

**2012 No. 2892 (C. 111)**

**POLICE, ENGLAND AND WALES**

**The Police Reform and Social Responsibility Act 2011  
(Commencement No. 7 and Transitional Provisions and  
Commencement No. 3 and Transitional Provisions  
(Amendment)) Order 2012**

*Made* - - - - *14th November 2012*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 154(5) and 157(1) of the Police Reform and Social Responsibility Act 2011(a).

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Police Reform and Social Responsibility Act 2011 (Commencement No. 7 and Transitional Provisions and Commencement No. 3 and Transitional Provisions (Amendment)) Order 2012.

(2) In this Order “the Act” means the Police Reform and Social Responsibility Act 2011.

**Provisions coming into force on 22nd November 2012**

**2.** The day appointed for the coming into force of the following provisions of the Act is 22nd November 2012—

- (a) Part 1 (police reform), in so far as it is not already in force;
- (b) Schedule 1 (police and crime commissioners);
- (c) Schedule 2 (chief constables);
- (d) Schedule 5 (issuing precepts);
- (e) Schedule 8 (appointment, suspension and removal of senior police officers);
- (f) Schedule 11 (crime and disorder strategies), in so far as it is not already in force;
- (g) Schedule 14 (police: complaints), in so far as it is not already in force;
- (h) Schedule 15 (police reform: transitional provision), in so far as it is not already in force;
- (i) Schedule 16 (police reform: minor and consequential amendments), in so far as it is not already in force.

### **Transitional provision in relation to the accounts of police authorities**

3. Regulations 7 and 8 of the Accounts and Audit (England) Regulations 2011<sup>(a)</sup> shall not apply to a police authority in England established under section 3 of the Police Act 1996<sup>(b)</sup> in relation to the financial year beginning on 1st April 2012.

### **Transitory provision in relation to the appointment of a police and crime commissioner's chief executive and chief finance officer**

4.—(1) This article applies on the first occasion when a police and crime commissioner of any police area exercises the power—

- (a) to appoint a person to be the commissioner's chief executive under paragraph 6(1)(a) of Schedule 1 to the Act; or
- (b) to appoint a person to be the commissioner's chief finance officer under paragraph 6(1)(b) of that Schedule.

(2) Paragraphs 9 to 12 of Schedule 1 to the Act do not apply—

- (a) to the appointment of a person as chief executive if, immediately before the coming into force of section 1 of the Act, the person was serving as the chief executive of the police authority for the same police area appointed under section 16(1) of the Police Act 1996<sup>(c)</sup>; or
- (b) to the appointment of a person as chief finance officer if, immediately before the coming into force of section 1 of the Act, the person was responsible for the proper administration of the police authority's financial affairs in accordance with section 112(1) of the Local Government Finance Act 1988<sup>(d)</sup>.

### **Transitory provision in connection with civilian staff of police forces**

5.—(1) This article applies, in relation to any police force maintained under section 2 of the Police Act 1996, until there is no longer any person employed as a police civilian member of the staff of the police and crime commissioner by whom that police force is maintained, within the meaning of paragraph 7(10)(b) of Schedule 15 to the Act.

(2) Section 102(4) of the Act has effect as if before paragraph (a) there was inserted—

“(aa) persons—

- (i) who are members of the staff of the police and crime commissioner by whom the police force is maintained; and
- (ii) who are under the direction and control of the chief constable.”.

(3) Where the chief constable—

- (a) appoints a person to be the police force's chief finance officer under paragraph 4(1) of Schedule 2 to the Act; or
- (b) appoints a person to act as the chief finance officer under paragraph 5(1) of that Schedule,

that person does not become a member of the staff of the chief constable by virtue of the appointment, but becomes or remains a police civilian member of the staff of the police and crime commissioner by whom the police force is maintained.

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(a) S.I. 2011/817.

(b) 1996 c. 16.

(c) Section 16(1) was amended by paragraph 75 of Schedule 27 to the Greater London Authority Act 1999 (c. 29) and paragraph 18 of Schedule 2 to the Police and Justice Act 2006 (c. 48).

(d) 1988 c. 41.

(4) Section 29(1) of the Act (which allows a police and crime panel to require members of the staff of the police and crime commissioner to attend before the panel and answer questions) shall not apply in relation to a police civilian member of the commissioner’s staff.

