



Police Reform and Social Responsibility Act 2011

2011 CHAPTER 13

PART 1

POLICE REFORM

CHAPTER 6

POLICE AND CRIME COMMISSIONERS: ELECTIONS AND VACANCIES

Elections: further provision

71 Judicial proceedings as to disqualification or vacancy

- (1) Any person who claims that a person purporting to be a police and crime commissioner for a police area is, or at any time since being elected has been, disqualified—
 - (a) from being a police and crime commissioner; or
 - (b) from being police and crime commissioner for the police area,may apply to the High Court for a declaration to that effect, and that accordingly the office of police and crime commissioner for the area is vacant.
- (2) An application under subsection (1) in respect of any person may be made whether the grounds on which it is made are alleged to have subsisted at the time when the person was elected or to have arisen subsequently.
- (3) No declaration may be made under this section in respect of any person on grounds which subsisted when the person was elected, if an election petition under an order under section 58 is pending or has been tried in which the person's disqualification on those grounds is or was in issue.

Status: This is the original version (as it was originally enacted).

- (4) Any person who claims that a person purporting to be a police and crime commissioner for a police area has ceased to be the police and crime commissioner for the police area by virtue of—
- (a) section 63, or
 - (b) section 70,
- may apply to the High Court for a declaration to that effect.
- (5) On an application under this section—
- (a) the person in respect of whom the application is made is to be the respondent, and
 - (b) the applicant must give such security for the costs of the proceedings as the court may direct.
- (6) The amount of the security may not exceed £5,000 or such other sum as the Secretary of State may specify by order.
- (7) The decision of the court on an application under this section is final.