



# Police Reform and Social Responsibility Act 2011

## 2011 CHAPTER 13

### PART 1

#### POLICE REFORM

#### CHAPTER 6

##### POLICE AND CRIME COMMISSIONERS: ELECTIONS AND VACANCIES

##### *Conduct of elections*

#### **58 Power to make provision about elections etc**

- (1) The Secretary of State <sup>F1</sup>... may by order make provision as to—
  - (a) the conduct of elections of persons to be police and crime commissioners;
  - (b) the questioning of such an election and the consequences of irregularities.
- (2) The provision which may be made under subsection (1)(a) includes, in particular, provision—
  - (a) about registration of electors;
  - (b) for disregarding alterations in a register of electors;
  - (c) about the registration or other recognition of political parties and other persons incurring expenditure in relation to elections of police and crime commissioners;
  - (d) about funding and expenditure, in relation to elections of police and crime commissioners, of candidates, political parties and other persons incurring such expenditure;
  - (e) for the combination of polls at elections of police and crime commissioners and other polls;

*Changes to legislation:* There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Section 58. (See end of Document for details)

- (f) for any election held in consequence of any irregularity at an ordinary election to be treated as held at an ordinary election for any of the purposes of this Act.
- (3) An order under subsection (1) may—
  - (a) apply or incorporate, with or without modifications or exceptions, any relevant provision;
  - (b) modify any form contained in any relevant provision so far as may be necessary to enable it to be used both for the original purpose and in relation to elections for police and crime commissioners;
  - (c) include provision creating criminal offences.
- (4) Provision within paragraph (d) of subsection (2) includes, in particular—
  - (a) provision prohibiting, or imposing limitations on, funding or expenditure of any kind mentioned in that paragraph, and
  - (b) provision for treating funding or expenditure of any such kind which does not relate exclusively to an election of police and crime commissioners as being (or not being), wholly or partly, funding or expenditure in relation to which—
    - (i) any provision within paragraph (a) applies, or
    - (ii) any relevant provision applies.
- (5) The Secretary of State<sup>F2</sup>... may by order make modifications of any relevant provision that are consequential on any provision of—
  - (a) section 1(4),
  - (b) this Chapter,
  - (c) an order under subsection (1), or
  - (d) regulations under section 54.

<sup>F3</sup>(5A) .....

- (6) Provision that may be made under subsection (5) includes, in particular, provision modifying any relevant provision so as to apply (with or without modifications)—
  - (a) in relation to elections for police and crime commissioners as it applies in relation to other elections;
  - (b) in relation to police and crime commissioners as it applies in relation to persons elected at other elections.

- (7) In this section—
  - “relevant provision” means any provision (whenever passed or made) of, or made under, any of the following—
    - (a) the Representation of the People Acts,
    - (b) the Local Government Act 1972,
    - (c) the Local Government Act 2000,
    - (d) the Political Parties, Elections and Referendums Act 2000,
    - (e) <sup>F4</sup>...
    - (f) the Government of Wales Act 2006, and
    - (g) any other enactment relating to parliamentary elections <sup>F4</sup>... or local government elections;

“modify” includes amend, repeal or revoke (and related terms are to be read accordingly).

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**Changes to legislation:** There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Section 58. (See end of Document for details)

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### Textual Amendments

- F1** Words in s. 58(1) omitted (8.12.2021) by virtue of [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 22(4)(a)** (with art. 12)
- F2** Words in s. 58(5) omitted (8.12.2021) by virtue of [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 22(4)(a)** (with art. 12)
- F3** S. 58(5A) omitted (12.8.2015) by virtue of [The Transfer of Functions \(Police and Crime Commissioner Elections\) Order 2015 \(S.I. 2015/1526\)](#), art. 1(2), **Sch. para. 1(4)** (with art. 5(2))
- F4** Words in s. 58(7) repealed (31.12.2020) by [The European Parliamentary Elections Etc. \(Repeal, Revocation, Amendment and Saving Provisions\) \(United Kingdom and Gibraltar\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1310\)](#), reg. 1, **Sch. 1 Pt. 1** (as amended by S.I. 2019/1389, regs. 1, 2(2))

### Modifications etc. (not altering text)

- C1** S. 58(1)(5)(c) functions to be exercisable concurrently (11.3.2014) by [The Transfer of Functions \(Elections\) Order 2014 \(S.I. 2014/268\)](#), arts. 1(2), **2** (with art. 3)
- C2** S. 58 functions transferred (22.6.2015) by [The Chancellor of the Duchy of Lancaster Order 2015 \(S.I. 2015/1376\)](#), arts. 1(2), 3(1), **Sch. 1** (with art. 9)
- C3** S. 58(5)(a)(b)(d) functions to be exercisable concurrently with the Chancellor of the Duchy of Lancaster (12.8.2015) by [The Transfer of Functions \(Police and Crime Commissioner Elections\) Order 2015 \(S.I. 2015/1526\)](#), arts. 1(2), **3(1)(2)(c)** (with arts. 3(3), 4)
- C4** Ss. 50-61 excluded (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\)](#), art. 1(2), **Sch. 2 para. 21(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Section 58.