



Police Reform and Social Responsibility Act 2011

2011 CHAPTER 13

PART 1

POLICE REFORM

CHAPTER 6

POLICE AND CRIME COMMISSIONERS: ELECTIONS AND VACANCIES

Disqualification

66 Disqualification from election or holding office as police and crime commissioner: other grounds

- (1) A person is disqualified from being elected as, or being, a police and crime commissioner unless the person satisfies the citizenship condition (see section 68).
- (2) A person is disqualified from being elected as, or being, a police and crime commissioner if the person—
 - (a) is disqualified from being a member of the House of Commons under section 1(1)(a) to (c) of the House of Commons Disqualification Act 1975 (judges, civil servants, members of the armed forces), or
 - (b) is a member of the legislature of any country or territory outside the United Kingdom.
- (3) A person is disqualified from being elected as, or being, a police and crime commissioner if—
 - (a) the person is the subject of—
 - (i) a debt relief restrictions order under paragraph 1 of Schedule 4ZB to the Insolvency Act 1986;

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- (ii) an interim debt relief restrictions order under paragraph 5 of that Schedule;
 - (iii) a bankruptcy restrictions order under paragraph 1 of Schedule 4A to that Act;
 - (iv) a bankruptcy restrictions interim order under paragraph 5 of that Schedule;
- (b) a debt relief restrictions undertaking has effect in respect of the person under paragraph 7 of Schedule 4ZB to that Act;
- (c) the person has been convicted in the United Kingdom, the Channel Islands, or the Isle of Man, of any imprisonable offence (whether or not sentenced to a term of imprisonment in respect of the offence);^{F1}...
- (d) the person is incapable of being elected as a member of the House of Commons, or is required to vacate a seat in the House of Commons, under Part 3 of the Representation of the People Act 1983 (consequences of corrupt or illegal practices)^{F2}; or
- (e) the person is incapable of being elected to or holding the office of—
- (i) member of the Northern Ireland Assembly having been reported personally guilty or convicted of a corrupt practice under section 114A of the Representation of the People Act 1983 (as applied by Schedule 1 to the Northern Ireland Assembly (Elections) Order 2001 (S.I. 2001/2599)) (undue influence);
 - (ii) member of a district council in Northern Ireland having been reported personally guilty or convicted of a corrupt practice under paragraph 3 of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (undue influence).]
- (4) For the purpose of subsection (3)(c)—
- (a) “imprisonable offence” means an offence—
 - (i) for which a person who has attained the age of 18 years may be sentenced to a term of imprisonment, or
 - (ii) for which, in the case of such a person, the sentence is fixed by law as life imprisonment;
 - (b) a person is to be treated as having been convicted—
 - (i) on the expiry of the ordinary period allowed for an appeal or application in respect of the conviction, or
 - (ii) if an appeal or application is made in respect of the conviction, when the appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution.
- (5) A person is disqualified from being elected as, or being, police and crime commissioner for a police area if the person—
- (a) is a member of staff of a relevant council, or
 - (b) holds any employment in an entity which is under the control of a relevant council within subsection (7)(a), (b), (c) or (f).
- (6) For this purpose—
- “member of staff” has the same meaning as in section 65;
 - “relevant council”, in relation to a police area, means a council within subsection (7) for an area which, or any part of which, lies within the police area.

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- (7) Those councils are—
- (a) a county council;
 - (b) a county borough council;
 - (c) a district council;
 - (d) a parish council;
 - (e) a community council;
 - (f) the Council of the Isles of Scilly.
- (8) In subsection (5)(b), the reference to an entity under the control of a relevant council is to be construed in accordance with regulations made by the Secretary of State ^{F3}....
- (9) Nothing in subsection (5) is to be taken to disqualify a person by virtue of being a teacher, or otherwise employed, in a school or other educational institution maintained or assisted by a relevant council.
- [^{F4}(10) Subsection (11) applies to the police and crime commissioner for a police area if, by virtue of an order under section 4A of the Fire and Rescue Services Act 2004, the person who is for the time being the commissioner for that area is also the fire rescue authority for an area which corresponds to or falls within the police area.
- (11) A person is disqualified from being elected as, or being, that police and crime commissioner if the person is employed by—
- (a) a fire and rescue authority within section 1(2) or (3) of the Fire and Rescue Services Act 2004,
 - (b) a fire and rescue authority constituted by a scheme under section 2 of that Act or a scheme to which section 4 of that Act relates, or
 - (c) a fire and rescue authority created by an order under section 4A of that Act.]

[^{F5}(12) A person is disqualified from being elected as, or being, police and crime commissioner if the person—

 - (a) is the London Fire Commissioner, or
 - (b) is a member of the staff of the London Fire Commissioner.]

Textual Amendments

- F1** Word in s. 66(3)(c) omitted (1.11.2023) by virtue of Elections Act 2022 (c. 37), s. 67(1), **Sch. 5 para. 7(a)**; S.I. 2023/1145, reg. 3(g) (with Sch. paras. 9(2)(4))
- F2** S. 66(3)(e) and word inserted (1.11.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 5 para. 7(b)**; S.I. 2023/1145, reg. 3(g) (with Sch. paras. 9(2)(4))
- F3** Words in s. 66(8) 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)(c)** (with art. 12)
- F4** S. 66(10)(11) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 90**; S.I. 2017/399, reg. 2, Sch. para. 38
- F5** S. 66(12) inserted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 117**; S.I. 2018/227, reg. 4(c)

Modifications etc. (not altering text)

- C1** Ss. 64–68: power to apply conferred by 2009 c. 20, **Sch. 5C para. 9(1)** (as inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 2**)

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- C2** S. 66(8) 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)(e)** (with arts. 3(3), 4)

Commencement Information

- I1** S. 66 in force at 25.4.2012 by [S.I. 2012/1129](#), **art. 2(b)**

Changes to legislation:

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