

2011 No. 3058

POLICE, ENGLAND AND WALES

ROAD TRAFFIC

PENSIONS

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CRIMINAL LAW, SCOTLAND

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The Local Policing Bodies (Consequential Amendments)
Regulations 2011

Coming into force in accordance with regulation 1(2)

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(a) in relation to measures relating to public procurement(b), persistent organic pollutants, dangerous substances, preparations and chemicals(c) and in relation to the environment(d).

The Secretary of State makes the following Regulations in exercise of powers conferred by section 2(2) of that Act and by the provisions set out in Schedule 1, having consulted as set out in Schedule 2.

Citation and commencement

1.—(1) These Regulations may be cited as the Local Policing Bodies (Consequential Amendments) Regulations 2011

(2) These Regulations come into force on 16th January 2012, with the exception of regulation 21(2)(a) which comes into force on 22nd November 2012.

Amendment to the Special Constables Regulations 1965

2.—(1) The Special Constables Regulations 1965(e) are amended as follows.

(2) In regulation 5A(1) and (2) (special constables' allowance) for "police authority" (in each place) substitute "local policing body".

Amendments to the Police Federation Regulations 1969

3.—(1) The Police Federation Regulations 1969(f) are amended as follows.

(2) In regulation 5(3) (proceedings of branches), for "members of the police authority" substitute "the local policing body or, where the local policing body is the Common Council of the City of London, members of the Common Council".

(3) In regulations 5(4), 7(4) (proceedings of branch boards) and 15B(3) (emoluments etc of officers of Federation) and paragraph 5 of Schedule 2 (proceedings) for "police authority" substitute (in each) "local policing body".

(4) In regulation 15B(1), for "police authorities" substitute (in each place) "local policing bodies".

Amendments to the Motor Vehicles (Third Party Risks) Regulations 1972

4.—(1) The Motor Vehicles (Third Party Risks) Regulations 1972(g) are amended as follows.

(2) In regulation 7(3) (production of evidence as alternatives to certificates) after "police authority" (in each place) insert ", local policing body".

(3) In regulation 9(1)(c)(ii) (production of evidence of insurance or security on application for excise licences)—

(a) 1972 c. 68. The power of the Minister to make regulations in relation to matters in or as regards Scotland is preserved by section 57(1) of the Scotland Act 1998 (c.46).

(b) S.I. 2009/2743.

(c) S.I. 2006/608.

(d) S.I. 2008/301.

(e) S.I. 1965/536, as amended by S.I. 1992/1526 and S.I. 2002/3180.

(f) S.I. 1969/1787 as amended by S.I. 1986/1846, S.I. 1990/1575, S.I. 2004/2660 and S.I. 2011/230.

(g) S.I. 1972/1217 as amended by SI 1973/1821, S.I. 1974/792 S.I. 1974/2187, S.I. 1992/1283, S.I. 1997/97, S.I. 1999/2392 and S.I. 2010/1117.

- (a) after “a police authority” (in the first place) insert “, a local policing body”;
- (b) after “police authority” (in each subsequent place) insert “, local policing body”.

Amendments to the Police Cadets (Pensions) Regulations 1973

5.—(1) The Police Cadets (Pensions) Regulations 1973(a) are amended as follows.

(2) After regulation 3(2) (interpretation) insert—

“(2A) For the purposes of these Regulations a reference to the police pension authority shall be construed in accordance with section 11(2) of the Police Pensions Act 1976.”.

(3) In regulation 3(3)(b), for “police authority” substitute “police pension authority”.

(4) In regulations 3(3)(d) and 7(1)(d) and (e), for “police authority are” substitute “police pension authority is”.

(5) In regulation 3(7), for the words after “to which a police cadet is attached” substitute “and to the chief officer of police are, respectively, references to the police force with a view to becoming a member of which the cadet is undergoing training and the chief officer of that force”.

