



# Police Reform and Social Responsibility Act 2011

## 2011 CHAPTER 13

### PART 1

#### POLICE REFORM

#### CHAPTER 6

##### POLICE AND CRIME COMMISSIONERS: ELECTIONS AND VACANCIES

##### *Holding of elections*

#### 50 Ordinary elections

- (1) An election of police and crime commissioners for all police areas (an “ordinary election”) is to be held—
  - (a) in 2012;
  - (b) in each subsequent fourth year.
- (2) The poll at the ordinary election of police and crime commissioners in 2012 is to be held on 15 November 2012.
- (3) The poll at an ordinary election of police and crime commissioners in any year after 2012 is to be held on [<sup>F1</sup>the first Thursday in May] in the year of the election.
- (4) But, if the Secretary of State <sup>F2</sup>... 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.
- (5) An order under subsection (4)—
  - (a) may not specify, as the day of a poll, a day which is before [<sup>F3</sup>the first Thursday in May] in the year of the election;

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- (b) may not be made within the period of six months ending with [<sup>F4</sup>the first Thursday in May] in the year of the election (or the first of the elections) to which the order relates.

<sup>F5</sup>(6) .....

- (7) The term of office of a person elected as a police and crime commissioner at an ordinary election—
- (a) begins with the seventh day after the day of the poll at the election, and
  - (b) ends with the sixth day after the day of the poll at the next ordinary election of police and crime commissioners.
- (8) Subsection (7) is subject to any provision of or made under this or any other Act relating to the appointment or election of police and crime commissioners or their ceasing to hold office.

#### Textual Amendments

- F1** Words in s. 50(3) substituted (1.4.2018) by Wales Act 2017 (c. 4), **ss. 8(2)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(b)
- F2** Words in s. 50(4) omitted (8.12.2021) by virtue of The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 22(2) (a)** (with art. 12)
- F3** Words in s. 50(5)(a) substituted (1.4.2018) by Wales Act 2017 (c. 4), **ss. 8(3)(a)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(b)
- F4** Words in s. 50(5)(b) substituted (1.4.2018) by Wales Act 2017 (c. 4), **ss. 8(3)(b)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(b)
- F5** S. 50(6) omitted (1.4.2018) by virtue of Wales Act 2017 (c. 4), **ss. 8(4)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(b)

#### Modifications etc. (not altering text)

- C1** Ss. 50-61 excluded (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 2 para. 21(b)**
- C2** S. 50(1)(b)(7)(b): power to exclude conferred by 2009 c. 20, **s. 107F(5)(6)** (as inserted (28.1.2016 for specified purposes) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 4(1)**, 25(2))
- C3** S. 50(1)(b) excluded (30.3.2016) by The Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions) Order 2016 (S.I. 2016/448), arts. 1, **4(3)**
- C4** S. 50(4) functions to be exercisable concurrently with the Chancellor of the Duchy of Lancaster (12.8.2015) by The Transfer of Functions (Police and Crime Commissioner Elections) Order 2015 (S.I. 2015/1526), arts. 1(2), **3(1)(2)(a)** (with arts. 3(3), 4)

#### Commencement Information

- I1** S. 50 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

## 51 Election to fill vacancy in office of commissioner

- (1) This section applies where a vacancy occurs in the office of police and crime commissioner for a police area.
- (2) An election must be held to fill the vacancy.
- (3) The police area returning officer must fix the date of the poll at the election.

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- (4) The date fixed must be not more than 35 days after the relevant event (computed in accordance with section 73).
- (5) For the purposes of subsection (4), “the relevant event” means—
- (a) in a case where the High Court or the appropriate officer has declared the office to be vacant, the making of that declaration;
  - (b) in any other case, the giving of notice of the vacancy to the appropriate officer by two or more relevant electors.
- [<sup>F6</sup>(6) A person is a relevant elector for the purposes of subsection (5) in relation to a police area in England if the person is registered in a register of local government electors in respect of an address within the police area.
- (6A) A person is a relevant elector for the purposes of subsection (5) in relation to a police area in Wales if subsection (6B) or (6C) applies.
- (6B) This subsection applies if—
- (a) the person is registered in a register of parliamentary electors in respect of an address within the police area, and
  - (b) the registration is not in pursuance of an overseas elector's declaration.
- (6C) This subsection applies if—
- (a) the person is [<sup>F7</sup>disqualified as a peer from voting as an elector at parliamentary elections, or is a relevant citizen of the Union]<sup>F7</sup>—
    - (i) disqualified as a peer from voting as an elector at parliamentary elections, or
    - (ii) a qualifying EU citizen, or an EU citizen with retained rights, who has attained the age of 18], and
  - (b) the person is registered in a register of local government electors in respect of an address within the police area.]
- (7) If the vacancy occurs within the period of six months ending with the day of the poll at the next ordinary election of police and crime commissioners—
- (a) no election is to be held under subsection (2) in respect of the vacancy, and
  - (b) accordingly, the office is to be left unfilled until that ordinary election.
- (8) The term of office of a person elected as a police and crime commissioner for a police area at an election to fill a vacancy in the office—
- (a) begins immediately the person is declared to be elected as police and crime commissioner for the area;
  - (b) ends at the time when it would have ended had the person been elected at the most recent ordinary election of police and crime commissioners.
- (9) In the case of a vacancy occurring in consequence of the failure of, or other irregularity in relation to, an election, subsections (3) and (4) have effect subject to any provision made by an order under section 58.

