Policing and Crime Act 2017

2017 **CHAPTER 3**

PART 5

POLICE AND CRIME COMMISSIONERS AND POLICE AREAS

Deputy PCCs etc: terms and eligibility

121   Term of office of deputy police and crime commissioners

(1) Schedule 1 to the Police Reform and Social Responsibility Act 2011 (police and crime commissioners) is amended in accordance with subsections (2) and (3).

(2) In paragraph 8 (the deputy police and crime commissioner), for sub-paragraph (3) substitute—

> "(3) The terms and conditions of a person appointed as the deputy police and crime commissioner must ensure that the term of office ends no later than the sixth day after the day of the poll at the next ordinary election of police and crime commissioners (that is, the day on which the term of office of the appointing police and crime commissioner would, if there were no vacancy in the office before then, end in accordance with section 50(7)(b)).
>
> (3A) The terms and conditions must also provide for the deputy police and crime commissioner's appointment to end when, following an election held under section 51 to fill a vacancy in the office of the appointing police and crime commissioner, the person elected makes and delivers a declaration of acceptance of office under section 70(1).
>
> (3B) Subject to sub-paragraphs (3) and (3A), the terms and conditions may make such provision about termination as the appointing police and crime commissioner thinks appropriate."

(3) In that paragraph, omit sub-paragraph (5).

(4) The amendments made by this section apply in relation to the terms and conditions of a person appointed as a deputy police and crime commissioner before this section

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comes into force (as well as to the terms and conditions of a person appointed after it comes into force).

(5) But the amendments do not apply in relation to the terms and conditions of a person appointed as a deputy police and crime commissioner before this section comes into force if, at the time when it comes into force, an election held under section 51 of the 2011 Act to fill a vacancy in the office of police and crime commissioner for the police area in question is in progress.

(6) For the purpose of subsection (5), an election held under section 51 of the 2011 Act is in progress during the period—

(a) beginning with the time when the vacancy in the office of police and crime commissioner occurred, and

(b) ending immediately after the person elected to fill the vacancy has made and delivered a declaration of acceptance under section 70(1) of that Act.

122   Eligibility of deputy police and crime commissioners for election

(1) In section 65 of the Police Reform and Social Responsibility Act 2011 (disqualification from election or holding office as police and crime commissioner: police grounds), after subsection (1) insert—

"(1A) Subsection (1)(e)(i) does not prevent a deputy police and crime commissioner—

(a) from being elected as police and crime commissioner at an ordinary election of police and crime commissioners;

(b) from being elected at an election held under section 51 to fill a vacancy in the office of police and crime commissioner if, on the day on which the person is nominated as a candidate at the election and at all times between that day and the declaration of the result of the election, the deputy is acting as police and crime commissioner under section 62."

(2) Section 65(1A)(b) of the 2011 Act (as inserted by subsection (1) above) does not apply in relation to an election held under section 51 of that Act to fill a vacancy in the office of police and crime commissioner if the election is in progress at the time this section comes into force.

(3) For the purpose of subsection (2), an election held under section 51 of the 2011 Act is in progress during the period—

(a) beginning with the time when the vacancy in the office of police and crime commissioner occurred, and

(b) ending immediately after the person elected to fill the vacancy has made and delivered a declaration of acceptance under section 70(1) of that Act.

123   Deputy Mayor for Policing and Crime as member of local authority

(1) Section 1 of the Local Government and Housing Act 1989 (disqualification and political restriction of certain local authority officers and staff) is amended as follows.

(2) In subsection (9) (references to a person holding a politically restricted post under a local authority include every member of the staff of an elected local policing body) omit ", except for a deputy police and crime commissioner".

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(3) After that subsection insert—

"(10) The reference in subsection (9) to every member of the staff of an elected local policing body does not include a deputy police and crime commissioner.

(11) For the purposes of subsection (1) only, the reference in subsection (9) to every member of the staff of an elected local policing body does not include the Deputy Mayor for Policing and Crime appointed under section 19(1)(a) of the Police Reform and Social Responsibility Act 2011."

Names of police areas

124   Amendments to the names of police areas

(1) After section 31 of the Police Act 1996 insert—

"Amendment of names of police areas

31A Power to amend names of police areas

(1) The Secretary of State may by regulations amend any name of a police area specified in the first column of Schedule 1 (police areas).

(2) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament."

(2) In consequence of the amendment made by subsection (1), in section 1(2)(a) of that Act (police areas), in the words in brackets, for "any amendment made to that Schedule by an order" substitute "any amendment made to the first column of that Schedule by regulations under section 31A or any amendment made to the second column, or to the first and second columns, by an order".