(6) In regulation 4(3) (effect of regulations), for “his police authority” substitute “the chief officer of police”.

(7) In regulation 7A(2) (dependent relative’s special pension), for “police authority, having regard to all the circumstances of the case, in their discretion so determine” substitute “police pension authority, having regard to all the circumstances of the case, in its discretion so determines”.

(8) In regulation 13 (authority by whom payments are to be made), for “police authority maintaining” substitute “police pension authority for”.

Amendments to the Special Constables (Pensions) Regulations 1973

6.—(1) The Special Constables (Pensions) Regulations 1973(b) are amended as follows.

(2) After regulation 3(2) (interpretation) insert—

“(2A) For the purposes of these Regulations a reference to the police pension authority shall be construed in accordance with section 11(2) of the Police Pensions Act 1976.”.

(3) In regulations 3(4)(a) and (b) and 12 (authority by whom payments are to be made), for “police authority” substitute “police pension authority”.

(4) In regulations 6(1)(d) and (e) (widow’s augmented award) and 7(1)(d) and (e) (dependent relative’s special pension), for “police authority are” substitute “police pension authority is”.

(5) In regulation 7(2), for “police authority, having regard to all the circumstances of the case, in their discretion” substitute “police pension authority, having regard to all the circumstances of the case, in its discretion”.

Amendment to the Weighing of Motor Vehicles (Use of Dynamic Axle Weighing Machines) Regulations 1978

7.—(1) The Weighing of Motor Vehicles (Use of Dynamic Axle Weighing Machines) Regulations 1978(c) are amended as follows.

(2) In regulation 2(1) (interpretation), after “police authority” insert “, a local policing body”.

(a) S.I. 1973/430 as amended by S.I. 1979/75, S.I. 1983/990 and S.I. 1987/157.
(b) S.I. 1973/431 as amended by S.I. 1980/1259.
(c) S.I. 1978/1180.

Amendments to the Motor Vehicles (Tests) Regulations 1981

8.—(1) The Motor Vehicles (Tests) Regulations 1981(a) are amended as follows.

(2) In regulation 6 (exemptions)—

- (a) in paragraph (1)(xiv), for “in England and Wales by a police authority” substitute “in England and Wales by a local policing body”;
- (b) in paragraph (5), in paragraph (ii) of the definition of “test”, for “police authority” substitute “local policing body”.

Amendments to the Road Vehicles (Construction and Use) Regulations 1986

9.—(1) The Road Vehicles (Construction and Use) Regulations 1986(b) are amended as follows.

(2) In regulation 3 (interpretation), in sub-paragraph (h) of the definition of “public works vehicle” in column 2 of the table, after “police authority” insert “or local policing body”.

(3) In regulation 4 (application and exemptions), in item 10 in column 2 of the table, after “police authority” insert “or local policing body”.

(4) In regulation 74 (testing and inspection), in paragraph (1)(c), after “police authority” insert “or local policing body”.

Amendments to the Occupational Pension Schemes (Managers) Regulations 1986

10.—(1) The Occupational Pensions Schemes (Managers) Regulations 1986(c) are amended as follows.

(2) In regulation 1(2) (interpretation), for “police authority” substitute “police pension authority”.

(3) In regulation 2(c) (managers of public service pension schemes), for “police authority of” substitute (in each place) “police pension authority for”.

Amendment to the Goods Vehicles (Plating and Testing) Regulations 1988

11.—(1) The Goods Vehicles (Plating and Testing) Regulations 1988(d) are amended as follows.

(2) In paragraph 34 of Schedule 2 (classes of vehicles to which these Regulations do not apply), for “in England and Wales by a police authority” substitute “in England and Wales by a local policing body”.

Amendment to the Police (Disposal of Sound System) Regulations 1995

12.—(1) The Police (Disposal of Sound System) Regulations 1995(e) are amended as follows.

(2) In regulation 4 (application of proceeds of sale), after “police authority” (in each place) insert “or local policing body”.