#### Textual Amendments

- F6** S. 51(6)-(6C) substituted for s. 51(6) (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 8\(5\), 71\(4\)](#) (with Sch. 7 paras. 1, 6); [S.I. 2017/1179, reg. 3\(b\)](#)
- F7** Words in s. 51(6C)(a) substituted (1.11.2023 for specified purposes) by [Elections Act 2022 \(c. 37\), s. 67\(1\), Sch. 8 para. 6\(2\)](#); [S.I. 2023/1145, reg. 3\(i\)\(iv\)](#)

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#### Modifications etc. (not altering text)

- C1** Ss. 50-61 excluded (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\)](#), art. 1(2), **Sch. 2 para. 21(b)**
- C5** S. 51: power to exclude conferred by 2009 c. 20, s. 107F(6)(b) (as inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), **ss. 4(1), 25(2)**)
- C6** S. 51 excluded (30.3.2016) by [The Greater Manchester Combined Authority \(Election of Mayor with Police and Crime Commissioner Functions\) Order 2016 \(S.I. 2016/448\)](#), arts. 1, **4(5)**
- C7** S. 51 modified (7.4.2020) by [The Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) Regulations 2020 \(S.I. 2020/395\)](#), regs. 1, **10**
- C8** S. 51(7) restricted (24.7.2014) by [The Police and Crime Commissioner Elections \(Amendment\) \(No. 2\) Order 2014 \(S.I. 2014/1963\)](#), arts. 1(3), **6**

#### Commencement Information

- I2** S. 51 in force at 25.4.2012 by [S.I. 2012/1129](#), **art. 2(b)**

## 52 Persons entitled to vote

- (1) A person is entitled to vote as an elector at an election of a police and crime commissioner for a police area [<sup>F8</sup>in England] if on the date of the poll—
- the person would be entitled to vote as an elector at a local government election in an electoral area wholly or partly comprised in the police area, and
  - the address in respect of which the person is registered in the register of local government electors for that electoral area is within the police area.
- [<sup>F9</sup>(1A) A person is entitled to vote as an elector at an election of a police and crime commissioner for a police area in Wales if subsection (1B) or (1C) applies.
- (1B) This subsection applies if on the date of the poll—
- the person would be entitled to vote as an elector at a parliamentary election in a constituency wholly or partly comprised in the police area,
  - the address in respect of which the person is registered in the register of parliamentary electors for that constituency is within the police area, and
  - the registration is not in pursuance of an overseas elector's declaration.
- (1C) This subsection applies if on the date of the poll—
- the person is disqualified as a peer from voting as an elector at parliamentary elections, or is a relevant citizen of the Union who has attained the age of 18,
  - the person would be entitled to vote as an elector at a local government election in an electoral area wholly or partly comprised in the police area, and
  - the address in respect of which the person is registered in the register of local government electors for that electoral area is within the police area.]
- (2) A person is not entitled to vote as an elector more than once in the same police area at any election of a police and crime commissioner.

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### Textual Amendments

- F8** Words in s. 52(1) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 8(7)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(b)
- F9** S. 52(1A)-(1C) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 8(8)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(b)

### Modifications etc. (not altering text)

- C1** Ss. 50-61 excluded (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\)](#), art. 1(2), **Sch. 2 para. 21(b)**

### Commencement Information

- I3** S. 52 in force at 25.4.2012 by [S.I. 2012/1129](#), **art. 2(b)**

## 53 Public awareness about elections: role of Electoral Commission

The Electoral Commission must, in relation to—

- (a) each ordinary election of police and crime commissioners under section 50,
- (b) each election to fill a vacancy in the office of police and crime commissioner for a police area under section 51,

take such steps as it considers appropriate to raise public awareness about the election and how to vote in it.

### Modifications etc. (not altering text)

- C1** Ss. 50-61 excluded (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\)](#), art. 1(2), **Sch. 2 para. 21(b)**

### Commencement Information

- I4** S. 53 in force at 25.4.2012 by [S.I. 2012/1129](#), **art. 2(b)**

**Changes to legislation:**

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