



# Police Reform and Social Responsibility Act 2011

## 2011 CHAPTER 13

### PART 1

#### POLICE REFORM

#### CHAPTER 3

##### FUNCTIONS OF ELECTED LOCAL POLICING BODIES ETC

##### *Community safety and crime prevention*

#### **5 Police and crime commissioners to issue police and crime plans**

- (1) The police and crime commissioner for a police area must issue a police and crime plan within the financial year in which each ordinary election is held.
- (2) A police and crime commissioner must comply with the duty under subsection (1) as soon as practicable after the commissioner takes office.
- (3) A police and crime commissioner may, at any time, issue a police and crime plan.
- (4) A police and crime commissioner may vary a police and crime plan.
- (5) In issuing or varying a police and crime plan, a police and crime commissioner must have regard to the strategic policing requirement issued by the Secretary of State under section 37A of the Police Act 1996.
- (6) Before issuing or varying a police and crime plan, a police and crime commissioner must—
  - (a) prepare a draft of the plan or variation,
  - (b) consult the relevant chief constable in preparing the draft plan or variation,

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*Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, CHAPTER 3. (See end of Document for details)*

- (c) send the draft plan or variation to the relevant police and crime panel,
  - (d) have regard to any report or recommendations made by the panel in relation to the draft plan or variation (see section 28(3)),
  - (e) give the panel a response to any such report or recommendations, and
  - (f) publish any such response.
- (7) In complying with subsection (6)(c), the police and crime commissioner must ensure that the relevant police and crime panel has a reasonable amount of time to exercise its functions under section 28(3).
- (8) A police and crime commissioner must consult the relevant chief constable before issuing or varying a police and crime plan if, and to the extent that, the plan or variation is different from the draft prepared in accordance with subsection (6).
- (9) A police and crime commissioner must—
- (a) keep the police and crime plan under review, and
  - (b) in particular, review the police and crime plan in the light of—
    - (i) any report or recommendations made to the commissioner by the relevant police and crime panel under section 28(4), and
    - (ii) any changes in the strategic policing requirement issued by the Secretary of State under section 37A of the Police Act 1996;
 and exercise the powers under subsection (3) or (4) accordingly.
- (10) A police and crime commissioner who issues or varies a police and crime plan must—
- (a) send a copy of the issued plan, or the variation, to the relevant chief constable and to each of the other persons and bodies that are, for the purposes of section 5 of the Crime and Disorder Act 1998, responsible authorities in relation to local government areas that are wholly or partly within the relevant police area, and
  - (b) publish a copy of the issued plan, or the variation.
- (11) The duty under subsection (10) to send or publish a copy of the variation may instead be satisfied by sending or publishing a copy of the plan as varied.
- (12) It is for the commissioner to determine the manner in which—
- (a) a response to a report or recommendations is to be published in accordance with subsection (6)(f), and
  - (b) a copy of the plan or variation is to be published in accordance with subsection (10) (b).
- (13) In this section—
- “financial year” means the financial year of the police and crime commissioner;
  - “ordinary election”, in relation to the police and crime commissioner for a police area, means an election held under section 50 in relation to that area.

**Commencement Information**

**II** S. 5 in force at 22.11.2012 by [S.I. 2012/2892](#), [art. 2\(a\)](#)

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*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, CHAPTER 3. (See end of Document for details)*

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## **6 Mayor's Office for Policing and Crime to issue police and crime plans**

- (1) The Mayor's Office for Policing and Crime must issue a police and crime plan within the financial year in which each ordinary election is held.
- (2) The Mayor's Office for Policing and Crime must comply with the duty under subsection (1) as soon as practicable after the person elected in the ordinary election takes office.
- (3) The Mayor's Office for Policing and Crime may, at any time, issue a police and crime plan.
- (4) The Mayor's Office for Policing and Crime may vary a police and crime plan.
- (5) In issuing or varying a police and crime plan, the Mayor's Office for Policing and Crime must have regard to the strategic policing requirement issued by the Secretary of State under section 37A of the Police Act 1996.
- (6) Before issuing or varying a police and crime plan, the Mayor's Office for Policing and Crime must—
  - (a) prepare a draft of the plan or variation,
  - (b) consult the Commissioner of Police of the Metropolis in preparing the draft plan or variation,
  - (c) send the draft plan or variation to the police and crime panel of the London Assembly (see section 32),
  - (d) have regard to any report or recommendations made by the panel in relation to the draft plan or variation (see section 33(1)),
  - (e) give the panel a response to any such report or recommendations, and
  - (f) publish any such response.
- (7) In complying with subsection (6)(c), the Mayor's Office for Policing and Crime must ensure that the police and crime panel has a reasonable amount of time to exercise its functions under section 33(1).
- (8) The Mayor's Office for Policing and Crime must consult the Commissioner of Police of the Metropolis before issuing or varying a police and crime plan if, and to the extent that, the plan or variation is different from the draft prepared in accordance with subsection (6).
- (9) The Mayor's Office for Policing and Crime must—
  - (a) keep the police and crime plan under review, and
  - (b) in particular, review the police and crime plan in the light of any changes in the strategic policing requirement issued by the Secretary of State under section 37A of the Police Act 1996;and exercise the powers under subsection (3) or (4) accordingly.
- (10) The provisions of the 1999 Act set out in subsection (11) apply to the Mayor's Office for Policing and Crime and police and crime plans as the provisions apply to the Mayor of London and the relevant mayoral strategies.
- (11) Those provisions of the 1999 Act are—
  - (a) section 33(1)(b) and (c) (equality of opportunity);
  - (b) section 41(4)(b) and (c), (5), (6)(a) and (b), (7) to (8A), and (10) to (12) (general duties in preparing and revising strategies);

