

## SCHEDULES

### SCHEDULE 5

Modifications of police and crime commissioner enactments in their application to the Mayor

### PART 2

#### Secondary legislation

#### **Motor Vehicles (Third Party Risks) Regulations 1972**

**38.**—(1) The Motor Vehicles (Third Party Risks) Regulations 1972(1) are modified as follows.

(2) For regulation 7(3) (production of evidence as alternatives to certificates), substitute—

“(3) In the case of a motor vehicle owned by the Combined Authority for use wholly or partly in relation to the Mayor’s PCC functions, a certificate in form F signed by some person authorised in that behalf by the Mayor that the motor vehicle is owned by the Combined Authority for use in relation to the Mayor’s PCC functions.”.

#### **Commencement Information**

**I1** Sch. 5 para. 38 in force at 20.12.2023, see [art. 1\(2\)](#)

#### **Official Secrets Act 1989 (Prescription) Order 1990**

**39.**—(1) The Official Secrets Act 1989 (Prescription) Order 1990(2) is modified as follows.

(2) In Schedule 2 (prescriptions), for “a Deputy police and crime commissioner”, substitute “a deputy mayor for policing and crime”.

#### **Commencement Information**

**I2** Sch. 5 para. 39 in force at 20.12.2023, see [art. 1\(2\)](#)

#### **Police (Disposal of Sound Equipment) Regulations 1995**

**40.**—(1) The Police (Disposal of Sound Equipment) Regulations 1995(3) are modified as follows.

(2) In regulation 4(4) (application of proceeds of sale), for “local policing body” substitute “Combined Authority”.

(1) [S.I. 1972/1217](#). Regulation 7(3) was amended by [S.I. 2011/3058](#). There are other amending instruments not relevant to this instrument.

(2) [S.I. 1990/200](#), amended by [S.I. 2012/2900](#). There are other amending instruments not relevant to this instrument.

(3) [S.I. 1995/722](#). Regulation 4 was amended by [S.I. 2000/1549](#) and [2011/3058](#).

**Commencement Information**

**I3** Sch. 5 para. 40 in force at 20.12.2023, see [art. 1\(2\)](#)

**Police (Property) Regulations 1997**

**41.**—(1) The Police (Property) Regulations 1997(4) are modified as follows.

(2) In regulation 6(6), for “relevant authority” substitute “Combined Authority”.

(3) In regulation 7(1), for “vest in them” substitute “vest in the Combined Authority”.

**Commencement Information**

**I4** Sch. 5 para. 41 in force at 20.12.2023, see [art. 1\(2\)](#)

**Health and Safety (Enforcing Authority) Regulations 1998**

**42.**—(1) The Health and Safety (Enforcing Authority) Regulations 1998(5) are modified as follows.

(2) In regulation 4(3)(d) (exceptions), for “a local policing body” substitute “the Combined Authority in relation to the Mayor’s PCC functions”.

**Commencement Information**

**I5** Sch. 5 para. 42 in force at 20.12.2023, see [art. 1\(2\)](#)

**Motor Vehicles (Driving Licences) Regulations 1999**

**43.**—(1) The Motor Vehicles (Driving Licences) Regulations 1999(6) are modified as follows.

(2) In regulation 23(1)(c)(ii) (persons by whom theory tests may be conducted), for “local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

(3) In regulation 24(1)(d)(ii) (persons by whom manoeuvres tests, large vehicle off road manoeuvres tests, practical tests and unitary tests may be conducted), for “local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

(4) In regulation 58(2)(c)(ii) (provision of approved training courses), for “local policing body” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.

**Commencement Information**

**I6** Sch. 5 para. 43 in force at 20.12.2023, see [art. 1\(2\)](#)

(4) [S.I. 1997/1908](#). Regulation 6 was amended by [S.I. 2002/2313](#) and [2013/2318](#). Regulation 7 was amended by paragraph 320 of the Sentencing Act 2020 (c. 17).

(5) [S.I. 1998/494](#). Regulation 4(3)(d) was amended by [S.I. 2011/3058](#). There are other amendments to regulation 4 not relevant to this instrument.