(5) Section 62(1) of the Act (which requires a police and crime panel to appoint a member of the staff of a police and crime commissioner as acting commissioner in certain circumstances) shall not permit the panel to appoint a person who is a police civilian member of the commissioner’s staff.

#### **Transitional provision in relation to police complaints and misconduct**

**6.—**(1) This article applies in relation to a complaint, conduct matter or death or serious injury matter which came to the attention of an appropriate authority before 22nd November 2012.

(2) With the exception of paragraphs 4, 7 and 8(1), (2), (3), (4) and (6) (which have effect as modified by paragraph (3) of this article), the provisions of Schedule 14 to the Act brought into force by this Order shall not apply in relation to the complaint or matter.

(3) Paragraph 4 of Schedule 14 to the Act has effect in relation to the complaint or matter as if it read—

“4. In section 14 (direction and control matters)—

(a) in subsection (2) for “police authorities” substitute “local policing bodies”;

(b) in subsection (3) for “police authority” substitute “local policing body”.”

(4) In this article “appropriate authority”, “complaint”, “conduct matter” and “death or serious injury matter” have the same meaning as in Part 2 of the Police Reform Act 2002(a).

#### **Transitory provision in relation to members of the National Policing Improvement Agency**

**7.—**(1) This article has effect in relation to the first occasion when the Secretary of State appoints a person to be a member of the National Policing Improvement Agency in consequence of the coming into force of paragraph 360(4)(b) of Schedule 16 to the Act.

(2) Paragraph 360(4)(b) shall have effect as if it read—

“(b) in sub-paragraph (4)(a), for “nominated by the Association of Police Authorities” substitute “who appears to the Secretary of State to represent the views of police and crime commissioners”.”

#### **Amendment to the Police Reform and Social Responsibility Act 2011 (Commencement No. 3 and Transitional Provisions) Order 2011**

**8.—**(1) The Police Reform and Social Responsibility Act 2011 (Commencement No. 3 and Transitional Provisions) Order 2011(b) is amended as follows.

(2) In article 7 (transitory provision in connection with the civilian staff of the metropolitan police force), at the end insert—

“(4) Section 33(5) and (6)(b) of the Act (which allows the London Assembly to require any member of the staff of the Mayor’s Office for Policing and Crime to attend proceedings of the Assembly for the purpose of giving evidence, or to produce documents to the Assembly) shall not apply in relation to a police civilian member of the staff of the Office.”

(3) In article 8 (transitional and transitory provision and savings in connection with police complaints and misconduct), for paragraph (1) substitute—

“**8.—**(1) Paragraph (2) of this article applies in relation to a complaint, conduct matter or death or serious injury matter which came to the attention of an appropriate authority before 22nd November 2012.

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(a) 2002 c. 30.

(b) S.I. 2011/3019, as amended by S.I. 2012/75.

(1A) In paragraph (1A), “appropriate authority”, “complaint”, “conduct matter” and “death or serious injury matter” have the same meaning as in Part 2 of the Police Reform Act 2002.

(1B) Paragraphs (3) and (4) of this article apply until the coming into force of section 1 of the 2011 Act.”

Home Office  
14th November 2012

*Damian Green*  
Minister of State

### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings the following provisions of the Police Reform and Social Responsibility Act 2011 (“the Act”) into force on 22nd November 2012, to the extent that they are not already in force: Part 1, Schedule 1, Schedule 2, Schedule 5, Schedule 8, Schedule 11, Schedule 14, Schedule 15 and Schedule 16. The Order also makes transitional provision.

This Order also amends article 8 of the Police Reform and Social Responsibility Act 2011 (Commencement No. 3 and Transitional Provisions) Order 2011 (“the 2011 Order”), which makes transitional provision in relation to provisions of the Act concerning police complaints and misconduct which came into force in the metropolitan police district on 16th January 2012.

The result is that the provision made by article 8(2) of the 2011 Order, which was to have effect until the coming into force of section 1 of the Act on 22nd November 2012, continues to have effect in relation to a police complaint, conduct matter or death or serious injury matter which came to the attention of an appropriate authority before that date. This mirrors the effect of the provision made by article 6 of this Order, thus ensuring that police complaints and other matters already under consideration immediately before 22nd November 2012 continue to be dealt with consistently, in accordance with the old law, throughout England and Wales.

### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

*(This note is not part of the Order)*

The following provisions of the Police Reform and Social Responsibility Act 2011 have been brought into force by a commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 3	16th January 2012	2011/3019
Section 4	16th January 2012	2011/3019
Section 6	16th January 2012	2011/3019
Section 7 (partially)	16th January 2012	2011/3019
Section 8 (partially)	16th January 2012	2011/3019
Section 9 (partially)	16th January 2012	2011/3019
Section 10 (partially)	16th January 2012	2011/3019
Section 11 (partially)	15th December 2011	2011/3019
Section 11 (partially)	16th January 2012	2011/3019
Section 12 (partially)	16th January 2012	2011/3019
Section 13 (partially)	16th January 2012	2011/3019
Section 14 (partially)	16th January 2012	2011/3019
Section 15 (partially)	16th January 2012	2011/3019
Section 16 (partially)	16th January 2012	2011/3019

Section 17 (partially)	15th December 2011	2011/3019
Section 17 (partially)	16th January 2012	2011/3019
Section 19	16th January 2012	2011/3019
Section 20	16th January 2012	2011/3019
Section 21 (partially)	16th January 2012	2011/3019
Section 23	16th January 2012	2011/3019
Section 24 (partially)	16th January 2012	2011/3019
Section 25 (partially)	16th January 2012	2011/3019
Section 27 (partially)	16th January 2012	2011/3019
Section 28 (partially)	25th April 2012	2012/1129
Section 31	31st October 2011	2011/2515
Section 32	16th January 2012	2011/3019
Section 33	16th January 2012	2011/3019
Section 34	16th January 2012	2011/3019
Section 35	16th January 2012	2011/3019
Section 36 (partially)	16th January 2012	2011/3019
Section 37 (partially)	16th January 2012	2011/3019
Section 42	16th January 2012	2011/3019
Section 43	16th January 2012	2011/3019
Section 44	16th January 2012	2011/3019
Section 45	16th January 2012	2011/3019
Section 46	16th January 2012	2011/3019
Section 47	16th January 2012	2011/3019
Section 48	16th January 2012	2011/3019
Section 49	16th January 2012	2011/3019
Section 50	25th April 2012	2012/1129
Section 51	25th April 2012	2012/1129
Section 52	25th April 2012	2012/1129
Section 53	25th April 2012	2012/1129
Section 54	25th April 2012	2012/1129
Section 55	25th April 2012	2012/1129
Section 56	25th April 2012	2012/1129
Section 57	25th April 2012	2012/1129
Section 58	25th April 2012	2012/1129
Section 59	25th April 2012	2012/1129
Section 60	25th April 2012	2012/1129
Section 61	25th April 2012	2012/1129
Section 62	25th April 2012	2012/1129
Section 63	25th April 2012	2012/1129
Section 64	25th April 2012	2012/1129
Section 65	25th April 2012	2012/1129
Section 66	25th April 2012	2012/1129
Section 67	25th April 2012	2012/1129
Section 68	25th April 2012	2012/1129
Section 69	25th April 2012	2012/1129
Section 70	25th April 2012	2012/1129
Section 71	25th April 2012	2012/1129
Section 72	25th April 2012	2012/1129
Section 73	25th April 2012	2012/1129
Section 74	25th April 2012	2012/1129
Section 75	25th April 2012	2012/1129
Section 76	25th April 2012	2012/1129
Section 77	25th April 2012	2012/1129