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- (c) section 42(1) and (6) (consultation);
  - (d) section 42A (apart from subsection (2)) (consultation: supplementary provision);
  - (e) section 43 (publicity and availability of strategies);
  - (f) section 44 (directions by the Secretary of State).
- (12) Section 41(5)(b) of the 1999 Act has effect in relation to the Mayor of London as if the police and crime plan were a strategy listed in section 41(1) of the 1999 Act.
- (13) The Mayor of London and the Mayor's Office for Policing and Crime must co-operate with each other in exercising their respective functions under section 41(5)(b) of the 1999 Act.
- (14) In its application by virtue of subsection (11)(e), section 43(2) of the 1999 Act (duty to send copies of current version of police and crime plan) has effect with the insertion after “to each London borough council” of the words “and to each of the other persons and bodies that are, for the purposes of section 5 of the Crime and Disorder Act 1998, responsible authorities in relation to local government areas that are wholly or partly within the metropolitan police district”.
- (15) In this section—
- “1999 Act” means the Greater London Authority Act 1999;
  - “financial year” means the financial year of the Mayor's Office for Policing and Crime;
  - “ordinary election” means an election of the Mayor of London held under section 3 of the 1999 Act;
  - “relevant mayoral strategy”, in relation to a provision set out in subsection (11), means a strategy to which the provision applies.

#### **Commencement Information**

**I2** S. 6 in force at 16.1.2012 by S.I. 2011/3019, art. 3, Sch. 1

## **7 Police and crime plans**

- (1) A police and crime plan is a plan which sets out, in relation to the planning period, the following matters—
- (a) the elected local policing body's police and crime objectives;
  - (b) the policing of the police area which the chief officer of police is to provide;
  - (c) the financial and other resources which the elected local policing body is to provide to the chief officer of police for the chief officer to exercise the functions of chief officer;
  - (d) the means by which the chief officer of police will report to the elected local policing body on the chief officer's provision of policing;
  - (e) the means by which the chief officer of police's performance in providing policing will be measured;
  - (f) the crime and disorder reduction grants which the elected local policing body is to make, and the conditions (if any) to which such grants are to be made.
- (2) The elected local policing body's police and crime objectives are the body's objectives for—

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- (a) the policing of the body's area,
  - (b) crime and disorder reduction in that area, and
  - (c) the discharge by the relevant police force of its national or international functions.
- (3) A police and crime plan has effect from the start of the planning period until—
- (a) the end of that planning period, or
  - (b) if another police and crime plan is issued in relation to the elected local policing body's area before the end of that planning period, the day when that other plan first has effect.
- (4) The Secretary of State may give guidance to elected local policing bodies about the matters to be dealt with in police and crime plans.
- (5) An elected local policing body must have regard to such guidance.
- (6) Before giving guidance under subsection (4) the Secretary of State must consult—
- (a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
  - (b) the Mayor's Office for Policing and Crime,
  - (c) such persons as appear to the Secretary of State to represent the views of chief officers of police, and
  - (d) such other persons as the Secretary of State thinks fit.
- (7) In this section, in relation to a police and crime plan—
- “financial year” means the financial year of the elected local policing body;
  - “ordinary election”—
  - (a) in relation to a police and crime commissioner, has the meaning given in section 5;
  - (b) in relation to the Mayor's Office for Policing and Crime, has the meaning given in section 6;
  - “planning period”, in relation to a police and crime plan, is the period that—
  - (a) begins with—
  - (i) the day on which the plan is issued, or
  - (ii) if a qualifying day is specified in the plan as the day on which the plan is to begin to have effect, that day, and
  - (b) ends with the last day of the financial year in which the next ordinary election is expected to take place after the plan is issued;
  - “qualifying day” means a day which meets the following conditions (so far as applicable)—
  - (a) the day must fall after the day on which the plan is issued;
  - (b) the day must not fall after the day on which the next ordinary election is expected to take place after the plan is issued;
  - (c) in the case of a plan issued in accordance with the duty in section 5(1) or 6(1), the day must be, or fall before, the first day of the financial year following the financial year in which that duty must be complied with.

#### **Commencement Information**

**I3** S. 7(1)-(5)(6)(b)-(d)(7) in force at 16.1.2012 by [S.I. 2011/3019](#), art. 3, [Sch. 1](#)

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**14** S. 7(6)(a) in force at 22.11.2012 by S.I. 2012/2892, art. 2(a)

## **8 Duty to have regard to police and crime plan**

- (1) A police and crime commissioner must, in exercising the functions of commissioner, have regard to the police and crime plan issued by the commissioner.
- (2) The chief constable of the police force for a police area listed in Schedule 1 to the Police Act 1996 must, in exercising the functions of chief constable, have regard to the police and crime plan issued by the police and crime commissioner for that police area.
- (3) The Mayor's Office for Policing and Crime must, in exercising the functions of the Office, have regard to the police and crime plan issued by the Office.
- (4) The Commissioner of Police of the Metropolis must, in exercising the functions of Commissioner, have regard to the police and crime plan issued by the Mayor's Office for Policing and Crime.
- (5) The Secretary of State may give guidance to a person subject to a duty under this section about how that duty is to be complied with.
- (6) A person given such guidance must have regard to the guidance.
- (7) Before giving guidance under subsection (5) the Secretary of State must consult—
  - (a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
  - (b) the Mayor's Office for Policing and Crime,
  - (c) such persons as appear to the Secretary of State to represent the views of chief officers of police, and
  - (d) such other persons as the Secretary of State thinks fit.

