



Police Reform and Social Responsibility Act 2011

2011 CHAPTER 13

PART 1

POLICE REFORM

CHAPTER 5

POLICE FORCES IN AREAS WITH ELECTED LOCAL POLICING BODIES

Police forces outside London

38 Appointment, suspension and removal of chief constables

- (1) The police and crime commissioner for a police area is to appoint the chief constable of the police force for that area.
- (2) The police and crime commissioner for a police area may suspend from duty the chief constable of the police force for that area.
- (3) The police and crime commissioner for a police area may call upon the chief constable of the police force for that area to resign or retire.
- (4) The chief constable must retire or resign if called upon to do so by the relevant police and crime commissioner in accordance with subsection (3).
- (5) Schedule 8 (appointment, suspension and removal of senior police officers) has effect.
- (6) This section is subject to Parts 1 and 2 of Schedule 8.
- (7) This section and Schedule 8 are subject to regulations under section 50 of the Police Act 1996.

39 Deputy chief constables

- (1) Each police force must have one or more deputy chief constables.
- (2) The chief constable of a police force must consult the relevant police and crime commissioner before increasing the number of deputy chief constables which the force has.
- (3) The chief constable of a police force must consult the relevant police and crime commissioner before appointing a person to be a deputy chief constable of the force.
- (4) The chief constable of a police force may suspend from duty a deputy chief constable of that police force.
- (5) The chief constable of a police force may call upon a deputy chief constable of that police force to resign or retire.
- (6) A deputy chief constable must resign or retire if called upon to do so by the chief constable in accordance with subsection (5).
- (7) Subsections (3) to (6) are subject to regulations under section 50 of the Police Act 1996.
- (8) Subsections (4) to (6) are subject to Part 3 of Schedule 8 (suspension and removal of other senior police officers).
- (9) In this section “police force” means the police force for a police area listed in Schedule 1 to the Police Act 1996 (police areas outside London).

40 Assistant chief constables

- (1) Each police force must have one or more assistant chief constables.
- (2) The chief constable of a police force must consult the relevant police and crime commissioner before appointing a person as an assistant chief constable of the force.
- (3) The chief constable of a police force may suspend from duty an assistant chief constable of that police force.
- (4) The chief constable of a police force may call upon an assistant chief constable of that police force to resign or retire.
- (5) An assistant chief constable must resign or retire if called upon to do so by the chief constable in accordance with subsection (4).
- (6) Subsections (2) to (5) are subject to regulations under section 50 of the Police Act 1996.
- (7) Subsections (3) to (5) are subject to Part 3 of Schedule 8 (suspension and removal of other senior police officers).
- (8) In this section “police force” means the police force for a police area listed in Schedule 1 to the Police Act 1996 (police areas outside London).

41 Power of deputy to exercise functions of chief constable

- (1) The appropriate deputy chief constable of a police force may exercise or perform any or all of the functions of the chief constable of the force—

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- (a) during any period when the chief constable is unable to exercise functions, or
 - (b) at any other time, with the consent of the chief constable.
- (2) For the purposes of subsection (1), the appropriate deputy chief constable is—
- (a) if the police force has only one deputy chief constable, the deputy chief constable;
 - (b) if the police force has more than one deputy chief constable, the most senior deputy chief constable.
- (3) If the police force has more than one deputy chief constable, the chief constable must designate the deputy chief constables in order of seniority for the purposes of subsection (2)(b).
- (4) During any absence, incapacity or suspension from duty of the person who—
- (a) is designated as the most senior deputy chief constable for the purposes of subsection (2)(b), or
 - (b) is treated under this section as the most senior deputy chief constable,
- the person designated as the next most senior deputy chief constable is to be treated as the most senior one for the purposes of subsection (2)(b).
- (5) The assistant chief constable designated for this purpose by the chief constable of the force may exercise any or all of the chief constable's functions during any period when—
- (a) the chief constable is unable to exercise functions, and
 - (b) a deputy chief constable is unable to exercise functions.
- (6) The chief constable of the force must designate an assistant chief constable of the force for the purposes of subsection (5).
- (7) Only one person is authorised to act at any one time by virtue of a designation by the chief constable.
- (8) The chief constable must consult the relevant police and crime commissioner before making a designation for the purposes of subsection (2)(b) or (5).
- (9) This section is without prejudice to any other enactment that makes provision for a person other than the chief constable to exercise the chief constable's functions.
- (10) In a case where a deputy chief constable or assistant chief constable (the “acting chief constable”) is authorised by subsection (1)(a) or (5) to exercise or perform functions of a chief constable—
- (a) section 38(2) and (3) apply in relation to the acting chief constable as they apply in relation to the chief constable (and references to chief constables in those provisions, and in other enactments relating to those provisions, are to be read accordingly); and
 - (b) section 39(4) and (5) or section 40(3) and (4) do not apply in relation to the acting chief constable.
- (11) In this section—
- (a) “police force” means the police force for a police area listed in Schedule 1 to the Police Act 1996 (police areas outside London);
 - (b) a reference to a period when the chief constable is unable to exercise functions is a reference to a period when—
 - (i) the chief constable is absent, incapacitated or suspended from duty, or

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- (ii) the office of chief constable is vacant;
- (c) a reference to a period when a deputy chief constable is unable to exercise functions is a reference to a period when—
 - (i) the deputy chief constable, or each of the deputy chief constables, is absent, incapacitated or suspended from duty, or
 - (ii) the office of deputy chief constable, or of each deputy chief constable, is vacant.