
Changes to legislation: Policing and Crime Act 2017, Cross Heading: Police Reform and Social Responsibility Act 2011 (c. 13) is up to date with all changes known to be in force on or before 05 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 1

PROVISION FOR POLICE AND CRIME COMMISSIONER TO BE FIRE AND RESCUE AUTHORITY

PART 2

AMENDMENTS TO OTHER ACTS

Police Reform and Social Responsibility Act 2011 (c. 13)

86 The Police Reform and Social Responsibility Act 2011 is amended as follows.

Commencement Information

I1 [Sch. 1 para. 86](#) in force for certain purposes at Royal Assent, see [s. 183](#)

I2 [Sch. 1 para. 86](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2](#), [Sch. para. 38](#)

87 (1) Section 1 (police and crime commissioners) is amended as follows.

(2) In subsection (3) for “The” substitute “ Unless subsection (3B) applies, the ”.

(3) After subsection (3) insert—

“(3A) Subsection (3B) applies if the person who is the police and crime commissioner for a police area is also the fire and rescue authority for the area which corresponds to, or an area which falls within, the police area.

(3B) In that case the name of the police and crime commissioner is “the Police, Fire and Crime Commissioner for” with the addition of the name of the police area.”

Commencement Information

I3 [Sch. 1 para. 87](#) in force for certain purposes at Royal Assent, see [s. 183](#)

I4 [Sch. 1 para. 87](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2](#), [Sch. para. 38](#)

88 In section 5 (police and crime commissioner to issue police and crime plan) after subsection (5) insert—

“(5A) Subsections (5B) to (5E) apply to a police and crime commissioner for a police area—

- (a) which corresponds to the area of a fire and rescue authority created by an order under section 4A, or
- (b) within which the area of such a fire and rescue authority falls.

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- (5B) Subject to subsection (5E), in issuing or varying a police and crime plan, the police and crime commissioner must have regard to—
- (a) the current Fire and Rescue National Framework prepared under section 21 of the Fire and Rescue Services Act 2004, and
 - (b) the last document prepared and published by the fire and rescue authority in accordance with that Framework which sets out the authority's priorities and objectives, for the period covered by the document, in connection with the discharge of the authority's functions.
- (5C) A police and crime plan which the police and crime commissioner is required to prepare may be prepared jointly by the commissioner and the fire and rescue authority.
- (5D) If the police and crime commissioner and the fire and rescue authority prepare a joint police and crime plan, the plan must also set out the fire and rescue authority's priorities and objectives, for the period of the plan, in connection with the discharge of the authority's functions.
- (5E) Subsection (5B)(b) does not apply to a joint police and crime plan.”

Commencement Information

- I5** [Sch. 1 para. 88](#) in force for certain purposes at Royal Assent, see [s. 183](#)
I6 [Sch. 1 para. 88](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2, Sch. para. 38](#)

- 89 In section 28 (police and crime panels outside London) after subsection (1) insert—
- “(1A) Subsection (1B) applies if the person who is the police and crime commissioner for a police area is also the fire and rescue authority for the area which corresponds to, or an area which falls within, the police area.
- (1B) The police and crime panel for the police area is to be known as “the Police, Fire and Crime Panel”.”

Commencement Information

- I7** [Sch. 1 para. 89](#) in force for certain purposes at Royal Assent, see [s. 183](#)
I8 [Sch. 1 para. 89](#) in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399, reg. 2, Sch. para. 38](#)

- 90 In section 66 (disqualification from election or holding office as police and crime commissioner: other grounds) after subsection (9) insert—
- “(10) Subsection (11) applies to the police and crime commissioner for a police area if, by virtue of an order under section 4A of the Fire and Rescue Services Act 2004, the person who is for the time being the commissioner for that area is also the fire rescue authority for an area which corresponds to or falls within the police area.
- (11) A person is disqualified from being elected as, or being, that police and crime commissioner if the person is employed by—
- (a) a fire and rescue authority within section 1(2) or (3) of the Fire and Rescue Services Act 2004,

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- (b) a fire and rescue authority constituted by a scheme under section 2 of that Act or a scheme to which section 4 of that Act relates, or
- (c) a fire and rescue authority created by an order under section 4A of that Act.”