### **Commencement Information**

**I5** S. 8(1)(2)(7)(a) in force at 22.11.2012 by S.I. 2012/2892, art. 2(a)

**I6** S. 8(3)-(6)(7)(b)-(d) in force at 16.1.2012 by S.I. 2011/3019, art. 3, Sch. 1

## **9 Crime and disorder reduction grants**

- (1) The elected local policing body for a police area may make a crime and disorder reduction grant to any person.
- (2) A crime and disorder reduction grant is a grant which, in the opinion of the elected local policing body, will secure, or contribute to securing, crime and disorder reduction in the body's area.
- (3) The elected local policing body may make a crime and disorder reduction grant subject to any conditions (including conditions as to repayment) which the body thinks appropriate.

### **Commencement Information**

**I7** S. 9 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, Sch. 1

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**18** S. 9 in force at 22.11.2012 in so far as not already in force by S.I. 2012/2892, art. 2(a)

## **10 Co-operative working**

- (1) The elected local policing body for a police area must, in exercising its functions, have regard to the relevant priorities of each responsible authority.
- (2) The elected local policing body for a police area, in exercising its functions, and a responsible authority, in exercising its functions conferred by or under section 6 of the Crime and Disorder Act 1998 in relation to that police area, must act in co-operation with each other.
- (3) The elected local policing body for a police area, and the criminal justice bodies which exercise functions as criminal justice bodies in that police area, must make arrangements (so far as it is appropriate to do so) for the exercise of functions so as to provide an efficient and effective criminal justice system for the police area.
- (4) The references in this section to a responsible authority exercising functions in relation to a police area are references to the responsible authority exercising the functions in relation to a local government area that is comprised, or included, in the police area.
- (5) In this section—

“criminal justice body”, in relation to the elected local policing body for a police area, means—

- (a) the chief officer of police for that police area;
- (b) the Crown Prosecution Service;
- (c) the Lord Chancellor, in exercising functions under section 1 of the Courts Act 2003 (duty to ensure efficient and effective courts service);
- (d) a Minister of the Crown, in exercising functions in relation to prisons (within the meaning of the Prison Act 1952);
- (e) a youth offending team established under section 39 of the Crime and Disorder Act 1998;
- (f) a person with whom the Secretary of State has made contractual or other arrangements, under section 3(2) of the Offender Management Act 2007, for the making of probation provision;
- (g) the Secretary of State, in making probation provision in accordance with arrangements made by the Secretary of State under section 3(5) of the Offender Management Act 2007;

“functions” does not include functions which are exercisable only in relation to Wales and relate to matters in relation to which the Welsh Ministers have functions;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

“relevant priority”, in relation to a responsible authority, means a priority applicable to the exercise of that authority's functions which is identified by that authority in compliance with a requirement imposed by regulations made under section 6(2) of the Crime and Disorder Act 1998;

“responsible authority” has the same meaning as in section 5 of the Crime and Disorder Act 1998.

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#### **Commencement Information**

- I9** S. 10 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, Sch. 1  
**I10** S. 10 in force at 22.11.2012 in so far as not already in force by S.I. 2012/2892, art. 2(a)

### *Information, consultation etc*

## **11 Information for public etc**

- (1) An elected local policing body—
  - (a) must publish specified information; and
  - (b) if the time or manner of the publication of that information is specified, must publish it at that time or in that manner.
- (2) For that purpose, “specified” means specified by the Secretary of State by order.
- (3) An elected local policing body must publish the information which the body considers to be necessary to enable the persons who live in the body's area to assess—
  - (a) the performance of the body in exercising the body's functions, and
  - (b) the performance of the relevant chief officer of police in exercising the chief officer's functions.
- (4) The information necessary to enable those persons to assess those matters by reference to a particular time, or a particular period, must be published by the elected local policing body as soon as practicable after that time or the end of that period.
- (5) An elected local policing body may provide (whether by publication or other means) information about—
  - (a) the exercise of the body's functions, and
  - (b) the exercise of the functions of the relevant chief officer of police.

#### **Commencement Information**

- I11** S. 11(1)(2) in force at 15.12.2011 by S.I. 2011/3019, art. 2(a)  
**I12** S. 11(3)-(5) in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, Sch. 1  
**I13** S. 11(3)-(5) in force at 22.11.2012 in so far as not already in force by S.I. 2012/2892, art. 2(a)

## **12 Annual reports**

- (1) Each elected local policing body must produce a report (an “annual report”) on—
  - (a) the exercise of the body's functions in each financial year, and
  - (b) the progress which has been made in the financial year in meeting the police and crime objectives in the body's police and crime plan.
- (2) As soon as practicable after producing an annual report, the elected local policing body must send the report to the relevant police and crime panel.
- (3) The elected local policing body must attend before the panel at the public meeting arranged by the panel in accordance with section 28(4), to—
  - (a) present the report to the panel, and



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- (b) answer the panel's questions on the report.
- (4) The elected local policing body must—
  - (a) give the panel a response to any report or recommendations on the annual report (see section 28(4)), and
  - (b) publish any such response.
- (5) It is for the police and crime panel to determine the manner in which a response to a report or recommendations is to be published in accordance with subsection (4)(b).
- (6) An elected local policing body must arrange for each annual report to be published.
- (7) It is for the elected local policing body to determine the manner in which an annual report is to be published.

