

POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011

EXPLANATORY NOTES

OVERVIEW

Part 1- Police Reform

Police areas outside London

Section 1: Police and crime commissioners

21. [Section 1](#) creates a new directly elected police and crime commissioner for each police force area in England and Wales outside London.
22. [Subsection \(2\)](#) provides that the police and crime commissioner will be a corporation sole. This means that the office will have its own legal personality, distinct from that of the person holding it, and it is in this separate capacity that the police and crime commissioner will own property, employ staff, make contracts and take part in legal proceedings.
23. [Subsections \(5\) to \(7\)](#) set out the core functions of police and crime commissioners, which are to secure the maintenance of an efficient and effective police force, and to hold the chief constable to account for the exercise of his functions. These are the functions previously carried out by police authorities.
24. [Subsection \(8\)](#) sets out a number of functions in respect of which, in particular, the police and crime commissioner must hold the chief constable to account.
25. [Subsection \(9\)](#) abolishes all police authorities under section 3 of the Police Act 1996.
26. [Subsection \(10\)](#) introduces Schedule 1.

Schedule 1: Police and Crime Commissioners

27. [Schedule 1](#) deals with a number of ancillary matters in relation to police and crime commissioners such as remuneration, staff and powers.
28. [Paragraphs 2 to 5](#) provide for a police and crime commissioner to receive a salary, allowances and a pension. The amount of the salary and allowances, and the amount to be paid by the police and crime commissioner in respect of pensions, will be determined by the Secretary of State, and these determinations will be published.
29. [Paragraphs 6 and 7](#) set out the powers and duties of police and crime commissioners in respect of staff. The police and crime commissioner must appoint a person to be head of his staff (referred to in the Act as his chief executive) and a person to be responsible for the administration of his financial affairs (referred to in the Act as his chief finance officer), and may appoint other staff. Paragraphs 187 to 190 and 201 to 202 of Part 3 of Schedule 16 amend the relevant provisions in local government legislation with the effect that the chief executive and chief finance officer have the

same powers and duties as their equivalents in local authorities. In particular, the chief finance officer will automatically be designated as monitoring officer, with the duty of making a report in relation to any unlawful conduct or maladministration by the police and crime commissioner.

30. [Paragraph 8](#) contains provision about the deputy police and crime commissioner, listing persons who are disqualified from appointment to the post, specifying that the deputy's appointment will not extend beyond the tenure of the police and crime commissioner, and disapplying section 7 of the Local Government and Housing Act 1989 (which would otherwise require a deputy police and crime commissioner, as a member of the police and crime commissioner's staff, to be appointed on merit).
31. [Paragraphs 9 to 12](#) make provisions requiring a police and crime panel to hold a confirmation hearing in relation to a proposed appointment by a police and crime commissioner of a deputy police and crime commissioner, a chief executive or a chief finance officer. This provision is similar to that made in respect of the appointment of a chief constable under Part 1 of Schedule 8.
32. [Paragraph 13](#) allows the police and crime commissioner to pay his staff.
33. [Paragraph 14](#) provides a police and crime commissioner with a general power to do anything intended to allow or assist him in discharging his functions.
34. [Paragraph 15](#) protects a police and crime commissioner and any member of his staff from personal liability in respect of acts done in the course of their duties and in good faith.

Section 2: Chief constables

35. [Section 2](#) provides for each police force to have a chief constable.
36. [Subsection \(3\)](#) places the members of the police force and the force's civilian staff under the direction and control of the chief constable. This reflects the existing position for chief constables.
37. [Subsection \(6\)](#) makes [subsection \(3\)](#) subject to any provision in a collaboration agreement which may place members of the police force or civilian staff under the direction and control of the chief constable of another force.
38. [Subsection \(7\)](#) introduces Schedule 2.

Schedule 2: Chief Constables

39. [Schedule 2](#) deals with a number of ancillary matters in relation to chief constables such as the appointment of staff.
40. [Paragraph 2](#) provides for the chief constable to be a corporation sole. At present the office of chief constable is unincorporated and does not constitute a separate legal personality to the person holding it. This change is necessitated by the change in the employment arrangements for the civilian staff engaged to support the police force. Previously these staff were employed by the police authority, but under the Act they are employed by the chief constable. By allowing the chief constable to appoint these staff in his corporate rather than his personal capacity, paragraph 2 ensures that any rights and liabilities under the contracts of employment pass to the chief constable's successor when he leaves office.
41. [Paragraphs 4 and 5](#) require the chief constable to appoint a person to be responsible for the administration of the police force's financial affairs (referred to in the Act as the police force's chief finance officer), and allows him to appoint such other civilian staff as the chief constable thinks appropriate.
42. [Paragraph 6](#) allows a chief constable to pay his staff.

43. **Paragraph 7** gives chief constables a general power to do anything intended to allow or assist him in discharging his functions, but he may only enter into contracts (other than those relating to the employment of a person as a member of the civilian staff of the police force), or acquire and dispose of property, with the consent of the police and crime commissioner. Paragraph 7 also prohibits the chief constable from borrowing money at all. These provisions reflect the fact that the assets of a police force are owned by the police and crime commissioner, in the same way that they were previously owned by the police authority.
44. **Paragraph 8** requires the police and crime commissioner to pay, out of the police fund, damages, costs etc awarded against the chief constable in any legal proceedings against him arising from unlawful acts by his civilian staff. Paragraph 8 also allows, but does not require, the police and crime commissioner to pay damages, costs etc awarded against members of civilian staff themselves. This replicates the position in respect of legal proceedings arising from unlawful acts by police officers under previous legislation.

Metropolitan Police District

Section 3: Mayor's Office for Policing and Crime

45. **Section 3** creates a new body, the Mayor's Office for Policing and Crime.
46. **Subsection (2)** provides that the Mayor's Office for Policing and Crime is a corporation sole, with a separate legal status to the person occupying the office.
47. **Subsections (3) and (4)** provide that the Mayor of London for the time being is to be the occupant of the Mayor's Office for Policing and Crime, the two offices being coterminous as regards their duration.
48. **Subsections (5) to (7)** set out the core functions of the Mayor's Office for Policing and Crime, which are to secure the maintenance of an efficient and effective metropolitan police force, and to hold the Commissioner of Police of the Metropolis to account for the exercise of his functions. These are the functions previously carried out by the Metropolitan Police Authority.
49. **Subsection (8)** sets out a number of functions in respect of which, in particular, the Mayor's Office for Policing and Crime must hold the chief constable to account.
50. **Subsection (9)** amends the Greater London Authority Act 1999 with the effect that the Mayor's Office for Policing and Crime is a functional body of the Greater London Authority.
51. **Subsections (10) and (11)** ensure that a person acting as Mayor of London in the event of a vacancy in the office or the incapacity of the Mayor occupies the Mayor's Office for Policing and Crime.
52. **Subsection (12)** abolishes the Metropolitan Police Authority as it is replaced by the Mayor's Office for Policing and Crime.
53. **Subsection (13)** introduces Schedule 3.

Schedule 3: Mayor's Office for Policing and Crime

54. **Schedule 3** deals with a number of ancillary matters in relation to the Mayor's Office for Policing and Crime such as remuneration, staff and powers. To a large degree these are consistent with the provision for police and crime commissioners in Schedule 1.
55. **Paragraph 1** provides for the Mayor to receive allowances, to be determined by the Secretary of State, in respect of his occupation of the Mayor's Office for Policing and Crime (there is already provision in the Greater London Authority Act 1999 for the Mayor, in his capacity as such, to receive a salary, allowances and pension from the Greater London Authority).

56. **Paragraphs 2 and 3** require the Mayor's Office for Policing and Crime to appoint a person to be its head of staff (referred to in the Act as the chief executive), and allow it to appoint any other necessary staff. Paragraph 2 makes reference to the fact that the Greater London Authority Act 1999 requires each functional body of the Greater London Authority to appoint an officer responsible for the administration of the body's financial affairs (known in that Act as the chief finance officer). It is accordingly not necessary for the Act to make provision for the Mayor's Office for Policing and Crime to appoint such an officer. The staff of the Mayor's Office for Policing and Crime are employees of that body, and not employees of the Mayor or the Greater London Authority.
57. **Paragraph 4** applies to any person appointed under section 19 as the Deputy Mayor for Policing and Crime. The paragraph lists persons disqualified from being appointed as the Deputy Mayor for Policing and Crime.
58. **Paragraph 5** requires the Mayor's Office for Policing and Crime to notify the London Assembly of any appointments of staff that it makes (this is similar to the requirement imposed on the Mayor, in his capacity as such, by the Greater London Authority Act 1999).
59. **Paragraph 6** allows the Mayor's Office for Policing and Crime to pay its staff.
60. **Paragraph 7** provides the Mayor's Office for Policing and Crime with a general power to do anything intended to allow it to discharge its functions or assist it in doing so.
61. **Paragraph 8** protects the Mayor's Office for Policing and Crime and any member of its staff from personal liability for acts done in the course of their duties and in good faith.

Section 4: Commissioner of Police of the Metropolis

62. **Section 4** provides for the incorporation of the office of Commissioner of Police of the Metropolis as a corporation sole. The reason why the existing post of Commissioner is to be incorporated in this way is the same as for the post of chief constable of a police force outside London (see commentary on section 2 above).
63. **Subsection (3)** provides for the Commissioner of Police of the Metropolis to have direction and control over the members of the metropolitan police force and the civilian staff of the force. This reflects the position under previous legislation.
64. **Subsection (6)** makes **subsection (3)** subject to any provision in a collaboration agreement which may place members of the metropolitan police force or civilian staff under the direction and control of the chief constable of another force.
65. **Subsection (7)** introduces Schedule 4.