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- (a) S.I. 1981/1694, as amended by S.I. 1982/783; 1983/1147; 1984/401 and 1126; 1985/834; 1986/372 and 904; 1988/339 and 989; 1989/920 and 1694; 1990/628 and 1186; 1991/253, 455, 1525 and 2229; 1992/566, 1609 and 3160; 1993/3011; 1994/2136; 1995/2438; 1996/1751; 1997/81; 1998/1672; 1999/2199; 2000/1432 and 2322; 2001/1648 and 3330; 2002/488 and 1698; 2003/1113, 1698 and 1815; 2004/1632 and 1879; 2005/1832 and 2341; 2006/1998 and 2680; 2007/506 and 1161; 2008/1402 and 1461; 2009/643 and 802.
 - (b) S.I. 1986/1078, as amended by S.I. 1987/1133, S.I. 1988/271, S.I. 1989/1865, S.I. 1990/317, S.I. 1990/1981, S.I. 1991/1526, S.I. 1992/2016, S.I. 1994/14, S.I. 1994/329, S.I. 1995/1201, S.I. 1996/2329, S.I. 1997/530, S.I. 1998/3112, S.I. 2001/3208, S.I. 2003/1946, S.I. 2005/3165, S.I. 2006/2565, S.I. 2009/2196 and S.I. 2010/2060.
 - (c) S.I. 1986/1718, as amended by S.I. 1994/1062.
 - (d) S.I. 1988/1478, as amended by S.I. 1990/448, S.I. 1991/252, S.I. 1995/1456, S.I. 2001/307, S.I. 2002/487, S.I. 2003/1816 and S.I. 2005/2343.
 - (e) S.I. 1995/722, as amended by S.I. 2000/1549.

Amendments to the Knives (Forfeited Property) Regulations 1997

- 13.**—(1) The Knives (Forfeited Property) Regulations 1997(a) are amended as follows.
- (2) In regulation 2 (interpretation), in the definition of “the relevant authority”—
- (a) for paragraph (a), substitute—
 - “(a) in relation to a police area in England and Wales, the local policing body (within the meaning of section 101(1) of the Police Act 1996);”;
 - (b) omit paragraph (b).

Amendments to the Police (Property) Regulations 1997

- 14.**—(1) The Police (Property) Regulations 1997(b) are amended as follows.
- (2) In regulation 3, in the definition of “the relevant authority”—
- (a) for paragraph (a), substitute—
 - “(a) in relation to a police area in England and Wales, the local policing body (within the meaning of section 101(1) of the Police Act 1996);”;
 - (b) omit paragraph (b).

Amendment to the Health and Safety (Enforcing Authority) Regulations 1998

- 15.**—(1) The Health and Safety (Enforcing Authority) Regulations 1998(c) are amended as follows.
- (2) In regulation 4 (exceptions), in paragraph (3)(d), after “police authority” insert “, a local policing body”.

Amendments to the Motor Vehicles (Driving Licences) Regulations 1999

- 16.**—(1) The Motor Vehicles (Driving Licences) Regulations 1999(d) are amended as follows.
- (2) In regulation 23 (persons by whom theory tests may be conducted), for paragraph (1)(c) substitute—
 - “(c) a person appointed by a chief officer of police, for the purpose of testing—
 - (i) members of a police force, and
 - (ii) persons employed by a police authority, local policing body or chief officer of police for the purpose of assisting a police force;”.
- (3) In regulation 24 (persons by whom manoeuvres, practical and unitary tests may be conducted), for paragraph 1(d) substitute—
 - “(d) a person appointed by a chief officer of police, for the purpose of testing—
 - (i) members of a police force, and
 - (ii) persons employed by a police authority, local policing body or chief officer of police for the purpose of assisting a police force;”.
- (4) In regulation 58 (provision of approved training courses), for paragraph (2)(c)(ii) substitute—
 - “(ii) persons employed in the driving of motor vehicles for police purposes by the chief officer or by the police authority or local policing body for the area in respect of which he is the chief officer.”.

