



# Police Reform and Social Responsibility Act 2011

## 2011 CHAPTER 13

### PART 1

#### POLICE REFORM

#### CHAPTER 6

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

##### *Vacancy in office of police and crime commissioner*

#### **59 Date of vacancy in office of commissioner**

- (1) For the purposes of this Chapter, a vacancy in the office of police and crime commissioner for a police area is to be regarded as occurring—
- (a) in the case of a vacancy in consequence of the failure of, or other irregularity in relation to, an election, at the time specified in an order under section 58;
  - (b) in the case of resignation, on receipt of the notice of resignation by the appropriate officer;
  - (c) in the case of death, on the date of death;
  - (d) in any case within subsection (2), on the date on which the office of police and crime commissioner for the police area is declared to have been vacated by the High Court or by the appropriate officer, as the case may be.
- [<sup>F1</sup>(e) in the case of disqualification by virtue of an order under section 30 of the Elections Act 2022 (disqualification of offenders for holding elective office etc), on the date the office is vacated in accordance with section 31 of that Act (vacation of office etc).]
- (2) The cases referred to in subsection (1)(d) are—

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**Changes to legislation:** There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Cross Heading: Vacancy in office of police and crime commissioner. (See end of Document for details)

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- (a) where the person elected as police and crime commissioner fails to make and deliver a declaration of acceptance of office in accordance with section 70;
- (b) where a vacancy arises under section 63 (incapacity of commissioner: acting commissioner acting for 6 months);
- (c) where a person becomes disqualified—
  - (i) from being a police and crime commissioner, or
  - (ii) from being the police and crime commissioner for the police area.

[<sup>F2</sup>(2A) In a case where subsection (1)(e) and (d) (in the case of a disqualification by virtue of section 66(3)(c)) apply in relation to a vacancy, the vacancy is to be regarded as occurring on the date mentioned in subsection (1)(e).]

- (3) The appropriate officer must give public notice of a vacancy in the office of police and crime commissioner for a police area.
- (4) The appropriate officer must give notice of a vacancy in the office of police and crime commissioner for a police area to the police area returning officer.
- (5) Any notice under subsection (3) or (4) must be given as soon as practicable after the date on which the vacancy is to be regarded under this section as occurring.

#### Textual Amendments

- F1** S. 59(1)(e) inserted (1.11.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 10 para. 9(2)(a)**; S.I. 2023/1145, reg. 3(k)
- F2** S. 59(2A) inserted (1.11.2023) by Elections Act 2022 (c. 37), s. 67(1), **Sch. 10 para. 9(2)(b)**; S.I. 2023/1145, reg. 3(k)

#### 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

- I1** S. 59 in force at 25.4.2012 by S.I. 2012/1129, art. 2(b)

## 60 Declaration of vacancy in certain cases

- (1) Subsection (2) applies where—
  - (a) a police and crime commissioner for a police area becomes disqualified (whether by virtue of this or any other Act)—
    - (i) from being a police and crime commissioner, or
    - (ii) from being the police and crime commissioner for the police area,
  - (b) the person elected as police and crime commissioner for a police area fails to make and deliver a declaration of acceptance of office in accordance with section 70, or
  - (c) a vacancy arises under section 63 (incapacity of commissioner: acting commissioner acting for 6 months).
- (2) The appropriate officer must forthwith declare the office of police and crime commissioner for that police area to be vacant, unless—
  - (a) it has been declared vacant by the High Court, or

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**Changes to legislation:** There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Cross Heading: Vacancy in office of police and crime commissioner. (See end of Document for details)

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- (b) an application has been made to the High Court for a declaration under section 71 and the grounds in issue include any ground on which the appropriate officer would (but for this paragraph) make the declaration.

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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)**

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**Commencement Information**

- I2** S. 60 in force at 25.4.2012 by [S.I. 2012/1129](#), **art. 2(b)**

## **61 Resignation of commissioner**

- (1) A police and crime commissioner may at any time resign office by giving notice to the appropriate officer.
- (2) Any such resignation takes effect on the officer's receipt of the notice.

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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)**

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**Commencement Information**

- I3** S. 61 in force at 25.4.2012 by [S.I. 2012/1129](#), **art. 2(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Cross Heading: Vacancy in office of police and crime commissioner.