Schedule 4: Commissioner of Police of the Metropolis

66. **Schedule 4** makes similar provision in relation to the staff etc of the Commissioner as Schedule 2 makes for chief constables of police forces outside London.

Functions of Elected Local Policing Authorities

Section 5: Police and crime commissioners to issue police and crime plans

67. **Section 5** requires a police and crime commissioner to issue and publish a police and crime plan within the financial year in which he is elected.
68. **Subsection (4)** confers power on the police and crime commissioner to vary a police and crime plan.

69. *Subsection (5)* requires the police and crime commissioner to have regard, in issuing or varying a police and crime plan, to the strategic policing requirement issued by the Secretary of State (for which, see section 77).
70. *Subsections (6) and (7)* provide for the police and crime commissioner to consult with the chief constable in the drafting or variation of a police and crime plan, and for the police and crime panel to scrutinise a police and crime plan before it is issued.
71. *Subsection (8)* ensures that the police and crime commissioner consults the chief constable before issuing or varying a police and crime plan, on any points that have changed since the initial draft.

Section 6: Mayor's Office for Policing and Crime to issue police and crime plans

72. **Section 6** replicates the provisions in section 5 for the Mayor's Office for Policing and Crime.
73. *Subsections (10) to (12)* have the effect of applying various provisions of the Greater London Authority Act 1999 concerned with the Mayor's strategies to the police and crime plan, as if it was a strategy.
74. *Subsection (13)* requires the Mayor and the Mayor's Office for Policing and Crime to co-operate in ensuring that the Mayor's strategies and the police and crime plan are consistent with each other. Although the Mayor will be the occupant of the Mayor's Office for Policing and Crime, this provision ensures that he takes account of the interests of both offices in preparing the strategies and the plan.

Section 7: Police and crime plans

75. **Section 7** provides for the content and duration of a police and crime plan.
76. *Subsection (1)* provides for the police and crime plan to set out various matters including the police and crime commissioner's police and crime reduction objectives, and the policing which the chief constable is to provide for the police area.
77. *Subsection (3)*, read with *subsection (7)*, provides for a police and crime plan to continue in effect until the end of the financial year in which the next ordinary election to the office of police and crime commissioner is expected to take place, unless a new plan is issued in the interim. The effect is that, in the period between a police and crime commissioner being elected to the office and issuing his police and crime reduction plan, the plan of the previous administration will remain in effect, ensuring that there are always objectives in place for the chief constable to work to.
78. *Subsections (4) to (6)* allow the Secretary of State to give guidance about the matters to be dealt with in police and crime plans, to which the police and crime commissioner must have regard.

Section 8: Duty to have regard to police and crime plan

79. **Section 8** requires the police and crime commissioner, the chief constable, the Mayor's Office for Policing and Crime and the Commissioner of Police of the Metropolis to have regard to the content of the applicable police and crime plan in exercising their functions.
80. *Subsections (5) to (7)* allow the Secretary of State to give guidance about the manner in which this duty is to be complied with.

Section 9: Crime and disorder reduction grants

81. **Section 9** gives a police and crime commissioner and the Mayor's Office for Policing and Crime the power to award a crime and disorder reduction grant to any person in order to secure or contribute to securing crime and disorder reduction in the police

area. The grant may be subject to any conditions that the commissioner may deem appropriate.

Section 10: Co-operative working

82. **Section 10** places duties in relation to co-operation on a police and crime commissioner or (in the metropolitan police district) the Mayor's Office for Policing and Crime and various other bodies with functions in the areas of criminal justice and the reduction of crime and disorder in relation to co-operation.
83. *Subsection (1)* requires a police and crime commissioner or the Mayor's Office for Policing and Crime to have regard, in carrying out their functions, to the relevant priorities of each of the bodies in the police area that are members of community safety partnerships formed under the Crime and Disorder Act 1998. These bodies are the police, the probation services, local authorities, fire and rescue authorities and NHS Primary Care Trusts.
84. *Subsection (2)* requires the police and crime commissioner or the Mayor's Office for Policing and Crime (as the case may be) and bodies that are members of community safety partnerships to co-operate with each other in the exercise of their respective functions, except devolved Welsh functions.
85. *Subsection (3)* requires the police and crime commissioner or the Mayor's Office for Policing and Crime (as the case may be) and certain criminal justice bodies to make arrangements so that their respective functions are exercised so as to provide an efficient and effective criminal justice system for the police area. It is anticipated that these arrangements will involve the agreement of a protocol or memorandum of understanding between the various bodies setting out the matters in respect of which they will co-operate and the means by which they will do so.
86. *Subsection (5)* lists the various criminal justice bodies to which the duty to make arrangements applies. Some of the references are to Ministers, because legislation confers the relevant functions on Ministers and they are then delegated to officials and public bodies. In practice the criminal justice bodies will be the police, the Crown Prosecution Service, Her Majesty's Court Service, the National Offender Management Service, or other providers in relation to prisons or probation, and Youth Offending Teams.

Section 11: Information for public etc.

87. **Section 11** imposes obligations on a police and crime commissioner and the Mayor's Office for Policing and Crime in relation to the publication of information.
88. *Subsection (1)* allows the Secretary of State to specify by order information which a police and crime commissioner and the Mayor's Office for Policing and Crime must publish, and also to specify the time and manner of publication. It is anticipated that this power will be used to ensure the publication of standard information as to numbers of staff and the rates of their pay, items of expenditure above a specified monetary limit, and any gifts or loans received.
89. *Subsection (3)* requires a police and crime commissioner and the Mayor's Office for Policing and Crime to publish such further information as is necessary to allow local people to assess the performance of the body itself and also that of the chief officer of police for the police area (either the chief constable or, in the metropolitan police district, the Commissioner).

Section 12: Annual reports

90. **Section 12** requires a police and crime commissioner and the Mayor's Office for Policing and Crime to produce an annual report.

These notes refer to the Police Reform and Social Responsibility Act 2011 (c.13) which received Royal Assent on 15 September 2011

91. *Subsection (1)* requires an annual report to show, in respect of the financial year in question, how the police and crime commissioner or the Mayor's Office for Policing and Crime has carried out his functions and the progress made in meeting the objectives in the police and crime plan.
92. *Subsections (2) to (5)* make provision for the police and crime panel to scrutinise the annual report.
93. *Subsections (6) and (7)* require a police and crime commissioner and the Mayor's Office for Policing and Crime to publish each annual report in such manner as he thinks fit.

Section 13: Information for police and crime panels

94. **Section 13** allows a police and crime panel to require its police and crime commissioner or (in the case of the metropolitan police district, the Mayor's Office for Policing and Crime) to provide it with information.
95. *Subsection (1)* requires a police and crime commissioner or the Mayor's Office for Policing and Crime to provide the police and crime panel with any information they reasonably require in order to carry out their duties.
96. *Subsection (2)* excludes from the requirement under *subsection (1)* information which, in the view of the chief constable, it would be harmful to disclose for various reasons set out in the *subsection*. This does not prevent the disclosure of the information to the police and crime panel; it means that the police and crime commissioner or the Mayor's Office for Policing and Crime is not required to disclose it.

Section 14: Arrangements for obtaining the views of the community on policing

97. **Section 14** amends the provisions requiring the views of the people in the police area to be obtained, in order to ensure that those views are sought in particular circumstances, namely before a police and crime commissioner or the Mayor's Office for Policing and Crime issues a police and crime plan or precept.
98. *Subsection (3)* makes particular reference, in the provision to be inserted in section 96 of the Police Act 1996, to victims of crime. Section 96 of the 1996 Act did not previously require the views of victims to be obtained – the effect of this *subsection* is to create such a duty.
99. *Subsection (3)* also inserts a reference to the views of relevant ratepayers' representatives. The term is defined in the provision inserted by *subsection (5)*. This replaces provision in the Local Government Finance Act 1992 requiring police authorities to obtain the views of representatives of non-domestic rate-payers, which is amended by section 26(3) so that it does not apply to police and crime commissioners. The purpose is to create a single provision in the 1996 Act concerning the duty on police and crime commissioners to consult the public in relation to precept.

Section 15: Supply of goods and services

100. **Section 15** allows a police and crime commissioner and the Mayor's Office for Policing and Crime to make contracts with any public or private sector body in relation to the supply of goods and services.
101. *Subsection (3)* creates an exception to the general rule, in that an elected local policing authority is prohibited from making a contract with another such authority, or the Common Council in its capacity as the police authority for the City of London, in respect of matters that could be the subject of a collaboration agreement. This is to encourage authorities to make the full use of the arrangements for collaboration.
102. The section replicates the provision previously applying to police authorities.

Section 16: Appointment of persons not employed by elected local policing body

103. **Section 16** allows a police and crime commissioner or the Mayor's Office for Policing and Crime to appoint a person to a post, or designate a person as having specified duties or responsibilities, when required or authorised to do so by any Act, regardless of whether or not the person is a member of the staff of that police and crime commissioner or of the Mayor's Office for Policing and Crime. The purpose of this is to allow flexibility in sharing staff between different bodies.
104. The section replicates the provision previously applying to police authorities.

Section 17: Duties when carrying out functions

105. **Section 17** sets out particular matters to which a police and crime commissioner or the Mayor's Office for Policing and Crime must have regard in carrying out his functions, in addition to the requirement under section 8 to have regard to the police and crime plan.
106. **Subsection (3)(b)** ensures that, in discharging the duty under **subsection (2)** to have regard to any report or recommendation made by the police and crime panel on his annual report on the previous year, a police and crime commissioner or the Mayor's Office for Policing and Crime has a period of grace in which to consider the report or recommendations.