(6) [S.I. 1999/2864](#), amended by [S.I. 2011/3058](#). There are other amending instruments not relevant to this instrument.

### **Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999**

**44.**—(1) The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999(7) is modified as follows.

(2) For paragraph 2 of Section 6 of Schedule 1 (Employment to which this Order applies: Employers immediately before the relevant event), substitute—

“**2.** The Combined Authority in relation to employees deployed wholly or partly in relation to the Mayor’s PCC functions.”.

#### **Commencement Information**

**17** Sch. 5 para. 44 in force at 20.12.2023, see [art. 1\(2\)](#)

### **Motor Vehicles (Access to Driver Licensing Records) Regulations 2001**

**45.**—(1) The Motor Vehicles (Access to Driver Licensing Records) Regulations 2001(8) are modified as follows.

(2) In regulation 3(2) (further disclosure), for “local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

#### **Commencement Information**

**18** Sch. 5 para. 45 in force at 20.12.2023, see [art. 1\(2\)](#)

### **Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001**

**46.**—(1) The Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001(9) are modified as follows.

(2) In regulation 2(1)(b) for “a local policing body or” substitute “the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions or a”.

#### **Commencement Information**

**19** Sch. 5 para. 46 in force at 20.12.2023, see [art. 1\(2\)](#)

### **Police Regulations 2003**

**47.**—(1) The Police Regulations 2003(10) are modified as follows.

(2) In regulation 7(7)(a) (business interests of members of police forces: general), for “a deputy appointed under section 18(1)(a) or 19(1)(a) of the Police Reform and Social Responsibility Act 2011” substitute “the deputy mayor for policing and crime”.

(3) In regulation 24(1)(b) (pay), for “local policing body” substitute “Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions”.

(7) [S.I. 1999/2277](#). Paragraph 2 of Section 6 of Schedule 1 was substituted by [S.I. 2012/2733](#).

(8) [S.I. 2001/3343](#). Regulation 3(2) was amended by [S.I. 2011/3058](#).

(9) [S.I. 2001/2645](#). Regulation 2 was amended by [S.I. 2012/61](#).

(10) [S.I. 2003/527](#). Regulation 7 was substituted by [S.I. 2012/1960](#). Regulation 24(1) was amended by [S.I. 2011/3026](#).

**Commencement Information**

**I10** Sch. 5 para. 47 in force at 20.12.2023, see [art. 1\(2\)](#)

**Docking of Working Dogs’ Tails (England) Regulations 2007**

**48.**—(1) The Docking of Working Dogs’ Tails (England) Regulations 2007(**11**) are modified as follows.

- (2) In regulation 2 (interpretation), for the definition of “police identification” substitute—
- ““police identification” means evidence that the person presenting the identification is—
- (a) a police officer;
  - (b) employed by the Combined Authority and deployed wholly or partly in relation to the Mayor’s PCC functions;
  - (c) contracted to work for the Mayor in relation to the Mayor’s PCC functions; or
  - (d) contracted to work for, or otherwise employed by, the chief officer of police.”.

**Commencement Information**

**I11** Sch. 5 para. 48 in force at 20.12.2023, see [art. 1\(2\)](#)

**REACH Enforcement Regulations 2008**

**49.**—(1) The REACH Enforcement Regulations 2008(**12**) are modified as follows.

(2) In paragraph 5(c) of Part 3 of Schedule 3, for “local policing body” substitute “the Combined Authority in relation to the Mayor’s PCC functions.”.

**Commencement Information**

**I12** Sch. 5 para. 49 in force at 20.12.2023, see [art. 1\(2\)](#)

**Elected Local Policing Bodies (Specified Information) Order 2011**

**50.**—(1) The Elected Local Policing Bodies (Specified Information) Order 2011(**13**) is modified as follows.

- (2) In article 1(2) (interpretation)—
- (a) for the definition of “election” substitute—
 

““election” means an election for the return of a Mayor;”;
  - (b) in the definition of “relevant office holder”, for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;
  - (c) for the definition of “senior employee”, substitute—
 

““senior employee” means a member of staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions and whose salary exceeds £50,000;”;

(11) [S.I. 2007/1120](#). The definition of “police identification” was amended by [S.I. 2012/61](#).