#### **Commencement Information**

**I14** S. 12 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, Sch. 1

**I15** S. 12 in force at 22.11.2012 in so far as not already in force by S.I. 2012/2892, art. 2(a)

### **13 Information for police and crime panels**

- (1) An elected local policing body must provide the relevant police and crime panel with any information which the panel may reasonably require in order to carry out its functions.
- (2) But subsection (1) does not require the elected local policing body to provide information if disclosure of the information—
  - (a) would, in the view of the chief officer of police, be against the interests of national security,
  - (b) might, in the view of the chief officer of police, jeopardise the safety of any person,
  - (c) might, in the view of the chief officer of police, prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice, or
  - (d) is prohibited by or under any enactment.
- (3) An elected local policing body may provide the relevant police and crime panel with any other information which the body thinks appropriate.

#### **Commencement Information**

**I16** S. 13 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, Sch. 1

**I17** S. 13 in force at 22.11.2012 in so far as not already in force by S.I. 2012/2892, art. 2(a)

### **14 Arrangements for obtaining the views of the community on policing**

- (1) Section 96 of the Police Act 1996 (arrangements for obtaining the views of the community on policing) is amended in accordance with this section.
- (2) In subsection (1), after paragraph (b) insert “;

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and for obtaining the views of victims of crime in that area about matters concerning the policing of the area.”.

(3) After subsection (1) insert—

“(1A) Those arrangements must include, in the case of—

- (a) a police area listed in Schedule 1, or
- (b) the metropolitan police district,

arrangements for obtaining, before a police and crime plan is issued under section 5 or 6 of the Police Reform and Social Responsibility Act 2011, the views of the people in that police area, and the views of the victims of crime in that area, on that plan.

(1B) Those arrangements must include, in the case of a police area listed in Schedule 1, arrangements for obtaining, before the first precept for a financial year is issued by the police and crime commissioner under section 40 of the Local Government Finance Act 1992, the views of—

- (a) the people in that police area, and
- (b) the relevant ratepayers' representatives,

on the proposals of the police and crime commissioner for expenditure (including capital expenditure) in that financial year.

(1C) Those arrangements must include, in the case of the metropolitan police district, arrangements for obtaining, before the first calculations in relation to the Mayor's Office for Policing and Crime are made for a financial year under section 85 of the Greater London Authority Act 1999, the views of—

- (a) the people in the metropolitan police district, and
- (b) the relevant ratepayers' representatives,

on the proposals of the Mayor's Office for Policing and Crime for expenditure (including capital expenditure) in that financial year.”.

(4) For subsection (2) substitute—

“(2) Arrangements under this section are to be made by the local policing body for the police area, after consulting the chief officer of police for that area.”.

(5) Before subsection (6) insert—

“(5A) In subsections (1B) and (1C) “relevant ratepayers' representatives”, in relation to a police area listed in Schedule 1, or the metropolitan police district, means the persons or bodies who appear to the elected local policing body for that area or district to be representative of persons subject to non-domestic rates under sections 43 and 45 of the Local Government Finance Act 1988 as regards hereditaments situated in that area or district.

(5B) In determining which persons or bodies are relevant ratepayers' representatives, an elected local policing body must have regard to any guidance given by the Secretary of State.”.

(6) Omit subsections (6) to (10).

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#### Commencement Information

- I18** S. 14 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, Sch. 1 (with art. 8(2))  
**I19** S. 14 in force at 22.11.2012 in so far as not already in force by S.I. 2012/2892, art. 2(a)

#### *Other provisions about functions*

### 15 Supply of goods and services

- (1) Subsections (1), (2) and (3) of section 1 of the 1970 Act (supply of goods and services by local authorities) apply, with the modification set out in subsection (2), to each elected local policing body as they apply to a local authority.
- (2) In those subsections, references to a public body (within the meaning of that section) are to be read as references to any person.
- (3) An elected local policing body may not enter into an agreement with another elected local policing body, or with the Common Council of the City of London in its capacity as a police authority, under section 1 of the 1970 Act in respect of a matter which could be the subject of force collaboration provision in a collaboration agreement under section 22A of the Police Act 1996.
- (4) In this section “1970 Act” means the Local Authorities (Goods and Services) Act 1970.

#### Commencement Information

- I20** S. 15 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, Sch. 1  
**I21** S. 15 in force at 22.11.2012 in so far as not already in force by S.I. 2012/2892, art. 2(a)

### 16 Appointment of persons not employed by elected local policing bodies

- (1) This section applies where an elected local policing body is required or authorised by any Act—
  - (a) to appoint a person to a specified post in the body, or
  - (b) to designate a person as having specified duties or responsibilities.
- (2) The elected local policing body may appoint or designate a person whether or not the person is already a member of staff of the body.
- (3) Subsection (2) has effect in spite of any provision to the contrary in the Act that is mentioned in subsection (1).