Section 18: Delegation of functions by police and crime commissioners

107. **Section 18** allows a police and crime commissioner to delegate the exercise of his functions, with certain exceptions. In accordance with general principles (and therefore not expressly provided for in the section) the police and crime commissioner retains ultimate responsibility for the discharge of a function delegated to another person.
108. **Subsection (1)** allows a police and crime commissioner to appoint a deputy and arrange for him to exercise the commissioner's functions.
109. **Subsection (2)** allows a police and crime commissioner to arrange for persons other than the deputy police and crime commissioner to exercise the commissioner's functions.
110. **Subsection (3)** prohibits the appointment of a person listed in section 18(6) as a deputy police and crime commissioner, and the exercise by a deputy police and crime commissioner of the functions set out in section 18(7)(a), (e) or (f), (namely the functions of issuing a police and crime plan, appointing, suspending or dismissing the chief constable, or issuing a precept). It prohibits a police and crime commissioner from delegating any function to the police, to any other police and crime commissioner, to the Mayor's Office for Policing and Crime, to the Deputy Mayor for Policing and Crime, to the Common Council of the City of London (which is the police authority for the City), to any other body maintaining a police force, or to a member of the staff of any of these bodies. The intention is that any exercise of a police and crime commissioner's functions by these bodies should be under a collaboration agreement (for which, see section 89) rather than by delegation. Finally, the subsection prohibits a police and crime commissioner from delegating to a person other than the deputy police and crime commissioner any of the functions listed in subsection (7), being functions of particular importance which should be exercised by the commissioner personally or (in the case of the functions in subsection (7)(b), (c), (d)) by the deputy police and crime commissioner.
111. **Subsections (4) and (5)** allow a deputy police and crime commissioner to further delegate functions delegated to him by the police and crime commissioner, subject to the same restrictions as are applicable to delegation by the commissioner himself.
112. **Subsection (10)** provides for a deputy police and crime commissioner to be a member of the police and crime commissioner's staff.

Section 19: Delegation of functions by Mayor's Office for Policing and Crime

113. **Section 19** makes similar provision in relation to the Mayor's Office for Policing and Crime to that in section 18 in relation to police and crime commissioners.

Section 20: Deputy Mayor for Policing and Crime: confirmation hearings

114. **Section 20** amends the Greater London Authority Act 1999 so that the existing procedure for the London Assembly to scrutinise senior appointments made by the Mayor applies to the appointment of the Deputy Mayor for Policing and Crime by the Mayor in his capacity as the Mayor's Office for Policing and Crime. Where the proposed candidate for Deputy Mayor for Policing and Crime is not a member of the London Assembly, the Assembly will have the power to veto the appointment by a majority of two thirds of the members voting.

Section 21: Police Fund

115. **Section 21** requires a police and crime commissioner and the Mayor's Office for Policing and Crime to maintain a single fund into which all receipts must be paid, and out of which all expenditure must be met. The police and crime commissioner must keep accounts in respect of this fund.
116. The requirement to use the fund for all receipts and expenditure is subject to any contrary provision in regulations made under the Police Pensions Act 1976. The Police Pension Fund Regulations 2007 require forces to maintain a police pension fund that is separate to the police fund.
117. The section replicates the previous provision in relation to police authorities.

Section 22: Minimum budget for police and crime commissioner

118. **Section 22** ensures that the power of the Secretary of State to set a minimum budget requirement previously applicable to a police authority applies in relation to a police and crime commissioner.
119. **Subsection (3)** imposes a new limitation on the exercise of the power, in that the Secretary of State may not exercise it unless satisfied that it is necessary to do so because the budget requirement has been set at such a low level that, if implemented, the public safety of people in the police area would be put at risk.

Section 23: Minimum budget for Mayor's Office for Policing and Crime

120. **Section 23** makes similar provision in relation to the Mayor's Office for Policing and Crime to that made for police and crime commissioners by section 22.

Section 24: Police grant

121. **Section 24** ensures that the power of the Secretary of State to make a police grant, previously applicable to police authorities and the Metropolitan Police Authority, is applicable to police and crime commissioners, the Mayor's Office for Policing and Crime and the Common Council in its capacity as a police authority. The procedure for the making of grants is unchanged.

Section 25: Other grants etc under Police Act 1996

122. **Section 25** makes similar provision to section 24, in respect of the other sources of funding for police authorities under the Police Act 1996, namely grants for capital expenditure, grants in relation to national security, grants by local authorities, and gifts or loans. The effect is that grants etc under these provisions are capable of being made to police and crime commissioners and, where relevant, the Mayor's Office for Policing and Crime and the Common Council in its capacity as a police authority.

Section 26: Precepts

123. **Section 26** confers on police and crime commissioners the power, previously exercised by police authorities, to issue a precept, thus allowing council tax to be levied in order to fund the police.
124. **Subsection (3)** disapplies local government legislation which would otherwise impose a duty on police and crime commissioners to consult ratepayers before issuing a precept. The same requirement is instead incorporated in section 14 (arrangements to obtain the views of the public on policing), so that there is a single, consolidated provision in relation to the duties of police and crime commissioners to consult the public.
125. **Subsection (4)** introduces Schedule 5, which sets out the powers of a police and crime panel to scrutinise a proposed precept, and the procedure to be followed by the police and crime commissioner and the panel in that regard.

Schedule 5: Issuing precepts

126. **Schedule 5** makes provision for scrutiny by police and crime panels of a precept that the police and crime commissioner intends to issue in order to raise funds for policing by way of council tax. It requires the police and crime commissioner to notify the police and crime panel of the proposed precept, for the panel to consider the proposal and report on it, and for the commissioner to have regard to the report. The police and crime panel also has the power to veto a proposed precept provided that two thirds of the total membership of the panel agrees. If this power of veto is not exercised, the police and crime commissioner must issue the proposed veto, or issue a different precept in accordance with the recommendation made by the police and crime panel in its report.
127. **Paragraphs 7 and 8** give the Secretary of State the power to make regulations governing the procedure for the panel's scrutiny of precepts, and the procedure to be followed if a proposed precept is vetoed, in order to ensure that a precept is eventually issued.

Section 27: Other grants etc

128. **Section 27**, like sections 24 and 25, makes provision for grants previously payable to police authorities and to the Metropolitan Police Authority to be payable in future to police and crime commissioners and the Mayor's Office for Policing and Crime.

Accountability of Elected Local Policing Bodies.

Section 28: Police and crime panels outside London

129. **Section 28** provides for each police area except the Metropolitan Police District to have a police and crime panel to scrutinise the police and crime commissioner's exercise of his functions.
130. **Subsection (2)** requires the police and crime panel to exercise its functions with a view to supporting the effective exercise of the functions of the police and crime commissioner.
131. **Subsection (3)** sets out the police and crime panel's duties in relation to the police and crime plan submitted to them by the police and crime commissioner in accordance with section 5(6)(c).
132. **Subsection (4)** sets out the police and crime panel's duties in relation to the annual report submitted to them by the police and crime commissioner in accordance with section 12(2).
133. **Subsection (5)** confers the functions set out in Schedules 1, 5 and 8 in relation to a police and crime commissioner's proposed appointment of a deputy police and crime commissioner, chief executive or chief finance officer, proposed precept and proposed appointment of a chief constable, respectively.

134. *Subsection (6)* places a general duty on the police and crime panel to scrutinise the police and crime commissioner's exercise of his functions in respect of any matter not covered by the preceding subsections.
135. *Subsections (7) and (8)* provide for a police and crime panel to publish its reports and recommendations and (in England) to send copies to the local authorities in the police area.
136. *Subsection (10)* introduces Schedule 6.

Schedule 6: Police and crime panels

137. **Schedule 6** makes provision for the establishment and procedures of police and crime panels.
138. **Part 1** provides for the type of police and crime panel that a police area is to have. Under paragraph 1, a police area in England has a panel established and maintained in accordance with Part 2, unless the Secretary of State has made an order providing that it is to have a panel established and maintained in accordance with Part 3. Such an order can only be made if all of the local authorities in the police area have failed to nominate or appoint members for the panel in accordance with Part 2. Under paragraph 2, a police area in Wales always has a panel established and maintained in accordance with Part 3.
139. **Part 2** requires the local authority or authorities in a police area in England to establish and maintain the police and crime panel, which is to be a committee of the authority or authorities.
140. **Paragraphs 4 to 9** provide for the membership of a Part 2 police and crime panel. They achieve the result that a police and crime panel will consist of at least ten members appointed from the local authority or local authorities in the police areas, and at least two co-opted members appointed by the panel itself. If there are fewer than ten local authorities in the police area, each of them is required to appoint one or more of its councillors to be a member of the panel, to make a total of ten councillor members. If there are ten or more local authorities in the police area, each of them is required to appoint one councillor member. The panel is then required to co-opt two members who may not be councillors. However, the panel may, with the approval of the Secretary of State, co-opt additional members who may be (but need not be) councillors. The panel's membership may not exceed 20 members in all. "Councillor" for these purposes means a member of a local authority or the elected mayor, if there is one. Paragraph 10 provides for the Secretary of State to nominate and appoint councillors to a police and crime panel where one or more of the local authorities in the police area has failed to do so.
141. **Part 3** of the Schedule requires the Secretary of State to establish and maintain a police and crime panel for the police areas in Wales and for any police area in England in respect of which an order under paragraph 1 is in force. These panels are free-standing bodies and not committees of the local authority or authorities in the police area.
142. **Paragraph 13** provides for the membership of a Part 3 police and crime panel. It achieves the same result as paragraphs 4 to 9
143. **Paragraphs 14 to 16** provides for the selection of the councillor members of a Part 3 police and crime panel in Wales. In the first instance, the Secretary of State will invite the local authority or authorities in a police area to nominate councillors for appointment to the panel, and again in doing so the Secretary of State must secure (so far as is reasonably practicable) that each local authority in the police area is represented on the panel by at least one of its councillors, but no more than one if there are ten or more authorities in the police area. The Secretary of State must appoint any councillor who is nominated by a local authority and who accepts the nomination. But if a local authority fails to nominate the required number of councillors, or a councillor declines the nomination, the Secretary of State must either invite a further nomination or

nominate and appoint a councillor. This process will continue until the required number of councillor members have been appointed.

