

POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011

EXPLANATORY NOTES

OVERVIEW

Part 1- Police Reform

Police areas outside London

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.