#### Commencement Information

- I22** S. 16 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, Sch. 1  
**I23** S. 16 in force at 22.11.2012 in so far as not already in force by S.I. 2012/2892, art. 2(a)

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## 17 Duties when carrying out functions

- (1) In carrying out functions, an elected local policing body must have regard to the views of people in the body's area about policing in that area.
- (2) In carrying out functions in a particular financial year, an elected local policing body must have regard to any report or recommendations made by the relevant police and crime panel on the annual report for the previous financial year (see section 28(4)).
- (3) Subsection (2) does not affect any exercise of the functions of the elected local policing body in any part of a particular financial year that falls—
  - (a) before the body has received a report or recommendations on the annual report for the previous financial year, or
  - (b) during the period after receipt of a report or recommendations when the body is considering the report or recommendations.
- (4) In carrying out functions, an elected local policing body must have regard to any financial code of practice issued by the Secretary of State.
- (5) The Secretary of State may from time to time revise the whole or any part of any financial code of practice.
- (6) The Secretary of State must lay before Parliament a copy of—
  - (a) any financial code of practice, and
  - (b) any revision of a financial code of practice.
- (7) In this section “financial code of practice” means a code of practice relating to the proper administration by elected local policing bodies of their financial affairs.
- (8) This section is in addition to the duty under section 8 to have regard to the police and crime plan.

### Commencement Information

- I24** S. 17 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, Sch. 1
- I25** S. 17 in force at 22.11.2012 in so far as not already in force by S.I. 2012/2892, art. 2(a)
- I26** S. 17(4)-(7) in force at 15.12.2011 for specified purposes by S.I. 2011/3019, art. 2(b)

## 18 Delegation of functions by police and crime commissioners

- (1) The police and crime commissioner for a police area may—
  - (a) appoint a person as the deputy police and crime commissioner for that police area, and
  - (b) arrange for the deputy police and crime commissioner to exercise any function of the police and crime commissioner.
- (2) A police and crime commissioner may arrange for any person (who is not the deputy police and crime commissioner) to exercise any function of the commissioner.
- (3) But a police and crime commissioner may not—
  - (a) appoint a person listed in subsection (6) as the deputy police and crime commissioner;
  - (b) arrange for the deputy police and crime commissioner to exercise a function listed in subsection (7)(a), (e) or (f);

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- (c) arrange, under subsection (2), for a person listed in subsection (6) to exercise any function; or
  - (d) arrange, under subsection (2), for any person to exercise a function listed in subsection (7).
- (4) A deputy police and crime commissioner may arrange for any other person to exercise any function of the police and crime commissioner which is, in accordance with subsection (1)(b), exercisable by the deputy police and crime commissioner.
- (5) But the deputy police and crime commissioner may not arrange for a person to exercise a function if—
- (a) the person is listed in subsection (6), or
  - (b) the function is listed in subsection (7).
- (6) The persons referred to in subsections (3)(a) and (c) and (5) are—
- (a) a constable (whether or not in England and Wales);
  - (b) a police and crime commissioner;
  - (c) the Mayor's Office for Policing and Crime;
  - (d) the Deputy Mayor for Policing and Crime appointed by the Mayor's Office for Policing and Crime;
  - (e) the Mayor of London;
  - (f) the Common Council of the City of London;
  - (g) any other person or body which maintains a police force;
  - (h) a member of the staff of a person falling within any of paragraphs (a) to (g).
- (7) The functions referred to in subsection (3) are—
- (a) issuing a police and crime plan (see section 5);
  - (b) determining police and crime objectives (see section 7);
  - (c) attendance at a meeting of a police and crime panel in compliance with a requirement by the panel to do so (see section 29);
  - (d) preparing an annual report to a policing and crime panel (see section 12);
  - (e) appointing the chief constable, suspending the chief constable, or calling upon the chief constable to retire or resign (see section 38);
  - (f) calculating a <sup>F1</sup>council tax requirement or a] budget requirement (see section <sup>F2</sup>42A or] 43 of the Local Government Finance Act 1992).
- (8) If a function of a police and crime commissioner is exercisable by any other person in accordance with this section, any property or rights vested in the commissioner may be dealt with by the other person in exercising the function, as if vested in that person.
- (9) Subsection (2) applies whether or not there is a deputy police and crime commissioner.
- (10) The deputy police and crime commissioner is a member of the police and crime commissioner's staff.
- (11) For further provision about the appointment of a deputy police and crime commissioner, see paragraphs 8 to 12 of Schedule 1.

#### Textual Amendments

- F1** Words in s. 18(7)(f) inserted (3.12.2011) by [Localism Act 2011 \(c. 20\), s. 240\(2\), Sch. 7 para. 53\(a\)](#); [S.I. 2011/2896, art. 2\(i\)](#)

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*Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, CHAPTER 3. (See end of Document for details)*

**F2** Words in s. 18(7)(f) inserted (3.12.2011) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 7 para. 53\(b\)](#); [S.I. 2011/2896](#), art. 2(i)