144. [Paragraphs 17 and 18](#) provide for the selection of councillor members for a Part 3 panel in England. They provide for these members to be nominated and appointed by the Secretary of State – there is no provision for the Secretary of State to invite nominations from the local authorities. This is because a Part 3 panel will only be established in England if the local authorities have failed to co-operate in the establishment of a Part 2 panel, and it is assumed that they would not co-operate in the nomination of councillors for appointment by the Secretary of State.
145. [Paragraphs 19 and 20](#) provide for the Secretary of State to maintain a Part 3 panel by providing financial and other resources, since it will not be a committee of the local authority or authorities in the police area. This includes meeting any liability incurred by a panel member.
146. [Paragraphs 23, 28 and 29](#) provide for panel arrangements to be made, governing the establishment and maintenance of police and crime panels, including the payment of allowances and the provision of support. In the case of a Part 2 panel, these are made by the local authority or authorities in the police area, by agreement; in the case of a Part 3 panel, they are made by the Secretary of State.
147. [Paragraphs 25 to 27](#) concern the procedures of police and crime panels. A police and crime panel must make its own rules of procedure, and those rules must make provision for there to be a chair of the panel. Regardless of the procedures determined by the police and crime panel, there are certain functions which may only be exercised by the panel as whole, and not by a sub-committee of the panel. These are the functions of scrutinising the police and crime plan, the annual report, the precept and the appointment of a chief constable, deputy police and crime commissioner, chief executive, or chief finance officer. All members of a panel may vote in its proceedings.
148. [Paragraph 31](#) places a duty on local authorities, the Secretary of State and police and crime panels, in nominating, appointing or co-opting councillor members of a panel, to secure (so far as is reasonably practicable) that the councillor members, taken together, represent all parts of the police area, represent the political make-up of the local authority or authorities, and have the skills, knowledge and experience necessary for the panel to discharge its functions effectively. [Paragraph 32](#) places the same duty in respect of skills, knowledge and experience on the panel itself when seeking to co-opt members who are not councillors. [Paragraph 33](#) requires a local authority with an elected mayor to nominate the mayor as a councillor member of the police and crime panel, and imposes the same requirement on the Secretary of State when making a nomination in relation to a local authority that has an elected mayor.
149. [Paragraph 36](#) allows the Secretary of State to make regulations amending local authority legislation that applies to police and crime panels or applying any such legislation that would not otherwise apply. [Paragraphs 37 to 39](#) allow the Secretary of State to make procedural regulations about notifications, nominations and appointments. [Paragraph 40](#) allows the Secretary of State to make regulations modifying, suspending, transferring or removing functions in relation to the establishment of panels in a case where the Secretary of State nominates members of a panel.

Section 29: Power to require attendance and information

150. [Section 29](#) makes provision for a police and crime panel to require the police and crime commissioner or members of his staff to attend before the panel to answer questions, and for a police and crime commissioner to respond in writing to the panel's reports or recommendations. Members of the commissioner's staff are not obliged to answer questions or provide evidence in respect of any advice provided to the commissioner.

Section 30: Suspension of police and crime commissioner

151. **Section 30** makes provision allowing a police and crime panel to suspend a police and crime commissioner from office if he is charged with a criminal offence carrying a maximum sentence in excess of two years' imprisonment.

Section 31: Conduct

152. **Section 31** allows the Secretary of State to make regulations about the making and handling of complaints against a police and crime commissioner, a deputy police and crime commissioner, the holder of the Mayor's Office for Policing and Crime, the Deputy Mayor for Policing and Crime. This section also allows the Secretary of State to make regulations about the recording of conduct matters (matters from which it appears that police and crime commissioners or specially appointed members of their staff may have committed criminal offences, but which are not the subject of a complaint), and the investigation of these complaints and matters.
153. **Subsection (2)** introduces Schedule 7.

Schedule 7: Regulations about complaints and conduct matters

154. **Schedule 7** makes provision for matters that must, may and may not be contained in regulations made by the Secretary of State under section 31.
155. **Paragraph 2** requires the regulations to provide for complaints of criminal behaviour and conduct matters (which by definition give rise to a suspicion of criminal behaviour) to be investigated by the Independent Police Complaints Commission.
156. **Paragraph 3** requires the regulations to provide for complaints not investigated by the Independent Police Complaints Commission, and not covered by paragraph 4, to be the subject of informal resolution by the police and crime panel.
157. **Paragraph 4** concerns complaints against the holder of the Mayor's Office for Policing and Crime, or the Deputy Mayor for Policing and Crime if he is a member of the London Assembly, which are not investigated by the Independent Police Complaints Commission. The regulations must secure that such complaints are dealt with in accordance with Part 3 of the Local Government Act 2000. The standards regime in Part 3 of the 2000 Act applies in any event to allegations of misconduct against these persons in their capacity as Mayor or Assembly Member.
158. **Paragraph 6** prevents the regulations from making provision for a person to be removed from office, except in accordance with Part 3 of the 2000 Act.
159. **Paragraph 7** allows regulations to apply provisions of Part 2 of the Police Reform Act 2002 (which deals with the handling of complaints and conduct matters concerning persons serving with the police), and any other enactment, with or without modification.

Section 32: London Assembly police and crime panel

160. **Section 32** requires the London Assembly to convene a police and crime panel to exercise the Assembly's functions in relation to scrutiny of the Mayor's Office for Policing and Crime. The London Assembly may decide the composition of its police and crime panel, and the panel may contain persons who are not members of the Assembly. The panel may decide the composition of its sub-committees, and they may contain non-Assembly members. The panel must exercise its functions with a view to supporting the effective exercise of the functions of the Mayor's Office for Policing and Crime.

Section 33: Functions to be discharged by police and crime panel

161. **Section 33** requires the London Assembly to carry out the scrutiny functions conferred on a police and crime panel in a police area outside London. These are the functions which are to be carried out by the Assembly's police and crime panel on its behalf.

Police Forces in Areas with Elected Local Policing Bodies

Section 34: Engagement with local people

162. **Section 34** requires a chief officer to make arrangements for engaging with people in each neighbourhood in the police area, in order to obtain their views about crime and disorder and provide information about policing. These arrangements should include regular community beat meetings and other forms of engagement which allows all groups in an area to give their views on policing and hold their local police to account. Information could include statistical or other information relating to policing, crime and disorder.
163. **Subsection (3)** requires the arrangements to include provision for neighbourhood beat meetings.

Section 35: Value for money

164. **Section 35** requires the chief constable to secure good value for money in exercising his functions, and ensure that his police officers and staff do the same.

Section 36: Information for elected local policing bodies

165. **Section 36** requires a chief constable or the Commissioner of Police of the Metropolis to provide information on policing matters to the police and crime commissioner or the Mayor's Office for Policing and Crime (as the case may be) when required to do so.

Section 37: Appointment of persons not employed by chief officers of police

166. **Section 37** makes similar provision in relation to chief constables and the Commissioner of Police of the Metropolis to that made in section 16 in relation to police and crime commissioners and the Mayor's Office for Policing and Crime, in other words provision allowing the appointment of a person to a post within the police force whether or not the person is already employed by the chief constable or the Commissioner of Police of the Metropolis (as the case may be).

Section 38: Appointment, suspension and removal of chief constables

167. **Section 38** provides for the police and crime commissioner to appoint or suspend the chief constable of a police force. The police and crime commissioner may also call upon the chief constable to resign or retire and, if so, the chief constable must resign or retire.
168. **Subsection (5)** introduces Schedule 8.

Schedule 8: Appointment, suspension and removal of senior police officers

169. The Schedule makes provision for the scrutiny by police and crime panels of appointments, suspensions and removals of chief constables by police and crime commissioners, and for certain procedural requirements to be complied with by chief constables in suspending or removing deputy chief constables or assistant chief constables.
170. **Part 1** deals with the appointment of chief constables. It restricts eligibility for appointment to persons who hold or have held the office of constable. It sets out a process by which the police and crime panel must consider a proposed appointment at a confirmation hearing and make a recommendation as to whether the candidate is to

be appointed. It gives the panel a power of veto over a proposed appointment, provided that two thirds of the total membership of the panel agrees. It also gives the Secretary of State powers to make regulations governing the procedure for the panel's scrutiny of appointments, and the procedure to follow if a proposed appointment is vetoed, to deal with any deadlock and ensure an appointment is eventually made.

171. **Part 2** deals with the suspension and removal of chief constables. It requires a police and crime commissioner to notify the police and crime panel if he suspends the chief constable. In relation to removals, it requires the police and crime commissioner to give the chief constable a written explanation of the grounds for wishing to remove him, and allows the chief constable to make written representations which the police and crime commissioner must consider. The police and crime commissioner must also inform the police and crime panel of the proposed removal, and the panel must consider the matter at a hearing. The chief constable has the right to attend and make representations at the hearing. The panel may also consult the chief inspector of constabulary. The panel must make a recommendation to the police and crime commissioner in relation to the proposed removal, which the commissioner must consider.
172. **Part 3** deals with the suspension and removal of deputy chief constables and assistant chief constables. It requires a chief constable to notify the police and crime commissioner if they suspend one of these officers. If the chief constable wishes to remove one of these officers they are required to consult with the police and crime commissioner and provide the officer concerned with a written explanation of the reasons for removal. The officer must be given the opportunity to make representations, which the chief constable must consider before making a final decision.