Section 78	15th November 2011	2011/2515
Section 79 (partially)	31st October 2011	2011/2515
Section 79 (partially)	16th January 2012	2011/3019
Section 80	15th November 2011	2011/2515
Section 81 (partially)	16th January 2012	2011/3019
Section 82 (partially)	15th December 2011	2011/3019
Section 82 (partially)	16th January 2012	2011/3019
Section 83 (partially)	16th January 2012	2011/3019
Section 84	16th January 2012	2011/3019
Section 85	16th January 2012	2011/3019
Section 86	16th January 2012	2011/3019
Section 87	16th January 2012	2011/3019
Section 88 (partially)	16th January 2012	2011/3019
Section 89	16th January 2012	2011/3019
Section 90	16th January 2012	2011/3019
Section 91	16th January 2012	2011/3019
Section 92	16th January 2012	2011/3019
Section 93	16th January 2012	2011/3019
Section 94	16th January 2012	2011/3019
Section 95 (partially)	15th November 2011	2011/2515
Section 95 (partially)	16th January 2012	2011/3019
Section 96 (partially)	16th January 2012	2011/3019
Section 97 (partially)	16th January 2012	2011/3019
Section 98 (partially)	31st October 2011	2011/2515
Section 98 (partially)	16th January 2012	2011/3019
Section 99 (partially)	16th January 2012	2011/3019
Section 100	16th January 2012	2011/3019
Section 101	16th January 2012	2011/3019
Section 102 (partially)	16th January 2012	2011/3019
Section 103	25th April 2012	2012/1129
Section 104	25th April 2012	2012/1129
Section 105 (partially)	22nd March 2012	2012/896
Section 105 (insofar as not already in force)	25th April 2012	2012/1129
Section 106 (partially)	22nd March 2012	2012/896
Section 106 (insofar as not already in force)	25th April 2012	2012/1129
Section 107 (partially)	22nd March 2012	2012/896
Section 107 (insofar as not already in force)	25th April 2012	2012/1129
Section 108 (partially)	22nd March 2012	2012/896
Section 108 (insofar as not already in force)	25th April 2012	2012/1129
Section 109	25th April 2012	2012/1129
Section 110	25th April 2012	2012/1129
Section 111	25th April 2012	2012/1129
Section 112	25th April 2012	2012/1129
Section 113 (partially)	22nd March 2012	2012/896
Section 113 (insofar as not already in force)	25th April 2012	2012/1129
Section 114 (partially)	22nd March 2012	2012/896
Section 114 (insofar as not already in force)	25th April 2012	2012/1129
Section 115 (partially)	22nd March 2012	2012/896
Section 115 (insofar as not already in force)	25th April 2012	2012/1129
Section 116	25th April 2012	2012/1129
Section 117	25th April 2012	2012/1129
Section 118 (partially)	22nd March 2012	2012/896
Section 118 (insofar as not already in force)	25th April 2012	2012/1129

Section 119	31st October 2012	2012/2670
Section 120	25th April 2012	2012/1129
Section 122	25th April 2012	2012/1129
Section 123	25th April 2012	2012/1129
Section 124	25th April 2012	2012/1129
Section 125	31st October 2012	2012/2670
Section 126	31st October 2012	2012/2670
Section 127	31st October 2012	2012/2670
Section 128	31st October 2012	2012/2670
Section 129	31st October 2012	2012/2670
Section 130	31st October 2012	2012/2670
Section 131	31st October 2012	2012/2670
Section 132	31st October 2012	2012/2670
Section 133	31st October 2012	2012/2670
Section 134	31st October 2012	2012/2670
Section 135	31st October 2012	2012/2670
Section 136	31st October 2012	2012/2670
Section 137	31st October 2012	2012/2670
Section 138	31st October 2012	2012/2670
Section 139	31st October 2012	2012/2670
Section 140	31st October 2012	2012/2670
Section 141 (partially)	19th December 2011	2011/2834
Section 141 (insofar as not already in force)	30th March 2012	2011/2834
Section 142	19th December 2011	2011/2834
Section 143	19th December 2011	2011/2834
Section 144	19th December 2011	2011/2834
Section 145	19th December 2011	2011/2834
Section 146	19th December 2011	2011/2834
Section 147	19th December 2011	2011/2834
Section 148	19th December 2011	2011/2834
Section 149	19th December 2011	2011/2834
Section 150 (partially)	19th December 2011	2011/2834
Section 151	15th November 2011	2011/2515
Section 152	15th November 2011	2011/2515
Schedule 3	16th January 2012	2011/3019
Schedule 4	16th January 2012	2011/3019
Schedule 6	25th April 2012	2012/1129
Schedule 7	31st October 2011	2011/2515
Schedule 9	25th April 2012	2012/1129
Schedule 10 (partially)	25th April 2012	2012/1129
Schedule 11 (partially)	16th January 2012	2011/3019
Schedule 12	16th January 2012	2011/3019
Schedule 13	16th January 2012	2011/3019
Schedule 14 (partially)	15th November 2011	2011/2515
Schedule 14 (partially)	16th January 2012	2011/3019
Schedule 15 (partially)	31st October 2011	2011/2515
Schedule 15 (partially)	16th January 2012	2011/3019
Schedule 16 (partially)	16th January 2012	2011/3019
Schedule 17	15th November 2011	2011/2515

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STATUTORY INSTRUMENTS

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**POLICE, ENGLAND AND WALES**

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