**Commencement Information**

**I27** S. 18 in force at 22.11.2012 by [S.I. 2012/2892](#), art. 2(a)

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

- (1) The Mayor's Office for Policing and Crime may—
  - (a) appoint a person as the Deputy Mayor for Policing and Crime, and
  - (b) arrange for the Deputy Mayor for Policing and Crime to exercise any function of the Mayor's Office for Policing and Crime.
- (2) The Mayor's Office for Policing and Crime may arrange for a person (who is not the Deputy Mayor for Policing and Crime) to exercise any function of the Mayor's Office for Policing and Crime.
- (3) But the Mayor's Office for Policing and Crime may not—
  - (a) appoint a person listed in subsection (6) as the Deputy Mayor for Policing and Crime;
  - (b) arrange for the Deputy Mayor for Policing and Crime to exercise a function listed in subsection (7) (a), (e), (f), (g) or (h);
  - (c) arrange, under subsection (2), for a person listed in subsection (6) to exercise any function; or
  - (d) arrange, under subsection (2), for a person to exercise a function listed in subsection (7).
- (4) The Deputy Mayor for Policing and Crime may arrange for any other person to exercise any function of the Mayor's Office for Policing and Crime which is, in accordance with subsection (1)(b), exercisable by the Deputy Mayor for Policing and Crime.
- (5) But the Deputy Mayor for Policing and Crime may not arrange for a person to exercise a function if—
  - (a) the person is listed in subsection (6), or
  - (b) the function is listed in subsection (7).
- (6) The persons referred to in subsections (3)(a) and (c) and (5) are—
  - (a) a constable (whether or not in England and Wales);
  - (b) a police and crime commissioner;
  - (c) the Mayor of London;
  - (d) the Common Council of the City of London;
  - (e) any other person or body which maintains a police force;
  - (f) a member of the staff of a person falling within any of paragraphs (a) to (e).
- (7) The functions mentioned in subsection (3) are—
  - (a) issuing a police and crime plan (see section 6);
  - (b) determining police and crime objectives (see section 7);
  - (c) attendance at a meeting of the police and crime panel of the London Assembly in compliance with a requirement by the panel to do so (see section 29);

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- (d) preparing an annual report to the policing and crime panel of the London Assembly (see section 12);
  - (e) making recommendations in relation to the appointment of a Commissioner of Police of the Metropolis under section 42;
  - (f) making representations in relation to the appointment of a Deputy Commissioner of Police of the Metropolis under section 45;
  - (g) being consulted in relation to the appointment or removal of an Assistant Commissioner of Police of the Metropolis, a Deputy Assistant Commissioner of Police of the Metropolis, or a Commander (see sections 45, 46, 47 and 49);
  - (h) suspending the Commissioner, or Deputy Commissioner, of Police of the Metropolis, or calling upon the Commissioner, or Deputy Commissioner, to retire or resign (see section 48).
- (8) If a function of the Mayor's Office for Policing and Crime is exercisable by a person in accordance with subsection (1), (2) or (4), any property or rights vested in the Office may be dealt with by the other person in exercising the function, as if vested in that person.
- (9) Subsection (2) applies whether or not there is a Deputy Mayor for Policing and Crime.
- (10) The Deputy Mayor for Policing and Crime is a member of the staff of the Mayor's Office for Policing and Crime.
- (11) But that is subject to paragraph 4(4) of Schedule 3 (Deputy Mayor an Assembly member).
- (12) The appointment of the Deputy Mayor for Policing and Crime is subject to Schedule 4A to the Greater London Authority Act 1999.
- (13) For further provision about the appointment of the Deputy Mayor for Policing and Crime, see paragraph 4 of Schedule 3.

#### Commencement Information

**I28** S. 19 in force at 16.1.2012 by [S.I. 2011/3019](#), art. 3, [Sch. 1](#) (with art. 6, [Sch. 2](#) para. 2)

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

- (1) The Greater London Authority Act 1999 is amended in accordance with this section.
- (2) In section 60A (confirmation hearings etc for certain appointments by the Mayor)—
- (a) in the title, at the end insert “ **or Mayor's Office for Policing and Crime** ”;
  - (b) in subsection (3), omit the entry relating to the chairman and vice chairman of the Metropolitan Police Authority;
  - (c) for subsection (4) substitute—
- “(4) This section also applies in any case where the Mayor's Office for Policing and Crime proposes to make an appointment, under section 19 of the Police Reform and Social Responsibility Act 2011, of a person to be the Deputy Mayor for Policing and Crime.”.
- (3) In Schedule 4A (confirmation hearings etc)—
- (a) in paragraph 1 (application of Schedule), after sub-paragraph (2) insert—

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*Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, CHAPTER 3. (See end of Document for details)*

- “(3) This Schedule also has effect where the Mayor's Office for Policing and Crime proposes to make an appointment, under section 19 of the Police Reform and Social Responsibility Act 2011, of a person to be the Deputy Mayor for Policing and Crime.
- (4) In the application of this Schedule in relation to such an appointment, references to the Mayor are to be read as references to the Mayor's Office for Policing and Crime.
- (5) Paragraph 9 does not apply in relation to such an appointment (but see section 32 of the Police Reform and Social Responsibility Act 2011).
- (6) Paragraph 10 applies in relation to such an appointment if the candidate is not a member of the London Assembly.
- (7) Paragraphs 2, 4 and 5 are subject to paragraph 10.”;
- (b) after paragraph 9 insert—

- “10
- (1) The London Assembly may veto the appointment of the candidate as Deputy Mayor for Policing and Crime if the candidate is not a member of the London Assembly.
- (2) The exercise of that power of veto in relation to an appointment is not valid unless the London Assembly—
- (a) has held a confirmation meeting in relation to the appointment before the exercise of the power; and
  - (b) notifies the Mayor's Office for Policing and Crime of the veto within the period of 3 weeks described in paragraph 4(3).
- (3) If the London Assembly vetoes the appointment of the candidate, the Mayor's Office for Policing and Crime must not appoint the candidate.
- (4) References in this Schedule to the London Assembly vetoing the appointment of a candidate are references to the Assembly making a decision, by the required majority, that the candidate should not be appointed as Deputy Mayor for Policing and Crime.
- (5) For that purpose, the London Assembly makes that decision by the required majority if at least two-thirds of the votes given in making that decision are votes in favour of making that decision.”