Section 39: Deputy chief constables

173. **Section 39** provides for a police force to have one or more deputy chief constables appointed by the chief constable after consultation with the police and crime commissioner. The chief constable may suspend or remove a deputy chief constable, subject to the procedural requirements in Schedule 8.

Section 40: Assistant chief constables

174. **Section 40** makes similar provision in respect of assistant chief constables to that made in respect of deputy chief constables in section 39. The only difference is that a chief constable intending to increase the number of deputy chief constable posts must consult with the police and crime commissioner, but there is no such requirement in relation to assistant chief constable posts.

Section 41: Power of deputy to exercise functions of chief constable

175. **Section 41** makes provision for deputy chief constables and assistant chief constables to carry out the duties of the chief constable when certain conditions are met. The police and crime commissioner will have the same power to suspend or remove a deputy chief constable or assistant chief constable who is carrying out the duties of the chief constable as the commissioner has in relation to the chief constable.

Section 42: Appointment of Commissioner of Police of the Metropolis

176. **Section 42** provides for the appointment of the Commissioner of Police of the Metropolis. Eligibility for appointment is restricted to persons who hold or have held the office of constable. The Commissioner is appointed by Her Majesty upon recommendation by the Secretary of State. In making this recommendation, the Secretary of State must have regard to any recommendations made by the Mayor's Office for Policing and Crime.

Section 43: Deputy Commissioner of Police of the Metropolis

177. **Section 43** relates to the appointment of the Deputy Commissioner of Police of the Metropolis. The Deputy Commissioner of Police of the Metropolis is appointed by Her Majesty upon recommendation by the Secretary of State. In making this recommendation, the Secretary of State must have regard to any recommendations made by the Commissioner of Police of the Metropolis and any representations from the Mayor's Office for Policing and Crime.

Section 44: Functions of Deputy Commissioner of Police of the Metropolis

178. **Section 44** provides for the Deputy Commissioner to stand in for Commissioner of Police of the Metropolis. The consent of the Secretary of State is required if the Deputy Commissioner is to do so for a period exceeding three months.

Section 45: Assistant Commissioners of Police of the Metropolis

179. **Section 45** provides for the metropolitan police force to have Assistant Commissioners, appointed by the Commissioner of Police of the Metropolis after consulting with the Mayor's Office for Policing and Crime. An Assistant Commissioner may exercise the functions of the Commissioner, with the Commissioner's consent. The Mayor's Office for Policing and Crime has the same power to suspend or remove an Assistant Commissioner who is exercising the functions of the Commissioner as the Office has in relation to the Commissioner or Deputy Commissioner (see section 48).

Section 46: Deputy Assistant Commissioners of Police of the Metropolis

180. **Section 46** makes provision for the appointment by the Commissioner of Police of the Metropolis of Deputy Assistant Commissioners, after consultation with the Mayor's Office for Policing and Crime.

Section 47: Commanders

181. **Section 47** makes provision for the appointment by the Commissioner of Police of the Metropolis of Commanders, after consultation with the Mayor's Office for Policing and Crime.

Section 48: Suspension and removal of Commissioner and Deputy Commissioner

182. **Section 48** allows the Mayor's Office for Policing and Crime to suspend from duty the Commissioner or Deputy Commissioner. This section also allows them to call upon the Commissioner or Deputy Commissioner to resign or retire. The Mayor's Office for Policing and Crime may only do so with the approval of the Secretary of State, and after giving the officer a written explanation and an opportunity to make written representations, which it must consider.

Section 49: Suspension and removal of other senior metropolitan police officers

183. **Section 49** allows the Commissioner of Police of the Metropolis to suspend from duty other senior metropolitan police officers, below the rank of Deputy Commissioner, in consultation with the Mayor's Office for Policing and Crime. This section also allows the Commissioner to call upon them to resign or retire, in consultation with the Mayor's Office and the Commissioner is required to provide the officer concerned with a written explanation of the reasons for the proposed removal. The officer must be given the opportunity to make representations, which the Commissioner must consider before making his final decision.

Police and Crime Commissioners: Elections and Vacancies

Section 50: Ordinary elections

184. Under section 50 an election for police and crime commissioners for all police areas will be held in 2012. Elections will then be held in each subsequent fourth year. *Subsection (2)* provides that the date of the poll in 2012 will be 15 November, and *subsection (3)* that in subsequent years (subject to an order made under *subsection (4)*) the poll will be on the ‘ordinary day of election’ in that year. ‘Ordinary day of election’ is defined in *subsection (6)*, and by reference to sections 37, 37A and 37B of the Representation of the People Act 1983, as the day of election of councillors in that year. *Subsection (4)* contains a power for the Secretary of State by order to vary the date of the election for police and crime commissioners. *Subsection (7)* provides that the term of office of a police and crime commissioner starts on the seventh day after the election, and ends on the sixth day after the next ordinary election of police and crime commissioners, but *subsection (8)* provides that this is subject to any provision made under this Act, or any other Act, relating to the appointment of election of police and crime commissioners or their ceasing to hold office.

Section 51: Election to fill vacancy in office of commissioner

185. **Section 51** applies where a vacancy arises in the office of police and crime commissioner. In such cases, an election must be held to fill the vacancy.
186. *Subsection (4)* provides that the date of the election must not be more than 35 days after the “relevant event” (which is defined in *subsection (5)* as being where the High Court or the appropriate officer has declared the office to be vacant and, in any other case the giving of the notice of vacancy to the appropriate officer). Appropriate officer in this context is defined in section 76 and means the head of paid service of the local authority designated by the Secretary of State. *Subsection (7)* provides that no election is to be held if the vacancy arises within the period of six months before an ordinary election. An order under section 58 can make special provision where an election fails or there is some irregularity, which could override *subsections (3) and (4)*.

Section 52: Persons entitled to vote

187. Under section 52 a person is entitled to vote for a police and crime commissioner if they are entitled to vote in a local government election in an electoral area wholly or partly comprised in the police area, and the address in respect of which the person is registered is within the police area. A person is not entitled to vote more than once in the same police area.

Section 53: Public awareness about elections: role of Electoral Commission

188. **Section 53** provides that the Electoral Commission must take such steps as it considers appropriate to raise public awareness about each election of a police and crime commissioner.

Section 54: Returning officers etc.

189. **Section 54** provides that the police area returning officer is a person who is an acting returning officer for Parliamentary elections for a constituency falling partly or wholly within the police area and who is designated as such by order made by the Secretary of State. Under *subsection (2)* the Secretary of State may by regulations confer functions on both the returning officer and local returning officers (a local returning officer for this purpose is defined in *subsection (5)* as a person who acts as returning officer for certain local elections under section 35 of the Representation of the People Act 1983). Such regulations may apply or incorporate, with or without modifications or exceptions, provisions of other legislation about elections, and are subject to the affirmative resolution procedure.

190. *Subsection (4)* requires certain local authorities to make other staff available to assist the returning officer for the police area and local returning officers in carrying out their functions.

Section 55: Returning officers: expenditure

191. *Section 55* allows a returning officer to recover charges in respect of services rendered or expenses incurred in connection with an election provided that they are necessarily rendered or incurred in the effective and efficient conduct of that election, and subject to an overall maximum recoverable amount to be set by the Secretary of State, with the consent of the Treasury, by order. In order to recover charges, a returning officer must submit an account to the Secretary of State who, under *subsection (7)* may apply for the account to be assessed, or “taxed”, in accordance with section 56. *Subsection (10)* provides that the Secretary of State may by regulations make provision as to accounts of returning officers’ charges.

Section 56: Taxation of returning officer’s account

192. *Section 56* provides that an application for a returning officer’s account to be taxed is to be made to the county court, and provides for that court’s jurisdiction in determining the application. ‘Returning officer’ has the same meaning as in section 55.

Section 57: Voting at elections of police and crime commissioners

193. *Section 57* provides that the commissioner is to be returned under the simple majority system unless there are three or more candidates, in which case the provisions of Schedule 9 provide for the supplementary voting system. A supplementary vote in this context means a vote capable of being given to indicate first and second preferences from among the candidates. Schedule 9 provides in paragraph 3 for the counting process where a candidate has an overall majority of first preference votes, and paragraph 4 where no candidate has such an overall majority.

Section 58: Power to make provision about elections etc

194. *Section 58* provides that the Secretary of State may by order, subject to the affirmative resolution procedure and after consulting the Electoral Commission (under section 7 of the Political Parties, Elections and Referendums Act 2000 as amended by Schedule 10), make provision as to the conduct of elections of police and crime commissioners and the questioning of such an election and consequences of irregularities. Such an order may apply or incorporate, with or without modifications or exceptions, any relevant provision (defined in *subsection (7)*), modify forms used in other elections in order to enable them to be used in elections for police and crime commissioners also, regulate candidate, political party and third party campaign spending and include provision relating to criminal offences. *Subsection (5)* provides that such an order may make amendments to any relevant provision which are consequential on any provision of Chapter 6 or regulations under section 54 or an order under *subsection (1)* of section 58.

