

SCHEDULES

SCHEDULE 10

Section 74

ELECTIONS OF POLICE AND CRIME COMMISSIONERS: CONSEQUENTIAL AMENDMENTS

Local Government Act 1972

- 1 The Local Government Act 1972 is amended as follows.
- 2 In section 67 (consequential and transitional arrangements relating to Part 4), after subsection (5) insert—
 - “(5A) Without prejudice to subsection (5), an order under section 58 which makes provision altering any police areas may make provision as to who is to be a police and crime commissioner, including—
 - (a) provision for the police and crime commissioner for a police area affected by the order to become the police and crime commissioner for a police area resulting from the order;
 - (b) provision for the holding of an election for the police and crime commissioner for any police area resulting from the order.
 - (5B) Such an order which includes provision within subsection (5A)(b) may, in particular, require the election in question to be held before the alteration of police areas takes effect.”

Representation of the People Act 1983

- 3 In section 13B(4) of the Representation of the People Act 1983 (alteration of registers: pending elections), omit “and” at the end of paragraph (d) and after paragraph (f) insert “and
 - (g) elections of police and crime commissioners in England and Wales.”

Police Act 1996

- 4 The Police Act 1996 is amended as follows.
- 5
 - (1) Section 32 (power to alter police areas by order) is amended as follows.
 - (2) In subsection (3)(a), for “police authority” substitute “local policing body”.
 - (3) In subsection (4), after “ensure that” insert “no police area falls partly in England and partly in Wales and that”.
- 6 In section 33(1)(a) (objection to alterations proposed by Secretary of State) for “police authority” substitute “local policing body”.
- 7
 - (1) Section 34 (orders altering police areas: supplementary provisions) is amended as follows.
 - (2) For subsection (1)(a), substitute—

Status: This is the original version (as it was originally enacted).

“(a) provision as to who is to be a police and crime commissioner;”.

(3) After subsection (1) insert—

“(1A) Provision falling within subsection (1)(a) includes, in particular—

- (a) provision for the police and crime commissioner for a police area affected by the order to become the police and crime commissioner for a police area resulting from the order;
- (b) provision for the holding of an election for the police and crime commissioner for any police area resulting from the order.”

(4) In subsection (2)—

- (a) omit “and” at the end of paragraph (a), and
- (b) after paragraph (b) insert “and
- (c) to apply (with or without modification) any provision of, or made under, Chapter 6 of Part 1 of the Police Reform and Social Responsibility Act 2011.”

(5) After subsection (2) insert—

“(2A) An order under section 32 which includes provision within subsection (1A) (b) may, in particular require the election in question to be held before the alteration of police areas takes effect.”

Political Parties, Elections and Referendums Act 2000

8 The Political Parties, Elections and Referendums Act 2000 is amended as follows.

9 In section 5 (reports on elections and referendums)—

- (a) in subsection (2), after paragraph (e) insert—
 - “(f) an ordinary election of police and crime commissioners.”;
- (b) in subsection (2A), omit “or” after paragraph (b), and after paragraph (c) insert “or
- (d) an election held under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner);”.

10 In section 6A (attendance of representatives of Commission at elections), in subsection (5), after paragraph (d) insert—

“(da) an election under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner);”.

11 In section 7 (Commission to be consulted on changes to electoral law), in subsection (2), after paragraph (h) insert—

- “(ha) an order under subsection (1)(b) of section 54 of the Police Reform and Social Responsibility Act 2011 (designations of returning officers for elections of persons as police and crime commissioners in England and Wales);
- (hb) regulations under subsection (2) of that section (functions of returning officers and local returning officers for such elections);
- (hc) an order under section 58 of that Act (conduct of elections of persons as police and crime commissioners in England and Wales);”.

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

- 12 In section 8 (powers with respect to elections exercisable only on Commission recommendation), in subsection (3), after paragraph (c) insert—
- “(d) the making of orders under section 58 of the Police Reform and Social Responsibility Act 2011 so far as relating to the matters mentioned in subsection (2)(d) of that section (funding and expenditure of candidates, political parties and other persons in connection with elections of persons as police and crime commissioners in England and Wales).”
- 13 In section 9A (setting of performance standards), in subsection (6), after paragraph (d) insert—
- “(da) an election under section 51 of the Police Reform and Social Responsibility Act 2011 (election to fill vacancy in office of police and crime commissioner);”.

Local Government and Public Involvement in Health Act 2007

- 14 (1) Section 15 of the Local Government and Public Involvement in Health Act 2007 (structural and boundary change in England: incidental etc provision in orders or regulations) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), for “police authority” in both places where it occurs substitute “local policing body”;
- (b) after paragraph (f) insert—
- “(fa) as to who is to be a police and crime commissioner;”.
- (3) After subsection (1) insert—
- “(1A) Provision falling within subsection (1)(fa) includes, in particular—
- (a) provision for the police and crime commissioner for a police area affected by an order by virtue of provision made under section 11(4)(g) to become the police and crime commissioner for a police area resulting from the order;
- (b) provision for the holding of an election for the police and crime commissioner for any police area resulting from the order.”
- (4) After subsection (3) insert—
- “(3A) Without prejudice to subsection (2), an order under section 7 or 10 which includes provision within subsection (1A)(b) may, in particular, require the election in question to be held before the alteration of police areas takes effect.”