**Commencement Information**

**I29** S. 20 in force at 16.1.2012 by S.I. 2011/3019, art. 3, Sch. 1 (with art. 6)

*Financial matters*

**21 Police fund**

- (1) Each elected local policing body must keep a fund to be known as the police fund.



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*Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, CHAPTER 3. (See end of Document for details)*

- (2) All of an elected local policing body's receipts must be paid into the relevant police fund.
- (3) All of an elected local policing body's expenditure must be paid out of the relevant police fund.
- (4) An elected local policing body must keep accounts of payments made into or out of the relevant police fund.
- (5) Subsections (2) and (3) are subject to any regulations under the Police Pensions Act 1976.
- (6) In this section “relevant police fund”, in relation to an elected local policing body, means the police fund which that body keeps.

#### Commencement Information

**I30** S. 21 in force at 16.1.2012 for specified purposes by S.I. 2011/3019, art. 3, Sch. 1

**I31** S. 21 in force at 22.11.2012 in so far as not already in force by S.I. 2012/2892, art. 2(a)

## 22 Minimum budget for police and crime commissioner

- (1) Section 41 of the Police Act 1996 (directions as to minimum budget) is amended as follows.
- (2) In subsection (1)—
  - (a) for “a police authority established under section 3” substitute “ a police and crime commissioner ”;
  - (b) for “the authority” substitute “ the commissioner ”;
  - [<sup>F3</sup>(c) for “its” substitute “the commissioner's”.]
- (3) After subsection (1) insert—

“(1A) But the Secretary of State may not give a direction to the police and crime commissioner for a police area by virtue of subsection (1) unless the Secretary of State is satisfied that it is necessary to give the direction in order to prevent the safety of people in that police area from being put at risk.”.
- (4) In subsection (4)—
  - (a) for “a police authority” substitute “ a police and crime commissioner ”;
  - (b) for “the authority” substitute “ the commissioner ”.

#### Textual Amendments

**F3** S. 22(2)(c) substituted (3.12.2011) by Localism Act 2011 (c. 20), s. 240(2), Sch. 7 para. 54; S.I. 2011/2896, art. 2(i)

#### Commencement Information

**I32** S. 22 in force at 22.11.2012 by S.I. 2012/2892, art. 2(a)

*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, CHAPTER 3. (See end of Document for details)*

## 23 Minimum budget for Mayor's Office for Policing and Crime

- (1) The Greater London Authority Act 1999 is amended as follows.
- (2) Section 95 (minimum budget for Metropolitan Police Authority) is amended in accordance with subsections (3) to (7).
- (3) In the title, for “**Metropolitan Police Authority**” substitute “ **Mayor's Office for Policing and Crime** ”.
- (4) In subsection (1), for “Metropolitan Police Authority” substitute “ Mayor's Office for Policing and Crime ”.
- (5) In subsection (2), for “Metropolitan Police Authority” substitute “ Mayor's Office for Policing and Crime ”.
- (6) After subsection (2) insert—
  - “(2A) But the Secretary of State may not give a direction to the Authority under subsection (2) unless the Secretary of State is satisfied that it is necessary to give the direction in order to prevent the safety of people in the metropolitan police district from being put at risk.”.
- (7) In subsections (3), (4) and (7), for “Metropolitan Police Authority” (in each place) substitute “ Mayor's Office for Policing and Crime ”.
- (8) In section 96 (provisions supplemental to section 95), in subsection (6), for “Metropolitan Police Authority” substitute “ Mayor's Office for Policing and Crime ”.

### Commencement Information

**I33** S. 23 in force at 16.1.2012 by S.I. 2011/3019, art. 3, Sch. 1

## 24 Police grant

- (1) Section 46 of the Police Act 1996 (police grant) is amended as follows.
- (2) In subsection (1)—
  - (a) for paragraph (a) substitute—
    - “(a) police and crime commissioners,
    - (aa) the Common Council, and”;
  - (b) for the words after paragraph (b) substitute—
    - “and in those provisions a reference to a grant recipient is a reference to a police and crime commissioner, the Common Council or the Greater London Authority.”.
- (3) In subsection (2)(b), for “authority” substitute “ grant recipient ”.
- (4) In subsection (4), for “police authorities” substitute “ grant recipients ”.
- (5) In subsection (5), for “different authorities or different classes of authority” substitute “ different grant recipients or different classes of grant recipient ”.
- (6) In subsection (7), for “police authority” substitute “ grant recipient ”.

*Status: Point in time view as at 22/11/2012.*

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- (7) In subsection (7A)—
- (a) for “Metropolitan Police Authority” substitute “ Mayor's Office for Policing and Crime ”;
  - (b) for “that Authority” substitute “ that Office ”.
- (8) In subsection (8)—
- (a) for “an authority's” substitute “ a grant recipient's ”;
  - (b) for “the authority” substitute “ the grant recipient ”;
  - (c) for “an authority” substitute “ a grant recipient ”.
- (9) In subsection (9), for “Metropolitan Police Authority” substitute “ Mayor's Office for Policing and Crime ”.