(12) [S.I. 2008/2852](#). Paragraph 5(c) of Part 3 of Schedule 3 was amended by [S.I. 2011/3058](#).

(13) [S.I. 2011/3050](#).

- (d) for the definition of “staff”, substitute—
- ““staff” means members of staff employed by the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions but does not include the deputy mayor for policing and crime.”.
- (3) In the Schedule—
- (a) in paragraph 2—
- (i) omit the first reference to “of the elected local policing body”;
- (ii) for each of the remaining two references to “elected local policing body” substitute “Combined Authority”;
- (b) in paragraph 3(14)—
- (i) for sub-paragraph (b), substitute—
- “(b) the PCC component.”;
- (ii) in sub-paragraph (c), for “the precept” substitute “the PCC component”;
- (c) in paragraph 4(15)—
- (i) for the first reference to “elected local policing body”, substitute “Combined Authority in relation to the Mayor’s PCC functions”;
- (ii) in sub-paragraph (a), for “by, or occupied for the purposes of” substitute “by the Combined Authority in relation to the Mayor’s PCC functions, or occupied for the purposes of”;
- (iii) in sub-paragraphs (b) and (c), for “£10,000” substitute “£5,000”;
- (iv) for sub-paragraph (d), substitute—
- “(d) a list of every contract with a value not exceeding £5,000—
- (i) which the Mayor has entered into, or is to enter into, on behalf of the combined authority in relation to the Mayor’s PCC functions; or
- (ii) to which the chief officer of the police force maintained by the mayor is, or is to be, a party,
- including the value of the contract, the identity of every other party to the contract and the purpose of the contract.”.

#### Commencement Information

**I13** Sch. 5 para. 50 in force at 20.12.2023, see [art. 1\(2\)](#)

### Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012

**51.**—(1) The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012(16) are modified as follows.

- (2) In regulation 2 (interpretation)—
- (a) after the definition of “document”, insert—

(14) Paragraph 3 of the Schedule was amended by [S.I. 2012/2479](#) and [2013/1816](#).

(15) Paragraph 4 of the Schedule was amended by [S.I. 2012/2479](#).

(16) [S.I. 2012/62](#) to which there are amendments not relevant to this instrument.

- ““head of paid service” means the head of paid service designated by the Combined Authority under section 4(1)(a) of the Local Government and Housing Act 1989(17);”;
- (b) in the definition of “police and crime panel”, in paragraph (a), for “deputy police and crime commissioner” substitute “deputy mayor for policing and crime”;
- (c) in the definition of “relevant office”, for paragraph (b) substitute—
- “(b) deputy mayor for policing and crime;”.
- (3) In regulation 7 (delegation of powers and duties by police and crime panels)—
- (a) for paragraph (1)(a), substitute—
- “(a) the monitoring officer appointed by the Combined Authority under section 5(1)(a) of the Local Government and Housing Act 1989;”;
- (b) in paragraph (2), omit “a chief executive or”;
- (c) for paragraph (3), substitute—
- “(3) Where the police and crime panel delegates powers or duties conferred or imposed by or under regulation 9 (notification and recording of complaints), 11 (notification and recording of conduct matters arising in civil proceedings) or 12 (recording of conduct matters in other cases) to the monitoring officer appointed by the Combined Authority, the monitoring officer shall notify the head of paid service of any complaint or conduct matter considered by the monitoring officer in accordance with those regulations.”.
- (4) In regulation 15(3)(a) (disapplication of requirements of regulations), for “the office holder’s staff” substitute “staff deployed by the Combined Authority wholly or partly in relation to the mayor’s PCC functions”.
- (5) In regulation 28(1) (informal resolution)—
- (a) omit sub-paragraph (a);
- (b) for sub-paragraph (b), substitute—
- “(b) the deputy mayor for policing and crime who is not a member of the Combined Authority at the time when the complaint is recorded;”.
- (6) For regulation 29 (resolution in accordance with Part 3 of the Local Government Act 2000), substitute—

**“Resolution in accordance with the combined authority’s code of conduct.**

**29.—**(1) If a complaint to which this Part applies concerns the conduct of—

- (a) the Mayor, or
- (b) the deputy mayor for policing and crime who is a member of the Combined Authority at the time when the complaint is recorded,

the police and crime panel shall pass the complaint to the monitoring officer appointed by the Combined Authority under section 5(1)(a) of the Local Government and Housing Act 1989 (“the monitoring officer”).