(a) S.I. 1997/1907, as amended by S.I. 2000/1549.
(b) S.I. 1997/1908, as amended by S.I. 200/1549 and S.I. 2006/594.
(c) S.I. 1998/494.
(d) S.I. 1999/2864. There are amending instruments, but none is relevant.

Amendment to the Motor Vehicles (Access to Driver Licensing Records) Regulations 2001

17.—(1) The Motor Vehicle (Access to Driver Licensing Records) Regulations 2001(a) are amended as follows.

(2) In regulation 3(2) (further disclosure), after “police authority” insert “, local policing body or chief officer of police”.

Amendment to the Traffic Signs Regulations and General Directions 2002

18.—(1) The Traffic Signs Regulations and General Directions 2002(b) are amended as follows.

(2) In regulation 53(4)(e) (temporary signs), before “police authority” insert “local policing body,”.

Amendment to the Highways, Crime Prevention etc (Special Extinguishment and Special Diversion Orders) Regulations 2003

19.—(1) The Highways, Crime Prevention etc (Special Extinguishment and Special Diversion Orders) Regulations 2003(c) are amended as follows.

(2) In Form 1 in Schedule 1 (special extinguishment order), for “The police authority [name of authority]” substitute “The local policing body [name of body]”.

Amendments to the Town and Country Planning (Local Development) (England) Regulations 2004

20.—(1) The Town and Country Planning (Local Development) (England) Regulations 2004(d) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “inspection” insert—

““local policing body” means—

(a) a police and crime commissioner (in relation to a police area listed in Schedule 1 to the Police Act 1996);

(b) the Mayor’s Office for Policing and Crime (in relation to the metropolitan police district);

(c) the Common Council (in relation to the City of London police area;”;

(b) omit the definition of “police authority”;

(c) in the definition of “relevant authority”, for paragraph (d) substitute—

“(d) a local policing body;”.

Amendments to the Public Contracts Regulations 2006

21.—(1) The Public Contracts Regulations 2006(e) are amended as follows.

(2) In regulation 3 (contracting authorities), in paragraph (1)—

(a) for sub-paragraph (m) substitute—

“(m) a police and crime commissioner established under section 1 of the Police Reform and Social Responsibility Act 2011(f);

(a) S.I. 2001/3343.

(b) S.I. 2002/3113.

(c) S.I. 2003/1479.

(d) S.I. 2004/2204. The definition of “police authority” and the reference to a police authority in the definition of “relevant authority” were inserted by S.I. 2008/1371.

(e) S.I. 2006/5. There are amending instruments, but none is relevant.

(f) 2011 c. 13.

- (ma) a chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011;”;
- (b) for sub-paragraph (n) substitute—
 - “(n) the Mayor’s Office for Policing and Crime established under section 3 of the Police Reform and Social Responsibility Act 2011;
 - (na) the Commissioner of Police of the Metropolis established under section 4 of the Police Reform and Social Responsibility Act 2011;”.

Amendment to the Childcare (Supply and Disclosure of Information) (England) Regulations 2007

22.—(1) The Childcare (Supply and Disclosure of Information) (England) Regulations 2007(a) are amended as follows.

(2) In regulation 8(2)(b) (required provision of information to child protection agencies and police forces), before “a police authority” insert “a local policing body, or”.

Amendment to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

23.—(1) The Town and Country Planning (Control of Advertisements) (England) Regulations 2007(b) are amended as follows.

(2) In the table in Part 1 of Schedule 3 (classes of advertisement for which deemed consent is granted), in the entry for Class 10, for “police authority” (in each place) substitute “local policing body”.

Amendment to the REACH Enforcement Regulations 2008

24.—(1) The REACH Enforcement Regulations 2008(c) are amended as follows.