#### **Commencement Information**

**I34** S. 24(1)(7)(9) in force at 16.1.2012 by S.I. 2011/3019, art. 3, Sch. 1

**I35** S. 24(2)-(6)(8) in force at 22.11.2012 by S.I. 2012/2892, art. 2(a)

## **25 Other grants etc under Police Act 1996**

- (1) The Police Act 1996 is amended as follows.
- (2) In section 47 (grants for capital expenditure)—
- (a) in subsection (1), for the words from “by” to “Authority”, substitute “ by local policing bodies ”;
  - (b) in subsection (4), for “by virtue of subsection (1)(b)” substitute “ under subsection (1) in respect of expenditure incurred (or to be incurred) by the Mayor's Office for Policing and Crime ”;
  - (c) in subsection (5)—
    - (i) for “Metropolitan Police Authority” substitute “ Mayor's Office for Policing and Crime ”;
    - (ii) for “that Authority” substitute “ that Office ”.
- (3) In section 48 (grants for expenditure on safeguarding national security)—
- (a) in subsection (1), for the words from “by” to “security”, substitute “ by local policing bodies in connection with safeguarding national security ”;
  - (b) in subsection (4), for “by virtue of subsection (1)(b)” substitute “ under subsection (1) in respect of expenditure incurred (or to be incurred) by the Mayor's Office for Policing and Crime ”;
  - (c) in subsection (5)—
    - (i) for “Metropolitan Police Authority” substitute “ Mayor's Office for Policing and Crime ”;
    - (ii) for “that Authority” substitute “ that Office ”.
- (4) In section 92 (grants by local authorities)—
- (a) in subsection (1), for “police authority established under section 3” substitute “ police and crime commissioner ”;
  - (b) in subsection (2), for “Metropolitan Police Authority” substitute “ Mayor's Office for Policing and Crime ”.

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- (5) In section 93 (acceptance of gifts or loans)—
- (a) in subsection (1), for “police authority” substitute “ local policing body ”;
  - (b) in subsection (2), for “police authority” substitute “ local policing body ”.
- (6) Section 94 (financing of new police authorities) is amended as follows.
- (7) In the title, for “**police authorities**” substitute “ **police and crime commissioners** ”.
- (8) In subsection (1)—
- (a) for “police authority established under section 3” substitute “ police and crime commissioner ”;
  - (b) for “it” substitute “ the commissioner ”.
- (9) In subsection (2)—
- (a) for “police authority established under section 3” substitute “ police and crime commissioner ”;
  - (b) for “it” substitute “ the commissioner ”;
  - (c) for “its” (in both places) substitute “ the commissioner's ”.
- (10) In subsection (3)—
- (a) for “an authority” substitute “ a commissioner ”;
  - (b) for “its” substitute “ the commissioner's ”.
- (11) In subsection (4)—
- (a) for “a police authority” substitute “ a police and crime commissioner ”;
  - (b) for “it” (in both places) substitute “ the commissioner ”.

#### Commencement Information

**I36** S. 25(1)-(3)(4)(b)(5) in force at 16.1.2012 by [S.I. 2011/3019](#), [art. 3](#), [Sch. 1](#)

**I37** S. 25(4)(a)(6)-(11) in force at 22.11.2012 by [S.I. 2012/2892](#), [art. 2\(a\)](#)

## 26 Precepts

- (1) The Local Government Finance Act 1992 is amended in accordance with subsections (2) and (3).
- (2) In section 39 (precepting and precepted authorities), in subsection (1) (major precepting authorities), for paragraph (b) substitute—
- “(b) a police and crime commissioner;”.
- (3) In section 65 (duty to consult ratepayers), in subsection (3) (definition of relevant authority), after “major precepting authority” insert “ , apart from a police and crime commissioner ”.
- (4) Schedule 5 (issuing precepts) has effect.

#### Commencement Information

**I38** S. 26 in force at 22.11.2012 by [S.I. 2012/2892](#), [art. 2\(a\)](#)

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*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, CHAPTER 3. (See end of Document for details)*

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## 27 Other grants etc

- (1) Section 155 of the Local Government and Housing Act 1989 (emergency financial assistance to local authorities) is amended in accordance with subsections (2) and (3).
- (2) In subsection (1A) (grants to GLA functional bodies), for paragraph (b) substitute—  
“(b) the Mayor's Office for Policing and Crime, or”.
- (3) In subsection (4) (meaning of local authority), for paragraph (ea) substitute—  
“(ea) a police and crime commissioner;”.
- (4) In section 33 of the Local Government Act 2003 (interpretation of Chapter 1 of Part 3: expenditure grant), in subsection (1) (meaning of local authority), for paragraph (m) substitute—  
“(m) a police and crime commissioner.”.

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### Commencement Information

**I39** S. 27(1)(2) in force at 16.1.2012 by S.I. 2011/3019, art. 3, Sch. 1

**I40** S. 27(3)(4) in force at 22.11.2012 by S.I. 2012/2892, art. 2(a)

**Status:**

Point in time view as at 22/11/2012.

**Changes to legislation:**

There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, CHAPTER 3.