(2) On receiving a complaint in accordance with paragraph (1), the monitoring officer shall deal with it in accordance with the Combined Authority’s code of conduct adopted under section 27(2) of the Localism Act 2011.

(3) The monitoring officer shall as soon as practicable inform the police and crime panel of the outcome of the complaint.”.

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(17) 1989 c. 42.

**Commencement Information**

**I14** Sch. 5 para. 51 in force at 20.12.2023, see [art. 1\(2\)](#)

**Police Appeals Tribunals Rules 2012**

**52.**—(1) The Police Appeals Tribunal Rules 2012(**18**) are modified as follows.

(2) In rule 15(4) (legal and other representation) for “relevant local policing body” substitute “Combined Authority”.

**Commencement Information**

**I15** Sch. 5 para. 52 in force at 20.12.2023, see [art. 1\(2\)](#)

**Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012**

**53.**—(1) The Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012(**19**) are modified as follows.

(2) In regulation 3(2) (entities under the control of a relevant council)—

- (a) in sub-paragraph (c), omit “or”;
- (b) in sub-paragraph (d), after (c) insert “, or”;
- (c) after sub-paragraph (d), insert—
  - “(e) the Combined Authority.”.

**Commencement Information**

**I16** Sch. 5 para. 53 in force at 20.12.2023, see [art. 1\(2\)](#)

**Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012**

**54.**—(1) The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012(**20**) are modified as follows.

(2) In regulation 4(2) (report on proposed precept), for “may issue the proposed precept as the precept” substitute “may determine that the proposed PCC component is the final amount of the PCC component”.

(3) In regulation 5(2) (veto: police and crime commissioner’s response), for “precept that he now proposes to issue” substitute “PCC component that he now proposes to determine”.

(4) In regulation 6(2) (panel’s review of revised precept)—

- (a) in sub-paragraph (a), for “issuing the revised precept as the precept” substitute “finalising the revised precept as the PCC component to be determined”;
- (b) in sub-paragraph (b), for “precept that should be issued” substitute “PCC component that should be determined”.

**(18)** [S.I. 2012/2630](#), subject to modification and saving by [S.I. 2020/1](#).

**(19)** [S.I. 2012/2087](#).

**(20)** [S.I. 2012/2271](#).

(5) In regulation 7 (police and crime commissioner’s consideration of second report), for “1st March” substitute “the penultimate working day in February”.

(6) In regulation 8 (issuing precept)—

(a) in paragraph (2)—

(i) in sub-paragraph (a), for “issue the revised precept as the precept” substitute “finalise the revised precept as the PCC component to be determined”;

(ii) in sub-paragraph (b), for “issue a different precept” substitute “finalise a different amount of the PCC component”;

(b) in paragraph (3)—

(i) in sub-paragraph (a), for “issue a precept” substitute “finalise the PCC component”;

(ii) in sub-paragraph (b), for “issue a precept” substitute “finalise the PCC component”.

#### Commencement Information

**I17** Sch. 5 para. 54 in force at 20.12.2023, see [art. 1\(2\)](#)

### Local Government Pension Scheme Regulations 2013

**55.**—(1) The Local Government Pension Scheme Regulations 2013 are modified as follows.

(2) After regulation 64(8) (special circumstances where revised actuarial valuations and certificates must be obtained), insert—

“(8A) Paragraph (8B) applies where the exiting employer is the Police and Crime Commissioner for the area and the liabilities of the fund in respect of benefits due to the Commissioner’s current and former employees (or those of any predecessor authority) have been or are to be transferred to the Combined Authority by virtue of the York and North Yorkshire Combined Authority Order 2023.