Section 59: Date of vacancy in office of commissioner

195. *Section 59* sets out the circumstances in which a vacancy is to be treated for the purposes of the Chapter as occurring in the office of police and crime commissioner and the corresponding dates on which the vacancy is deemed to have occurred. Under *subsection (3)* public notice of a vacancy must be given by the appropriate officer (as defined in section 76) and that appropriate officer must give notice of the vacancy to the returning officer for the police area.

Section 60: Declaration of vacancy in certain cases

196. *Section 60* provides that when a vacancy occurs in the circumstances set out in paragraphs (a), (b) and (c) of *subsection (1)*, including where a police and crime

commissioner becomes disqualified, a declaration of vacancy is to be made forthwith unless a declaration to that effect has already been made by the High Court, or an application has already been made to the High Court.

Section 61: Resignation of commissioner

197. **Section 61** provides that the commissioner may resign at any time on giving notice to the appropriate officer (as defined in section 76).

Section 62: Appointment of acting commissioner

198. **Section 62** provides for the appointment of an acting police and crime commissioner while no person holds the office or the holder is incapacitated or suspended.
199. **Subsections (1), (2) and (3)** provide for the appointment to be made by the police and crime panel from among the staff of the police and crime commissioner, and in a case where the police and crime commissioner is incapacitated but makes representations as to who should be appointed as acting police and crime commissioner, the panel must have regard to them.
200. **Subsection (4)** allows an acting police and crime commissioner to exercise any of the functions of the police and crime commissioner except the issuing or variation of a police and crime plan.

Section 63: Vacancy where acting commissioner acts for 6 months

201. **Section 63** provides that where an acting commissioner has been appointed because a police and crime commissioner is incapacitated, at the end of a 6 month period the office of police and crime commissioner becomes vacant if the police and crime commissioner is still incapacitated.

Section 64: Disqualification from election as police and crime commissioner

202. **Section 64** provides that a person is ineligible to stand as a police and crime commissioner unless they are 18 years old when nominated as a candidate, and are in the register of local government electors for the police force area on the day of the election and the day on which the person is nominated as a candidate at the election. A person is disqualified from being elected if the person has been nominated as a candidate for any other police area.

Section 65: Disqualification from election or holding office as police and crime commissioner: police grounds

203. **Section 65, subsection (1)** sets out the circumstances connected with the police in which a person is disqualified from being elected or from holding office as a police and crime commissioner
204. Paragraphs (a) to (c) disqualify members of certain police forces, namely police forces for any police areas in the United Kingdom, the British Transport Police Force and the Civil Nuclear Constabulary; paragraph (c) disqualifies special constables of police forces in England and Wales or the British Transport Police Force.
205. Paragraphs (d) to (h) disqualify the Mayor of London, and members of the Common Council of the City of London or other police authorities, and members of staff of local policing bodies, chief officers of police and other police authorities, and paragraph (i) disqualifies persons holding employment in an entity under the control of a local policing body or other police authority or of a chief officer of police (to be construed in accordance with regulations). **Subsection (2)** defines a member of staff for these purposes. **Subsection (4)** makes special provision for the first elections, when the existing police authorities will still be in place.

Section 66: Disqualification from election or holding office as police and crime commissioner: other grounds

206. **Section 66(1)** provides that a person is to be disqualified from being elected or being a police and crime commissioner unless the person satisfies the citizenship condition in section 68. **Subsection (2)** disqualifies a person who is disqualified from membership of the House of Commons under section 1(1)(a) to (c) of the House of Commons Disqualification Act 1975 (judges, civil servants and members of the armed forces), or is a member of an overseas legislature. **Subsection (3)** relates to bankruptcy restrictions, and convictions for imprisonable offences. A person is also to be disqualified if that person is a member of staff of, or employed by an entity under the control of, a relevant council (as defined).

Section 67: Disqualification of person holding office as police and crime commissioner

207. **Section 67** provides for disqualification from holding office as police and crime commissioner upon becoming a member of the elected bodies set out in *paragraphs (a) to (e)*.

Section 68: Citizenship condition

208. **Section 68** provides for the citizenship condition. It is satisfied by a person who is a qualifying Commonwealth citizen (as defined in subsection (3)), a citizen of the Republic of Ireland, or a citizen of the European Union.

Section 69: Validity of acts

209. **Section 69** provides that the acts of any person who has been elected as police and crime commissioner are to be valid and effectual, despite any disqualification from being or being elected as a commissioner.

Section 70: Declaration of acceptance of office of police and crime commissioner

210. **Section 70** provides that a person cannot become police and crime commissioner until he or she makes a declaration of acceptance of the office within the two months after the election, and that such declaration must be made to the appropriate officer and in the form specified by order made by the Secretary of State. Failure to make this declaration as required will render the office of the police and crime commissioner vacant under *subsection (2)*.
211. A person may be elected as a police and crime commissioner while a member of any of the bodies listed in *subsection (5)* but must resign any such membership before giving a declaration of acceptance of office.

Section 71: Judicial proceedings as to disqualification or vacancy

212. **Section 71** provides that a person who claims that another who is purporting to act as police and crime commissioner has been disqualified may apply to the High Court for a declaration to that effect and that accordingly the office is vacant. An application can also be made where a vacancy arises because the commissioner is incapacitated and an acting commissioner has been acting for more than 6 months and where a person fails properly to give a declaration of acceptance of office within 2 months after being elected. **Subsection (3)** provides that no declaration may be made if an election petition is pending or has been tried in which the person's disqualification on those grounds was an issue. On an application the applicant must give such security for costs as the court may direct, subject to the maximum amount specified in *subsection (6)*. The decision of the court is final.

Section 72: Amendment of police areas: term of office of commissioner

213. Police areas can be altered by order made under section 10 of the Local Government and Public Involvement in Health Act 2007, section 58 of the Local Government Act 1972, or under section 32 of the Police Act 1996. Those Acts are amended by *Schedule 10* to allow an order altering police areas to require an election to take place for a police and crime commissioner for any area resulting from the order, or for an existing police and crime commissioner to become the police and crime commissioner for any of the resulting areas. Under *subsection (2)* of section 72, a person's term of office will end at the time it would end had the person been elected at the previous ordinary election of commissioners in England or Wales.

Section 73: Computation of time and timing of elections etc

214. *Section 73* provides for the computation of time where an election is due to be held or a declaration of acceptance of office is due to be given on a day which is not a business day. 'Business day' for these purposes is defined in *subsection (5)*. It also provides for non-business days not to count for calculating the period within which a by-election must be held.

Section 74: Elections: consequential amendments

215. *Section 74* provides that Schedule 10 has effect; that Schedule includes amendments to the Local Government Act 1972, the Representation of the People Act 1983, the Police Act 1996, the Political Parties, Elections and Referendums Act 2000, and the Local Government and Public Involvement in Health Act 2007.
216. The amendments to the Political Parties, Elections and Referendums Act 2000 extend certain functions of the Electoral Commission to cover elections of police and crime commissioners.

Section 75: The appropriate officer

217. *Section 75* provides that the Secretary of State must, for police areas for which police and crime commissioners are elected, by order designate a local authority and that the head of paid service of that designated authority (as defined in *subsection (3)*) is to be the 'appropriate officer'.

Section 76: Interpretation of Chapter 6

218. *Section 76* provides for the definition of various terms used in this Chapter, including 'appropriate officer', and 'local government elector'. It also terms 'elector' in relation to a local government election, 'electoral area' and 'local government election' have the same meaning as in the Representation of the People Act 1983 (unless the context otherwise requires).

Other Provisions Relating to Policing and Crime and Disorder

Section 77: The strategic policing requirement

219. *Section 77* replaces provision in the Police Act 1996 for the Secretary of State to issue strategic priorities with provision requiring the Secretary of State to issue a Strategic Policing Requirement. That is, a document setting out national threats and the national policing capabilities required to counter them. Elected local policing bodies will have to have regard to the document when preparing their police and crime plans (sections 5 and 6). Chief constables and the Commissioner of Police of the Metropolis are required to have regard to the document in discharging their functions, and they will be held to account by their local policing body for doing so (sections 1 and 3).

Section 78: General duty of Secretary of State

220. **Section 78** requires the Secretary of State to use the powers conferred by this Part of the Act in a way that promotes the efficiency and effectiveness of the police.

Section 79: Policing Protocol

221. **Section 79** requires the Secretary of State to issue a policing protocol.
222. **Subsection (2)** provides that all relevant persons must have regard to the protocol when discharging their functions – “relevant persons” are defined for these purposes in subsection (6) as the Secretary of State when exercising policing functions, elected local policing bodies, chief officers of police, and police and crime panels.
223. **Subsection (3)** provides that the Secretary of State may at any time vary or replace the protocol.
224. **Subsection (4)** sets out the duty on the Secretary of State to consult with those who represent the views of elected local policing bodies; those who represent the views of chief police officers of forces maintained by elected local policing bodies; those who represent the views of police and crime panels; and any other persons that the Secretary of state thinks fit, before varying or replacing the protocol.
225. **Subsection (5)** sets out that the Secretary of State may exercise her functions under subsection (1) and (3) by order.
226. **Subsection (6)** sets out the definition of a police and crime panel, the protocol, and relevant persons, for the purposes of this section.

Section 80: Obtaining advice from representative bodies

227. **Section 80** makes provisions for the Secretary of State to seek advice on police and policing matters from a representative body (a body which the Secretary of State considers to represent the professional views of members of the police force) and within a specified period of time. If the advice is given, the Secretary of State must have regard to such advice.