(2) In Schedule 3 (health and safety enforcement), in Part 3, in paragraph 5(c), after “police authority” insert “, local policing body”.

Amendments to the UK Border Agency (Complaints and Misconduct) Regulations 2010

25.—(1) The UK Border Agency (Complaints and Misconduct) Regulations 2010(d) are amended as follows.

(2) In regulation 4 (application of the Police Reform Act 2002), in paragraph (3)(b), for “police authorities” substitute “local policing bodies”.

(3) In regulation 10 (co-operation, assistance and information), in paragraph (4), for “police authority” substitute “local policing body”.

(4) In regulation 11 (payment for assistance with investigations)—

- (a) for “police authority” (in each place) substitute “local policing body”;
- (b) for “police authorities” (in each place) substitute “local policing bodies”.

Amendment to the Building Regulations 2010

26.—(1) The Building Regulations 2010(e) are amended as follows.

(a) S.I. 2007/722.
(b) S.I. 2007/783.
(c) S.I. 2008/2852.
(d) S.I. 2010/782.
(e) S.I. 2010/2214.

(2) In regulation 10 (exemption of the Metropolitan Police Authority from procedural requirements), for “Metropolitan Police Authority” (in each place) substitute “Mayor’s Office for Policing and Crime”.

Amendment to the Accounts and Audit (England) Regulations 2011

27.—(1) The Accounts and Audit (England) Regulations 2011(a) are amended as follows.

(2) In regulation 7 (statement of accounts), in paragraph (4), in paragraph (d) of the definition of “contribution to the person’s pension”, for “police authority” substitute “police pension authority”.

Home Office
20th December 2011

Nick Herbert
Minister of State

SCHEDULE 1

The provisions conferring powers under which these Regulations are made are—

- (a) section 2 of the Police (Property) Act 1897(b);
- (b) sections 15, 18 and 82 of the Health and Safety at Work etc Act 1974(c);
- (c) sections 28(2) (as applied by section 121(2)), 118B(9) and (10) and 119B(9), (12) and (13) of, and paragraphs 1(1) and (3)(b)(iv), 3(1),(2) and (3)(b), 4(1) and 6 of Schedule 6 to, the Highways Act 1980(d);
- (d) sections 64, 65 and 85(2) of the Road Traffic Regulation Act 1984(e);
- (e) sections 1(1) and 5 of, and paragraph 10 of Schedule 1 to, the Building Act 1984(f);
- (f) sections 36(5), 41, 45, 46, 49, 50, 51, 52, 53, 63, 64, 68, 78, 88, 89, 89A, 91, 92, 94, 97, 98, 99, 99A, 101, 105, 108, 114, 115, 115A, 117, 118, 120, 121, 122, 147, 160, 164, 183 and 192 of the Road Traffic Act 1988(g);
- (g) section 220 of, and paragraph 4(2) of Schedule 4A to, the Town and Country Planning Act 1990(h);
- (h) section 178(a) of the Pension Schemes Act 1993(i);
- (i) section 66(10) and (11) of the Criminal Justice and Public Order Act 1994(j);
- (j) sections 51, 52 and 60 of the Police Act 1996(k);
- (k) section 7 of the Knives Act 1997(l);
- (l) section 27 of the Audit Commission Act 1998(m);

(a) S.I. 2011/817.

(b) 1897 c. 30.

(c) 1974 c. 37.

(d) 1980 c. 66.

(e) 1984 c. 27.

(f) 1984 c. 55. Section 14(3) of the Act requires the Secretary of State to consult the Building Regulations Advisory Committee and such other bodies as appear to her to be representative of the interests concerned before making regulations containing substantive requirements; the amendments made by these regulations do not contain any such requirements.

(g) 1988 c. 52.

(h) 1990 c. 8.

(i) 1993 c. 48.

(j) 1994 c. 33.

(k) 1996 c. 16.

(l) 1997 c. 21.

