed and dismissed by the chief officer of police (previously they had been appointed and dismissed by the police authority).

Regulation 7 inserts provision prohibiting the appointment of a person as a senior officer unless he has satisfactorily completed any course or assessment centre determined by the Secretary of State.

Regulation 8 inserts provisions specifying procedures to be followed where an elected local policing body (a police and crime commissioner or the Mayor’s Office for Policing and Crime) proposes to call on a chief officer of police to retire or resign, or a chief officer proposes to call on a senior officer to retire or resign.

Regulation 9 amends a reference to police staff to reflect the fact that, by virtue of the 2011 Act, these staff will be employed by chief constables and the Commissioner of Police of the Metropolis, but in the City of London they will continue to be employed by the Common Council.

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£4.00

E2116 12/2011 112116T 19585