Section 81: Abolition of certain powers of Secretary of State

228. **Section 81** abolishes the Secretary of State’s power to set performance targets for police strategic priorities and to require police authorities to issue reports. The Secretary of State’s power to issue codes of practice to which police authorities must have regard is replaced with a power to issue codes for elected local policing bodies in relation to financial matters

Section 82: Suspension and removal of senior police officers

229. **Section 82** amends the Police Act 1996 with the effect that the Secretary of State’s existing power to require a police authority to use its power to suspend a chief officer or calling upon a chief officer to resign or retire is only exercisable in respect of the Mayor’s Office for Policing and Crime. The Secretary of State does not have power to direct a police and crime commissioner to suspend or remove a chief constable. The section also amends section 50 of the Police Act 1996, which confers a general power on the Secretary of State to make regulations in relation to the administration of police forces, in order to allow regulations to be made under that section in relation to the suspension and removal of senior police officers. The separate power to make such regulations under section 42A of the Police Act 1996 is repealed – the amendment does not extend the powers of the Secretary of State but merely places them in a single section for ease of reference.

Section 83: Functions of HMIC

- 230. **Section 83** amends section 54 of the Police Act 1996 (appointment and functions of inspectors of constabulary).
- 231. *Subsection (2)* removes reference to the inspectors of constabulary reporting specifically to the Secretary of State.
- 232. *Subsection (3)* repeals the provision for the inspection of police authorities, without replacing it with similar provision in relation to local policing authorities.
- 233. *Subsection (4)* supplements the power of the Secretary of State to require the inspectors to inspect a particular police force by giving a local policing body the power to request an inspection of their police force. The inspectors may levy charges in respect of such an inspection.
- 234. *Subsection (7)* provides for the annual report prepared by the inspectors to include an assessment of the efficiency and effectiveness of policing in England and Wales for the year in which the report is prepared.

Section 84: HMIC reports: publication

- 235. **Section 84** amends section 55 of the Police Act 1996 (publication of reports).
- 236. *Subsection (2)* removes the requirement on the Secretary of State to publish any report received under section 54 of the Police Act 1996 and instead requires the inspectors of constabulary to arrange publication of any report that they prepare under section 54 of the Police Act 1996.
- 237. *Subsection (3)* requires the inspectors to exclude from publication information that may be against the interest of national security or jeopardise the safety of any person, but such information must be disclosed to the Secretary of State.
- 238. *Subsection (4)* requires the inspectors of constabulary (and not the Secretary of State) to send a copy of the report to the police and crime commissioner, the chief officer and the police and crime panel established by this Act.

Section 85: Inspection programmes and frameworks

- 239. **Section 85** amends paragraph 2 of Schedule 4A to the Police Act 1996 (inspection programmes and inspection frameworks).
- 240. *Subsection (2)* removes the power of the Secretary of State to direct by order the time when the inspectors of constabulary should prepare an inspection programme.
- 241. *Subsection (4)* provides for the chief inspector of constabulary (rather than the Secretary of State) to lay before Parliament, publish and distribute the inspection framework and programme. It also provides for the chief inspector to obtain the Secretary of State's approval of the inspection framework and programme.
- 242. *Subsection (7)* gives the Secretary of State the power to specify by order matters to which the chief inspector must have regard in preparing the inspection framework and programme, including the need to ensure that inspections do not impose an undue burden on police forces, and that inspections address policing issues of national importance.

Section 86: Powers in connection with HMIC inspections

- 243. **Section 86** further amends Schedule 4A to the Police Act 1996 by creating new rights of access to police information and premises for the inspectors of constabulary and their staff. The rights of access are based on those of the Independent Police Complaints Commission.

Section 87: HMIC and freedom of information

244. **Section 87** makes the chief inspector of constabulary (and thus the inspectors) subject to the duties under the Freedom of Information Act 2000 to confirm that requested information is held, and to provide it.

Section 88: Crime and disorder strategies

245. **Section 88** introduces Schedule 11.

Schedule 11: Crime and disorder strategies

246. **Schedule 11** amends the Crime and Disorder Act 1998.
247. **Paragraph 2** amends section 5(1) of the Crime and Disorder Act 1998 (responsible authorities for strategies) which lists the authorities responsible, together, for formulating and implementing strategies in relation to reducing crime and disorder etc. When exercising these functions together, the responsible authorities are known collectively as a Community Safety Partnership. The paragraph removes the references to police authorities from section 5, without replacing them with references to police and crime commissioners. Police and Crime commissioners will not be members of Community Safety Partnerships.
248. **Paragraphs 2 and 3** amend those provisions in section 5 of the Crime and Disorder Act 1998 dealing with mergers of Community Safety Partnerships in England. These provisions apply only in relation to local government areas in England and currently the power to merge rests with the Secretary of State. These paragraphs provide instead for the mergers to take place by agreement between the responsible authorities and police and crime commissioner. The Secretary of State will retain a role in agreeing to mergers which involve more than one police area (see the new section 5A(5) inserted by paragraph 3).
249. **Paragraph 4** amends section 6 of the Crime and Disorder Act 1998 (formulation and implementation of strategies). The amendments allow regulations to confer functions on a police and crime commissioner in England in relation to strategies for any local government area that lies in their force area. This includes provision for the commissioner to arrange meetings to assist development and implementation of strategies; being chair of any such meetings; and being able to specify attendees which may include representatives of the responsible authorities comprising a Community Safety Partnership in their force area.
250. **Paragraph 5** amends section 7 of the Crime and Disorder Act 1998 (supplemental). Section 7 makes provisions for the Secretary of State to require the responsible authorities comprising a Community and Safety Partnership to submit a report on any matter relating to the exercise of their functions, apart from devolved Welsh functions. This power is transferred to the relevant policing body (which will be the police and crime commissioner for police areas outside of London). The power must be exercised in a reasonable and proportionate manner, and only where the relevant policing body is not satisfied the responsible authorities within a Community and Safety Partnership are performing their functions adequately.

Section 89: Collaboration agreements

251. **Section 89** amends the provisions in the Police Act 1996 concerning collaboration agreements. These provisions (and those in Schedule 12) use the term “policing bodies” to refer to police and crime commissioners, the Mayor’s Office for Policing and Crime and the police authorities for the British Transport Police and the Civil Nuclear Constabulary.
252. **Subsection (2)** inserts new sections creating duties on chief officers to enter into collaboration agreements in certain circumstances. They require them to keep under

consideration arrangements for potential collaboration agreements, to notify the prospective partners about arrangements being considered and for these parties to consider whether these would be in the interest of the efficiency or effectiveness of one or more police forces.

253. *Subsection (3)* inserts a further section in the Police Act 1996 creating a power for the Secretary of State to specify, by order, policing functions which must be exercised by means of one or more collaboration agreements. The intention is to require police forces to collaborate in relation to matters of regional or national importance such as counter-terrorism and combating serious organised crime.

Schedule 12: Collaboration agreements

254. *Schedule 12* makes additional provision in relation to collaboration agreements, by amending the existing provisions in the Police Act 1996.
255. The Schedule amends sections 23 to 23I of the Police Act 1996 in order to replace the separate arrangements for “police force collaboration agreements” and “police authority collaboration agreements” with general provisions for collaboration agreements which may be made by chief officers and policing bodies either separately or together, and may include other bodies. It also inserts provision requiring chief officers and policing bodies considering making collaboration agreements to consider their existing collaboration agreements, the need to take a consistent approach in making those arrangements, and the other opportunities to collaborate that may be available.

Section 90: Police powers for civilian employees under collaboration agreements

256. *Section 90* introduces Schedule 13.

Schedule 13: Police powers for civilian employees under collaboration agreements

257. *Schedule 13* amends various enactments in order to allow civilian staff designated by one police force as having police powers to exercise those powers in the area of another police force, where this is in furtherance of a collaboration agreement.
258. *Paragraph 1* inserts a new section in the Police Act 1996 requiring a collaboration agreement which contains provision about the discharge of functions by designated civilian employees of one police force in the area of another police force to specify the functions that they are permitted to discharge and any restrictions or conditions that may apply.
259. *Paragraphs 2 to 5* amend the Police Reform Act 2002 to provide for a procedure by which a chief officer may make a collaboration designation, by which a civilian employee designated by the chief officer of another force as having police powers may exercise those powers in the police area of the chief officer making the collaboration designation. The collaboration designation must be consistent with the provision in the collaboration agreement specifying the functions that may be discharged and imposing any limitations or conditions.

Section 91: Power to give directions

260. *Section 91* ensures that the powers of the Secretary of State to give directions to failing police forces or police authorities continue to apply in relation to police forces and police and crime commissioners.

Section 92: Provision of information by chief officers of police

261. *Section 92* ensures that the Secretary of State can continue to collect and publish, or have published, information relating to the policing of an area directly from a chief

officer of police. This may include statistical or other information relating to policing, crime and disorder.

Section 93: Regulations about provision of equipment

262. **Section 93** amends section 53 of the Police Act 1996 by extending the power of the Secretary of State to make regulations as to police equipment so that regulations can make provision for arrangements by which equipment must or may be procured.

Section 94: National and international functions

263. **Section 94** amends section 96A of the Police Act 1996 so as to extend the provisions regarding the Home Secretary's powers with respect to national and international functions of police forces. These powers previously apply only to the Metropolitan Police Service, but are amended so as to apply to all local policing bodies. Paragraph 7 repeals section 96B of the Police Act 1996.

Section 95: Police: Complaints

264. **Section 95** introduces Schedule 14.