(m) 1998 c. 18.

- (m) section 134 of the Greater London Authority Act 1999(a);
- (n) section 144 of the Powers of Criminal Courts (Sentencing) Act 2000(b);
- (o) section 71(2) of the Criminal Justice and Court Services Act 2000(c);
- (p) sections 13, 53(6) and 12, 54(4), 55(8), 56A(1), 57D(1) and (6), 66, , 73(1) to (6), 81(5) and 105 of the Local Government Act 2000;
- (q) sections 13(2)(f), 14(3) and (5), 15(2)(g), (3) and (7), 17(1)(a) and (7), 19(2)(j), 20(3), 24(3), 28(9) and (11), 31(6) and (7), 35(2) and (3) and 36 of the Planning and Compulsory Purchase Act 2004;
- (r) sections 84(1) and (3) and 104(2) of the Childcare Act 2006(d);
- (s) sections 41 and 49(3) of the Police and Justice Act 2006(e);
- (t) sections 4, 7, 37, 42, 48, 51, 56, 58, 59, 102(3) and (4), 114(2), 123(4), 127(7), 131(10), 132(10), 134(7) and 232 of, and paragraph 4 of Schedule 6 to, the Planning Act 2008(f).

SCHEDULE 2

1. The Secretary of State has consulted as follows.

2. In accordance with section 50(1AA) of the Health and Safety at Work etc Act 1974 the Secretary of State consulted the Health and Safety Executive and such other bodies as appeared to her to be appropriate.

3. In accordance with section 134(2) of the Road Traffic Regulation Act 1984 and section 195(2) of the Road Traffic Act 1988 the Secretary of State consulted with such representative organisations as she thought fit.

4. In accordance with section 60(4) of the Police Act 1996 the Secretary of State consulted the three central committees of the Police Federation to which these Regulations relate, sitting together as a joint committee.

5. In accordance with section 27(3) of the Audit Commission Act 1998, the Secretary of State consulted with the Audit Commission, such associations of local authorities as appeared to her to be concerned and such bodies of accountants as appeared to her to be appropriate.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to various instruments in consequence of the changes to policing governance in England and Wales made by Part 1 of the Police Reform and Social Responsibility Act 2011 (“the Act”).

The Act abolishes police authorities in England and Wales, outside London, and replaces them with police and crime commissioners. It also replaces the Metropolitan Police Authority with the Mayor’s Office for Policing and Crime. The Act makes no change to the role of the Common Council of the City of London as the police authority for the City of London police area. The Act amends the Interpretation Act 1978 with the effect that the words “local policing body” are

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- (a) 1999 c. 29.
 - (b) 2000 c. 6.
 - (c) 2000 c. 43. Section 71(3) of the Act requires the Secretary of State to consult with Scottish Ministers before making regulations applying in respect of constables in police forces in Scotland; the amendments made by these regulations do not so apply.
 - (d) 2006 c. 21.
 - (e) 2006 c. 4.
 - (f) 2008 c. 29.

defined as a police and crime commissioner, the Mayor's Office for Policing and Crime and the Common Council in its capacity as a police authority.

The Act also establishes chief constables of police forces in England and Wales and the Commissioner of Police of the Metropolis (known collectively as chief officers of police) as corporations sole with the power to employ staff (previously all police staff were employees of the police authorities). The Act also gives chief officers of police the power to acquire property (except land) and to enter into contracts, with the consent of the relevant local policing body.

These Regulations amend the various instruments in order to reflect the replacement of police authorities with local policing bodies, and the new powers of the chief officers of police to employ police staff and procure goods and services in their official capacity. Where a reference to a police authority in an amended instrument applies in Scotland, a reference to a local policing body is inserted in addition to it rather than by way of substitution, as police authorities in Scotland are unaffected by the Act.

The amendments made by these Regulations do not otherwise change the substantive effect of any of the instruments amended.

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STATUTORY INSTRUMENTS

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