



Police Reform and Social Responsibility Act 2011

2011 CHAPTER 13

PART 1

POLICE REFORM

CHAPTER 7

OTHER PROVISIONS RELATING TO POLICING AND CRIME AND DISORDER

Duties and powers of Secretary of State

82 Suspension and removal of senior police officers

- (1) The Police Act 1996 is amended as follows.
- (2) Section 42 (removal of chief constables etc) is amended in accordance with subsections (3) to (11).
- (3) For the title substitute “**Metropolitan police: suspension or removal of Commissioner or Deputy Commissioner**”.
- (4) For subsections (1) to (1B) substitute—
 - “(1) The Secretary of State may require the Mayor’s Office for Policing and Crime to exercise the power under section 48 of the Police Reform and Social Responsibility Act 2011 (the “2011 Act”) to call upon the Commissioner of Police of the Metropolis, or the Deputy Commissioner of Police of the Metropolis, to retire or resign.
 - (1A) The Secretary of State may also require the Mayor’s Office for Policing and Crime to exercise the power under section 48 of the 2011 Act to suspend the Commissioner of Police of the Metropolis, or the Deputy Commissioner of

Status: This is the original version (as it was originally enacted).

Police of the Metropolis, if the Secretary of State considers that it is necessary for the maintenance of public confidence in the metropolitan police force for that police officer to be suspended.”.

(5) In subsection (2), for the words before paragraph (a) substitute—

“(2) Before requiring the Mayor’s Office for Policing and Crime to exercise its power to call upon the Commissioner of Police of the Metropolis, or the Deputy Commissioner of Police of the Metropolis, to retire or resign, the Secretary of State shall—”.

(6) In subsection (2A), for the words from “notice” (in the second place) to the end substitute “notice to the Mayor’s Office for Policing and Crime.”.

(7) In subsection (3A)—

- (a) in paragraph (a), for the words from “, Deputy” to “question” substitute “or Deputy Commissioner”;
- (b) in paragraph (b), for the words from “Metropolitan” to “concerned” substitute “Mayor’s Office for Policing and Crime”.

(8) In subsection (3B), for the words from “, Deputy” to “question” substitute “or Deputy Commissioner”.

(9) In subsection (4), for the words from “, the Deputy” to “constable” substitute “or Deputy Commissioner”.

(10) For subsection (4A) substitute—

“(4A) If the Secretary of State exercises the power conferred by subsection (1) to require the Mayor’s Office for Policing and Crime to call upon the Commissioner to retire or resign—

- (a) the requirement of section 48(1) of the 2011 Act to obtain the Secretary of State’s consent does not apply, and
- (b) section 48(5) of the 2011 Act does not apply.”.

(11) Omit subsection (4C).

(12) In section 50 (regulations for police forces), after subsection (2) insert—

“(2A) Without prejudice to the generality of subsection (1) or (2), regulations under this section may make provision with respect to the procedures to be followed by police and crime commissioners, or the Mayor’s Office for Policing and Crime, in exercising—

- (a) powers of suspension, or
- (b) powers of removal,

(whether, in the case of the Mayor’s Office for Policing and Crime, on their own initiative or in compliance with a requirement imposed by the Secretary of State).

(2B) In subsection (2A)—

“power of removal” means—

- (a) the power conferred on police and crime commissioners by section 38(3) of the 2011 Act to require chief constables to retire or resign;

- (b) the power conferred on the Mayor’s Office for Policing and Crime by section 48(3) of the 2011 Act to require the Commissioner or Deputy Commissioner of Police of the Metropolis to retire or resign;

“power of suspension” means—

- (a) the power conferred on police and crime commissioners by section 38(2) of the 2011 Act to suspend chief constables;
- (b) the power conferred on the Mayor’s Office for Policing and Crime by section 48(1) of the 2011 Act to suspend the Commissioner or Deputy Commissioner of Police of the Metropolis;

and for this purpose “2011 Act” means the Police Reform and Social Responsibility Act 2011.”.