(8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.”.

#### Commencement Information

**I18** Sch. 5 para. 55 in force at 20.12.2023, see [art. 1\(2\)](#)

### Local Audit (Auditor Resignation and Removal) Regulations 2014

**56.**—(1) The Local Audit (Auditor Resignation and Removal) Regulations 2014(21) are modified as follows.

(2) In regulation 2 (application of these Regulations to policing bodies)—

(a) in paragraph (3), for “police and crime commissioner” substitute “Combined Authority”;

(b) in paragraph (4), for “a police and crime commissioner” substitute “the Combined Authority in relation to the Mayor’s PCC functions”.

(21) [S.I. 2014/1710](#).



**Commencement Information**

**I19** Sch. 5 para. 56 in force at 20.12.2023, see [art. 1\(2\)](#)

**Combined Authorities (Mayors) (Filling of Vacancies) Order 2017**

**57.**—(1) The Combined Authorities (Mayors) (Filling of Vacancies) Order 2017 is modified as follows.

(2) In article 4(d) (date on which vacancy occurs)—

(a) in paragraph (ii), omit “or”;

(b) in paragraph (iii), at the end insert “or”;

(c) after paragraph (iii), insert—

“(iv) the mayor ceasing to hold office by virtue of section 63 (vacancy where acting commissioner acts for 6 months) of the Police Reform and Social Responsibility Act 2011;”.

**Commencement Information**

**I20** Sch. 5 para. 57 in force at 20.12.2023, see [art. 1\(2\)](#)

**Police Appeals Tribunals Rules 2020**

**58.**—(1) The Police Appeals Tribunal Rules 2020(**22**) are modified as follows.

(2) In rule 19(4)(c) and (d) (legal and other representation), for “relevant local policing body” substitute “Combined Authority”.

**Commencement Information**

**I21** Sch. 5 para. 58 in force at 20.12.2023, see [art. 1\(2\)](#)

**Policing Protocol Order 2023**

**59.**—(1) The Policing Protocol Order 2023(**23**) is modified as follows.

(2) In the Schedule—

(a) in paragraph 5, for “of each PCC”, substitute “deployed by the Combined Authority wholly or partly in relation to the mayor’s PCC functions”;

(b) for paragraph 13, substitute—

“**13.** Chief Constables are established in law as corporations sole within the 2011 Act. In doing so Chief Constables are enabled by law to employ staff and hold funds. Chief Constables are charged with the impartial direction and control of all constables and staff within the police force that they lead.

**13A.** The staff of the Combined Authority deployed wholly or partly in relation to the Mayor’s PCC functions are accountable to the directly elected Mayor to enable the Mayor to exercise their PCC functions.”;

(22) [S.I. 2020/1](#).

(23) [S.I. 2023/649](#).

**Changes to legislation:** There are currently no known outstanding effects for the The York and North Yorkshire Combined Authority Order 2023, PART 2. (See end of Document for details)

- (c) in paragraph 16, for “precept” substitute “PCC component”;
- (d) in paragraph 17(d), for “precept” substitute “PCC component”;
- (e) in paragraph 24—
  - (i) in sub-paragraph (a), for “precept” substitute “PCC component”;
  - (ii) in sub-paragraph (h), for “incapacitated, resigns or is disqualified” substitute “suspended from the exercise of PCC functions”;
  - (iii) omit sub-paragraph (i);
- (f) after paragraph 24, insert—

“**24A.** Complaints against the Mayor and deputy mayor for policing and crime (if that person is a member of the Combined Authority) will be dealt with in accordance with the Combined Authority’s existing standards regime, which operates under local government legislation. Serious complaints and conduct matters must be passed to the Director General of the Independent Office for Police Conduct in line with legislation.”.

**Commencement Information**

**I22** Sch. 5 para. 59 in force at 20.12.2023, see [art. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The York and North Yorkshire Combined Authority Order 2023, PART 2.