

## Appendix A

### Summary of relevant legislation applicable to Deputy to Police and Crime Commissioner Role

#### Police Reform and Social Responsibility Act 2011 – Schedule 1

##### *The deputy police and crime commissioner*

8(1) This paragraph applies to a person appointed under section 18 by a police and crime commissioner to be the deputy police and crime commissioner.

(2) None of the following may be appointed as the deputy police and crime commissioner—

- (a) a person who has not attained the age of 18 on the day of the appointment;
- (b) a person who is subject to a relevant disqualification;
- (c) a Member of the House of Commons;
- (d) a member of the European Parliament;
- (e) a member of the National Assembly for Wales;
- (f) a member of the Scottish Parliament;
- (g) a member of the Northern Ireland Assembly.

(3) The terms and conditions of a person appointed as the deputy police and crime commissioner must ensure that the term of office ends no later than the sixth day after the day of the poll at the next ordinary election of police and crime commissioners (that is, the day on which the term of office of the appointing police and crime commissioner would, if there were no vacancy in the office before then, end in accordance with section 50(7)(b)).

(3A) The terms and conditions must also provide for the deputy police and crime commissioner's appointment to end when, following an election held under section 51 to fill a vacancy in the office of the appointing police and crime commissioner, the person elected makes and delivers a declaration of acceptance of office under section 70(1).

(3B) Subject to sub-paragraphs (3) and (3A), the terms and conditions may make such provision about termination as the appointing police and crime commissioner thinks appropriate.

(4) Section 7 of the Local Government and Housing Act 1989 (appointment of staff on merit) does not apply to the deputy police and crime commissioner.

(6) For the purposes of this paragraph, a person is subject to a relevant disqualification if the person is disqualified from being elected as, or being, a police and crime commissioner under—

(a) section 65(1) (police officers, police-related employment etc), other than paragraph (e)(ii); or

(b) section 66(1), (3)(a)(iii) or (iv), (3)(c) or (3)(d) (citizenship, bankruptcy, criminal convictions & corrupt or illegal election practices).

### ***Scrutiny of senior appointments***

9(1) A police and crime commissioner must notify the relevant police and crime panel of each proposed appointment by the commissioner of—

(a) the commissioner's chief executive,

(b) the commissioner's chief finance officer, or

(c) a deputy police and crime commissioner.

(2) In a case where the police and crime commissioner notifies the relevant police and crime panel of such an appointment (“a proposed senior appointment”), the commissioner must also notify the panel of the following information—

(a) the name of the person whom the commissioner is proposing to appoint (“the candidate”);

(b) the criteria used to assess the suitability of the candidate for the appointment;

(c) why the candidate satisfies those criteria; and

(d) the terms and conditions on which the candidate is to be appointed.

10(1) This paragraph applies if a police and crime panel is notified under paragraph 9 of a proposed senior appointment.

(2) The panel must review the proposed senior appointment.

(3) The panel must make a report to the commissioner on the proposed senior appointment.

(4) The report must include a recommendation to the police and crime commissioner as to whether or not the candidate should be appointed.

(5) The panel must comply with sub-paragraphs (2) to (4), within the period of three weeks beginning with the day on which the panel receives the notification from the commissioner of the proposed senior appointment.

(6) The panel must publish the report to the commissioner made under this paragraph.

(7) It is for the panel to determine the manner in which the recommendation is to be published in accordance with sub-paragraph (6).

(8) In calculating the period of three weeks for the purpose of sub-paragraph (5), any relevant post-election period is to be ignored.

(9) For that purpose, “relevant post-election period” means the period that—

(a) begins with the day of the poll at an ordinary election of a police and crime commissioner under section 50, and

(b) ends with the day on which the person elected as police and crime commissioner delivers a declaration of acceptance of office under section 70.

11(1) A police and crime panel must hold a confirmation hearing before making a report and recommendation under paragraph 10 to the police and crime commissioner in relation to a proposed senior appointment.

(2) For the purposes of this Schedule a “confirmation hearing” is a meeting of the panel, held in public, at which the candidate is requested to appear for the purpose of answering questions relating to the appointment.

(3) References in this Schedule to a person appearing at a meeting of the panel are references to the person—

(a) attending the meeting in person, or

(b) not attending the meeting in person but participating in the proceedings at the meeting by any means that enable the person to hear, and be heard in, those proceedings as they happen.

12(1) The police and crime commissioner may accept or reject the panel's recommendation under paragraph 10 as to whether or not the candidate should be appointed.

(2) The police and crime commissioner must notify the panel of the decision whether to accept or reject the recommendation

**Additional information from section 65: Disqualification from election or holding office as police and crime commissioner: police grounds**

(1) 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)(d) of the House of Commons Disqualification Act 1975 (members of police forces for police areas in the United Kingdom);

(b) is a member of—

(i) the British Transport Police Force;

(ii) the Civil Nuclear Constabulary;

(c) is a special constable appointed—

(i) under section 27 of the Police Act 1996 for a police area or the City of London police area;

(ii) under section 25 of the Railways and Transport Safety Act 2003 (British Transport Police Force);

(d) is a member of staff of the chief officer of police of any police force maintained for a police area;

(e) is a member of staff of—

(i) a police and crime commissioner;

(ii) the Mayor's Office for Policing and Crime;

(f) is the Mayor of London;

(g) is a member of the Common Council of the City of London or a member of staff of that Council in its capacity as a police authority;

(h) is a member (including a member who is chairman or chief executive), or member of staff, of—

(i) the British Transport Police Authority;

(ii) the Civil Nuclear Police Authority;

(iii) the Independent Office for Police Conduct;

(iv) the Serious Organised Crime Agency;

(i) holds any employment in an entity which is under the control of—

- (i) a local policing body;
  - (ii) anybody mentioned in paragraph (h);
  - (iii) the chief officer of police for any police force maintained for a police area or the City of London police area;
  - (iv) the chief officer of police for any police force mentioned in paragraph (b).
- (1A) Subsection (1)(e)(i) does not prevent a deputy police and crime commissioner—
- (a) from being elected as police and crime commissioner at an ordinary election of police and crime commissioners;
  - (b) from being elected at an election held under section 51 to fill a vacancy in the office of police and crime commissioner if, on the day on which the person is nominated as a candidate at the election and at all times between that day and the declaration of the result of the election, the deputy is acting as police and crime commissioner under section 62.
- (2) In this section, “member of staff”, in relation to any person (“A”), includes a person (“B”) who works for A—
- (a) under a contract of employment,
  - (b) under a contract for services, or
  - (c) in accordance with arrangements made between B's employer and A;
- and for this purpose B works for A if B provides services for A under the direction and control of A.
- (3) In subsection (1)(i), the reference to an entity under the control of a local policing body or other body or a chief officer of police is to be construed in accordance with regulations made by the Secretary of State
- (4) In its application in relation to the first election of a police and crime commissioner to be held for a police area, this section applies as if—
- (a) for paragraphs (d) to (g) of subsection (1) there were substituted—  
“(d) any member, or member of staff, of a police authority within the meaning of the Police Act 1996 (see section 101 of that Act);”, and
  - (b) for paragraph (i)(i) of that subsection there were substituted—  
“(i) a police authority within the meaning of the Police Act 1996.”

## **Additional Information from Section 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;

(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);

(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); 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.

(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

(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.

(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.

(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.