

*Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, SCHEDULE 5. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

Section 26

#### ISSUING PRECEPTS

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

- C1** Sch. 5 applied (with modifications) by 2004 c. 21, **Sch. A2 para. 12** (as inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5) (e), **Sch. 1 para. 13**; S.I. 2017/399, reg. 2, **Sch. para. 38**)
- C2** Sch. 5 applied (with modifications) (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. 1 para. 33**

##### Introduction

- 1 (1) A police and crime commissioner may not issue a precept under section 40 of the Local Government Finance Act 1992 for a financial year until the end of the scrutiny process is reached.
- (2) The end of the scrutiny process is reached when—
- (a) in a case where paragraph 5 applies, the police and crime commissioner gives the police and crime panel a response to the panel's report; or
- (b) in a case where paragraph 6 applies, the end of the process is reached in accordance with regulations under paragraph 8.
- (3) References in this Schedule to the issuing of a precept include references to the issuing of a substitute precept.

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

- C3** Sch. 5 para. 1 modified (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), 33(2), **Sch. 5 para. 33(a)**

##### Commencement Information

- I1** Sch. 5 para. 1 in force at 22.11.2012 by S.I. 2012/2892, **art. 2(d)**

##### Commissioner to notify panel of proposed precept

- 2 The police and crime commissioner must notify the relevant police and crime panel of the precept which the commissioner is proposing to issue for the financial year (the “proposed precept”).

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

- C4** Sch. 5 para. 2 modified (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), 33(2), **Sch. 5 para. 33(b)**

**Commencement Information**

- I2** Sch. 5 para. 2 in force at 22.11.2012 by [S.I. 2012/2892](#), **art. 2(d)**

*Panel to review proposed precept*

- 3 (1) The police and crime panel must review the proposed precept notified to it under paragraph 2.
- (2) The panel must make a report to the commissioner on the proposed precept.
- (3) The report may include recommendations, including recommendations as to the precept that should be issued for the financial year.

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

- C5** Sch. 5 para. 3(3) modified (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), 33(2), **Sch. 5 para. 33(e)**

**Commencement Information**

- I3** Sch. 5 para. 3 in force at 22.11.2012 by [S.I. 2012/2892](#), **art. 2(d)**

*Panel's power to veto precept*

- 4 (1) The police and crime panel may, having reviewed the proposed precept, veto the proposed precept.
- (2) If the panel vetoes the proposed precept, the report made under paragraph 3 must include a statement that the panel has vetoed it.
- (3) References in this Schedule to a police and crime panel vetoing a proposed precept are references to the panel making a decision, by the required majority, that the proposed precept should not be the precept for the financial year.
- (4) For that purpose, the panel makes that decision by the required majority if at least two-thirds of the persons who are members of the panel at the time when the decision is made vote in favour of making that decision.

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

- C6** Sch. 5 para. 4(3) modified (20.12.2023) by [The York and North Yorkshire Combined Authority Order 2023 \(S.I. 2023/1432\)](#), arts. 1(2), 33(2), **Sch. 5 para. 33(d)**

**Commencement Information**

- I4** Sch. 5 para. 4 in force at 22.11.2012 by [S.I. 2012/2892](#), **art. 2(d)**

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*Next steps if no veto*

- 5 (1) This paragraph applies if the police and crime panel does not veto the proposed precept.
- (2) The police and crime commissioner must—
- (a) have regard to the report made by the panel under paragraph 3 (including any recommendations in the report),
  - (b) give the panel a response to the report (and any such recommendations), and
  - (c) publish the response.
- (3) The police and crime commissioner may—
- (a) issue the proposed precept as the precept for the financial year, or
  - (b) issue a different precept, but only if it would be in accordance with a recommendation made in the report to do so.
- (4) It is for the police and crime panel to determine the manner in which a response to a report or recommendations is to be published in accordance with sub-paragraph (2) (c).

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

**C7** Sch. 5 para. 5(3) modified (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), 33(2), **Sch. 5 para. 33(e)**

**Commencement Information**

**I5** Sch. 5 para. 5 in force at 22.11.2012 by S.I. 2012/2892, **art. 2(d)**

*Next steps if veto*

- 6 (1) This paragraph applies if the police and crime panel vetoes the proposed precept.
- (2) The police and crime commissioner must not issue the proposed precept as the precept for the financial year.
- (3) The police and crime commissioner must—
- (a) have regard to the report made by the panel under paragraph 3 (including any recommendations in the report),
  - (b) give the panel a response to the report (and any such recommendations), and
  - (c) publish the response.
- (4) It is for the police and crime panel to determine the manner in which a response to a report or recommendations is to be published in accordance with sub-paragraph (3) (c).
- (5) Sub-paragraph (2) is subject to regulations under paragraph 8.

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

**C8** Sch. 5 para. 6(2) modified (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), 33(2), **Sch. 5 para. 33(f)**

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**I6** Sch. 5 para. 6 in force at 22.11.2012 by S.I. 2012/2892, art. 2(d)

*Regulations*

- 7 (1) The Secretary of State may make regulations about—
- (a) the steps that are required to be taken by paragraphs 2 to 6, and
  - (b) procedures that are to be followed in taking such steps.
- (2) The regulations may, in particular, make provision about the time limits applicable in taking steps or following procedures.

**Commencement Information**

**I7** Sch. 5 para. 7 in force at 22.11.2012 by S.I. 2012/2892, art. 2(d)

- 8 (1) The Secretary of State may make regulations about the issuing of precepts in cases where paragraph 6 applies.
- (2) The regulations may make provision about—
- (a) steps to be taken, and
  - (b) procedures to be followed.
- (3) That includes provision about the time limits applicable in taking steps or following procedures.
- (4) The regulations may make provision about limits on the precept that may be issued.
- (5) That includes provision about the calculation of limits by reference to—
- (a) one or more previous precepts,
  - (b) the proposed precept, or
  - (c) any other matters.
- (6) The regulations may confer functions on—
- (a) police and crime commissioners,
  - (b) police and crime panels,
  - (c) the Secretary of State, or
  - (d) any other person.
- (7) That includes functions involving the exercise of a discretion.
- (8) Sub-paragraphs (2) to (7) do not limit the power conferred by sub-paragraph (1).

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

**C9** Sch. 5 para. 8 modified (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), 33(2), Sch. 5 para. 33(g)

**Commencement Information**

**I8** Sch. 5 para. 8 in force at 22.11.2012 by S.I. 2012/2892, art. 2(d)

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