Schedule 14: Police: Complaints

265. **Schedule 14** amends Part 2 and Schedule 3 to the Police Reform Act 2002. Part 2 sets out the role and functions of the Independent Police Complaints Commission (IPCC) and the handling of complaints and other matters which are dealt with in accordance with the Act. Schedule 3 makes provision about the handling and investigation of: (a) complaints about the conduct of a person serving with the police ("a complaint"), (b) matters which are not subject of a complaint but where there is an indication that a person serving with the police may have committed a criminal offence or behaved in a manner which would justify the bringing of disciplinary proceedings ("a conduct matter"), and (c) cases which are not the subject of a complaint and which are not a conduct matter but where a person who was, broadly, in the care of the police has died or sustained serious injury ("a DSI matter"). The full definitions of these terms appear in section 12 of the Police Reform Act 2002.
266. **Paragraph 2** of Schedule 14 amends section 9(2) (b) of Part 2 of the Police Reform Act to reduce the minimum number of Commissioners required in the IPCC from 10 Commissioners to 5.
267. **Paragraph 3** amends paragraph 10 of Schedule 2 to the Police Reform Act 2002 to remove the requirement for the IPCC to gain the consent of the Secretary of State for the delegation of Commission functions.
268. **Paragraph 4** removes section 14 of Part 2, which excluded complaints relating to the direction and control of a police force by or on behalf of the chief officer from the operation of Schedule 3 of the Police Reform Act. There is now a single regime for all complaints about the quality of service provided by the police, regardless of the whether they concern direction and control.
269. **Paragraph 5** amends section 29(1) of Part 2 to provide that the definition of "conduct" in relation to the making of complaints includes "decisions" made by a person serving with the police. The paragraph also amends paragraph 4 of Schedule 7 to the Police Reform Act with the effect that the appropriate authority (the body responsible for handling a complaint) requires the IPCC's permission to refer a complaint concerning direction and control to the IPCC, where it is not otherwise required to refer it.
270. **Paragraph 6** amends section 10 of Part 2 to remove the exclusion of the IPCC having any function in relation to complaints relating to the direction and control of a police force.

*These notes refer to the Police Reform and Social Responsibility
Act 2011 (c.13) which received Royal Assent on 15 September 2011*

271. **Paragraph 7** amends section 15 of Part 2 providing a new power for the local policing body to direct a chief officer to take such steps as the local poling body thinks appropriate if the chief officer of police has not complied with an obligation in the handling of a complaint.
272. **Paragraph 8** amends paragraph 2 of Schedule 3 to the Police Reform Act 2002 to provide for complaints made directly to the IPCC to be notified to the appropriate authority unless the IPCC considers it inappropriate to do so. The new paragraph 2(8) permits complaints not to be recorded if the complaint falls within a description of complaints (such as vexatious complaints) specified in Regulations.
273. **Paragraph 9** replaces paragraph 6 of Schedule 3. This paragraph deals with the local handling of complaints which have been recorded by the appropriate authority and are not required to be referred to the IPCC or which have been referred to the IPCC and have been referred back to the appropriate authority to deal with. The appropriate authority is required to determine if the complaint is suitable to be dealt with locally, and if so, is required to make arrangements for the complaint to be formally investigated. A complaint may not be locally resolved if the conduct complained of (if proven) would justify the bringing of criminal or disciplinary proceedings or would involve the infringement of a person's rights under Article 2 or 3 of the European Convention on Human Rights (the right to life and the prohibition on torture).
274. **Paragraph 10** amends paragraph 7 of Schedule 3 to allow the appropriate authority to disapply the provisions of the Schedule in relation to a complaint without the requirement to apply to the IPCC, unless the complaint is one which has previously been referred to the IPCC irrespective of whether the complaint was referred back. In such cases the permission of the IPCC is required to dispense with the complaint. The appropriate authority is obliged to inform the complainant if it decides to disapply the provisions of Schedule 3, or to ask the IPCC for permission to do so.
275. **Paragraph 11** amends paragraph 10 of Schedule 3 to require the appropriate authority to record any conduct matter arising in civil proceedings if it is one that must be referred to the IPCC, or it is not of a description specified in regulations. If the complaint does not have to be referred to the IPCC, and is of a description specified in regulations, the appropriate authority may still record it at its discretion.
276. **Paragraph 12** amends paragraph 11 of Schedule 3 to similar effect to the amendments to paragraph 10 of that Schedule described above.
277. **Paragraph 13** amends paragraph 21 of Schedule 3 to provide for the IPCC to require the discontinuance of an investigation if it appears that the complaint or matter is of a description specified in regulations. An appropriate authority may discontinue an investigation providing the complaint or matter was not one which was required to be referred to the IPCC. Where a complaint or matter is discontinued, the appropriate authority is required to notify the complainant and any person entitled to be kept properly informed about the handling of the complaint.
278. **Paragraph 14** amends paragraphs 23, 24, 25 and 27 of Schedule 3 to include consideration of whether the performance of a person whose conduct was subject of a complaint was satisfactory or not. The amendment to paragraph 27 provides for the IPCC to be able to recommend and ultimately direct that proceedings for unsatisfactory performance are brought against a person serving with the police.
279. **Paragraphs 15 and 16** add new paragraphs 3A, 3B and 3C to Schedule 3 to provide that there is no right of appeal against the non recording of a complaint if the appropriate authority is not required to record it, or the matter relates to the direction and control of a force and the appeal relates to a failure by the local policing body.
280. **Paragraph 17** amends paragraph 7 of Schedule 3 by adding a new sub-paragraph (8) to provide that an appeal against the decision to disapply the provisions of the Schedule will be made to 'the relevant appeal body' which will be either the Chief Officer

or the IPCC. The amendment also secures that there is no right of appeal in a case where the IPCC gave the appropriate authority permission to disapply the provisions of Schedule 3, or where the complaint relates to direction and control.

281. [Paragraph 18](#) amends paragraph 9 of Schedule 3 to provide that an appeal against the outcome of a complaint that is subject of local resolution or handled otherwise than in accordance with the procedures in Schedule 3 will be made to ‘the relevant appeal body’. There is no right of appeal if the complaint relates to the direction and control of the force.
282. [Paragraph 19](#) amends paragraph 21 of Schedule 3 to provide that an appeal against the decision to discontinue an investigation of the complaint will be made to ‘the relevant appeal body’. There is no right of appeal if the complaint relates to the direction and control of the force.
283. [Paragraph 20](#) amends paragraph 25 of Schedule 3 to provide that an appeal with respect to an investigation will be made to ‘the relevant appeal body’. There is no right of appeal if the complaint relates to the direction and control of the force.
284. [Paragraph 21](#) adds a definition of ‘direction and control’ to paragraph 29 of Schedule 3.
285. [Paragraph 22](#) inserts new paragraph 30 into Schedule 3 to define who the ‘relevant appeal body’ is in respect of appeals dealt with under Schedule 3 of the Police Reform Act. The IPCC is the ‘relevant appeal body’ for complaints of a description specified in regulations – in any other case; the chief officer is the relevant appeal body. Paragraphs 31 and 32 provide that where an appeal is submitted to the wrong ‘relevant appeal body’ then the appeal will be forwarded to the ‘relevant appeal body’ and the person making the appeal will be notified that the appeal has been forwarded to the ‘relevant appeal body’.

Miscellaneous Provisions

Section 96: Interpretation of Police Act 1996

286. [Section 96](#) amends the interpretation section of the Police Act 1996 in consequence of the replacement of police authorities with police and crime commissioners.

Section 97: Amendments of the Interpretation Act 1978

287. [Section 97](#) amends Schedule 1 to the Interpretation Act 1978 by inserting the definition of local policing authority and police and crime commissioner, and removing references to police authority.

Section 98: Police reform: transitional provision

288. [Section 98](#) introduces Schedule 15.

Schedule 15: Police reform: transitional provision

289. [Schedule 15](#) makes transitional provision in relation to the abolition of police authorities and the transfer of their staff, property, rights and liabilities.
290. [Part 1](#) ensures that holders of the office of chief constable or Commissioner of Police of the Metropolis remain in post and retain all of their rights and liabilities when their offices acquire the new status of corporation sole under the Act.
291. [Part 2](#) provides for the automatic transfer of all staff, property, rights and liabilities of a police authority (including the Metropolitan Police Authority) to the new policing body (a police and crime commissioner or the Mayor’s office for Policing and Crime) when the police authority is abolished. Where, prior to the transfer, a member of staff of a

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police authority was under the direction and control of a chief officer of police, that member of staff will remain under the chief officer's direction and control.

292. **Part 3** provides for the Secretary of State to direct a new policing body to make transfer schemes for transferring staff, property, rights or liabilities to a chief officer. A transfer scheme may also provide for staff to be transferred to a local authority. The Secretary of State may also modify a transfer scheme.
293. **Part 4** deals with detailed matters in relation to transfers of staff, continuity of rights, liabilities, proceedings etc and the avoidance of any unintended consequences of a transfer. Further, it allows the Secretary of State to make additional transitional provision by order, including provision which amends or otherwise modifies legislation.

Section 99: Police reform: minor and consequential amendments

294. **Section 99** introduces Schedule 16.

Schedule 16: Police reform: minor and consequential amendments

295. **Schedule 16** makes consequential amendments.
296. **Part 1** makes those amendments to the Police Act 1996 not set out elsewhere in the Act.
297. **Part 2** makes amendments to the Greater London Authority Act 1999 not set out elsewhere in the Act.
298. **Part 3** makes amendments to other enactments. Many of these are amendments to local government legislation which was applicable to police authorities.

Section 100: Guidance

299. **Section 100** makes procedural provision as to the form and content of guidance and directions given under Part 1.

Section 101: Crime and disorder reduction

300. **Section 101** provides a definition of crime and disorder reduction for the purposes of Part 1.

Section 102: Interpretation of Part 1

301. **Section 102** provides definitions of terms used in Part 1.