

Police Reform and Social Responsibility Bill

COMMONS DISAGREEMENTS, AMENDMENTS IN LIEU AND AMENDMENTS TO AMENDMENTS

[The page and line references are to HL Bill 62, the bill as first printed for the Lords.]

Clause 1

- 1** Page 1, line 6, leave out subsection (1)

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments Nos. 1, 2, 3, 4 and 6 but propose Amendments 6A to 6D in lieu

- 2** Page 1, line 8, leave out subsection (2)

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments Nos. 1, 2, 3, 4 and 6 but propose Amendments 6A to 6D in lieu

- 3** Page 1, line 9, leave out subsection (3)

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments Nos. 1, 2, 3, 4 and 6 but propose Amendments 6A to 6D in lieu

- 4** Page 1, line 11, leave out subsection (4)

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments Nos. 1, 2, 3, 4 and 6 but propose Amendments 6A to 6D in lieu

After Clause 1

6 Insert the following new Clause –

“Police Commission

- (1) There shall be a body corporate for each police area listed in Schedule 1 to the Police Act 1996 to be known as a “Police Commission”.
- (2) A Police Commission shall consist of –
 - (a) a police and crime commissioner, and
 - (b) a police and crime panel.
- (3) The police and crime commissioner shall be appointed by the police and crime panel (from amongst its own members).”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree to Lords Amendments Nos. 1, 2, 3, 4 and 6 but propose the following Amendments in lieu –

6A Page 14, line 8, at end insert –

- “(3A) In carrying out functions, an elected local policing body must have regard to any financial code of practice issued by the Secretary of State.
- (3B) The Secretary of State may from time to time revise the whole or any part of any financial code of practice.
- (3C) The Secretary of State must lay before Parliament a copy of –
 - (a) any financial code of practice, and
 - (b) any revision of a financial code of practice.
- (3D) In this section “financial code of practice” means a code of practice relating to the proper administration by elected local policing bodies of their financial affairs.”

6B Page 31, line 40, at end insert –

- “(1A) The poll at the ordinary election of police and crime commissioners in 2012 is to be held on 15 November 2012.”

6C Page 32, leave out lines 2 to 8 and insert “after 2012 is to be held on the ordinary day of election in the year of the election.

- (2A) But, if the Secretary of State so specifies in an order, the poll at an ordinary election of police and crime commissioners in any year after 2012 is to be held on such day in the year of the election as may be specified in the order.
- (2B) An order under subsection (2A) –
 - (a) may not specify, as the day of a poll, a day which is before the ordinary day of election in the year of the election;
 - (b) may not be made within the period of six months ending with the ordinary day of election in relation to England, or (if earlier) the ordinary day of election in relation to Wales, in the year of the election (or the first of the elections) to which the order relates.

- (2C) In this section, “the ordinary day of election” in any year means—
- (a) in relation to England, the day which is the ordinary day of election in that year of councillors for counties in England and districts (see sections 37 and 37A of the Representation of the People Act 1983), and
 - (b) in relation to Wales, the day which is the ordinary day of election in that year of councillors for counties in Wales and county boroughs (see sections 37 and 37B of that Act).”

6D Page 103, line 39, after “section” insert “50 or”

Clause 41

43 Page 28, line 14, at end insert—

- “() In a case where a deputy chief constable or assistant chief constable (the “acting chief constable”) is authorised by subsection (1)(a) or (5) to exercise or perform functions of a chief constable—
- (a) the powers of the police and crime commissioner under section 38(2) and (3) are exercisable in relation to the acting chief constable as the powers are exercisable in relation to the chief constable (and references to chief constables in those provisions, and in other enactments relating to those provisions, are to be read accordingly); and
 - (b) the powers under section 39(4) and (5) or section 40(4) and (5) are not exercisable in relation to the acting chief constable.”

COMMONS DISAGREEMENT AND AMENDMENTS IN LIEU

The Commons disagree with the Lords in their Amendment but propose Amendments 43A and 43B in lieu—

43A Page 28, line 14, at end insert—

- “(9A) In a case where a deputy chief constable or assistant chief constable (the “acting chief constable”) is authorised by subsection (1)(a) or (5) to exercise or perform functions of a chief constable—
- (a) section 38(2) and (3) apply in relation to the acting chief constable as they apply in relation to the chief constable (and references to chief constables in those provisions, and in other enactments relating to those provisions, are to be read accordingly); and
 - (b) section 39(4) and (5) or section 40(3) and (4) do not apply in relation to the acting chief constable.”

43B Page 29, line 41, at end insert—

- “(6) In a case where an Assistant Commissioner of Police of the Metropolis is acting in place of the Commissioner of Police of the Metropolis—
- (a) section 48 applies in relation to the Assistant Commissioner as it applies to the Commissioner (and references to the Commissioner in that section, and in other enactments relating to that section, are to be read accordingly); and

- (b) section 49 does not apply in relation to the Assistant Commissioner.
- (7) For the purposes of subsection (6), an Assistant Commissioner is to be taken to be acting in place of the Commissioner at a particular time if—
- (a) the Assistant Commissioner is, at that time, authorised by subsection (4) to exercise powers and duties of the Commissioner, and
 - (b) that time falls during—
 - (i) any absence, incapacity or suspension from office of the Commissioner, or
 - (ii) any vacancy in the office of Commissioner.”

Schedule 16

- 163** Page 211, line 25, leave out sub-paragraphs (i) and (ii) and insert—
- “(i) in paragraph (a)(i), for “a senior officer, the police authority” substitute “the chief officer or a person exercising or performing functions of the chief officer in accordance with section 41 of the Police Reform and Social Responsibility Act 2011, the local policing body”;
 - (ii) in paragraph (a)(ii), for “a senior officer” substitute “the chief officer or a person so exercising or performing functions of the chief officer”;
 - (iii) in paragraph (b)(i), for “a senior officer, the police authority” substitute “the chief officer or a person exercising or performing functions of the chief officer in accordance with section 41 of the Police Reform and Social Responsibility Act 2011, the local policing body”;
 - (iv) in paragraph (b)(ii), for “a senior officer” substitute “the chief officer or a person so exercising or performing functions of the chief officer”;

COMMONS AMENDMENT TO LORDS AMENDMENT

The Commons propose the following Amendment to the Lords Amendment—

- 163A** Line 3, leave out from “or” to end and insert “an acting chief officer, the local policing body”;
- (ii) in paragraph (a)(ii), for “a senior officer” substitute “the chief officer or an acting chief officer”;
 - (iii) in paragraph (b)(i), for “a senior officer, the police authority” substitute “the chief officer or an acting chief officer, the local policing body”;
 - (iv) in paragraph (b)(ii), for “a senior officer” substitute “the chief officer or an acting chief officer”;
 - (v) after paragraph (b)(ii) insert—

“and, for the purposes of this definition, “acting chief officer” means a person exercising or performing functions of a chief constable in accordance with section 41 of the Police Reform and Social Responsibility Act 2011; a person exercising powers or duties of the Commissioner of Police of the Metropolis in accordance

with section 44 or 45(4) of that Act; or a person exercising duties of the Commissioner of Police for the City of London in accordance with section 25 of the City of London Police Act 1839;”;

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