Commencement Information

I9 Sch. 1 para. 90 in force for certain purposes at Royal Assent, see s. 183

I10 Sch. 1 para. 90 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 91 In Schedule 1 (police and crime commissioners) in paragraph 2 (salary etc) after sub-paragraph (3) insert—

“(4) Where the person who is the police and crime commissioner for a police area is also a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004, a determination under this paragraph in relation to that person may, in particular, take account of the fact that the person also exercises functions as that fire and rescue authority.”

Commencement Information

I11 Sch. 1 para. 91 in force for certain purposes at Royal Assent, see s. 183

I12 Sch. 1 para. 91 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, Sch. para. 38

- 92 (1) Schedule 6 (police and crime panels) is amended as follows.
- (2) In paragraph 4(6) (functions of panels) at the end insert “ or by, or by virtue of, the Fire and Rescue Services Act 2004. ”
- (3) In paragraph 22 (co-opted members of police and crime panels)—
- (a) the existing paragraph becomes sub-paragraph (1), and
 - (b) at the end of that sub-paragraph insert—
 - “(2) Sub-paragraph (3) applies (as well as sub-paragraph (1)) in relation to a police and crime panel for a police area which, under or by virtue of the Fire and Rescue Services Act 2004, exercises functions in relation to a fire and rescue authority.
 - (3) A person may not be a co-opted member of the panel if the person is—
 - (a) a member of staff of the fire and rescue authority, or
 - (b) if an order under section 4H of that Act is in force in relation to that authority, a member of staff of the chief constable of the police force for the police area who has been—
 - (i) transferred to the chief constable under a scheme made under subsection 4I(1) of that Act, or
 - (ii) appointed by the chief constable under section 4I(4) of that Act.”
- (4) In paragraph 27 (exercise of special functions) after sub-paragraph (2) insert—

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“(3) The references in sub-paragraph (2) to section 28(3) and (4) and Schedule 5 include those provisions as applied in relation to a fire and rescue authority by virtue of Schedule A2 to the Fire and Rescue Services Act 2004.”

(5) After paragraph 32 insert—

“Duty to produce panel with fire and rescue expertise

32A (1) Sub-paragraph (2) applies in relation to a police and crime panel for a police area if—

- (a) a fire and rescue authority is created by an order under section 4A of the Fire and Rescue Services Act 2004, and
- (b) the area of the fire and rescue authority is the same as, or falls within, the police area.

(2) Each person listed in sub-paragraph (3)—

- (a) must consider whether the person could exercise a function conferred on the person by or by virtue of this Schedule to enable the fire and rescue expertise objective to be met or to contribute to that objective being met, and
- (b) if the person considers that the person could exercise such a function to that end, must do so.

(3) Those persons are—

- (a) the panel,
- (b) a relevant local authority, and
- (c) the Secretary of State.

(4) The “fire and rescue expertise objective” referred to in this paragraph is the objective that members of the panel (when taken together) have the skills, knowledge and experience necessary for the panel effectively to discharge its functions in relation to the fire and rescue authority.”

Modifications etc. (not altering text)

C1 Sch. 1 para. 92 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. 23**

Commencement Information

I13 Sch. 1 para. 92 in force for certain purposes at Royal Assent, see [s. 183](#)

I14 Sch. 1 para. 92 in force at 3.4.2017 in so far as not already in force by [S.I. 2017/399](#), reg. 2, **Sch. para. 38**

93 In Schedule 8 (appointment, suspension and removal of senior police officers) in paragraph 2 (no appointment until end of confirmation process)—

- (a) in sub-paragraph (1A) for “A person” substitute insert “ Subject to sub-paragraph (1AA), a person ”, and
- (b) after sub-paragraph (1A) insert—

“(1AA) Where, under an order under section 4H of the Fire and Rescue Services Act 2004, functions of a fire and rescue authority are delegated to the chief constable of the police force for a police area,

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a person is eligible for appointment as that chief constable if the person—

- (a) has experience at a senior level in the provision of services provided under the Fire and Rescue Services Act 2004, and
- (b) has undertaken training in relation to policing matters of a kind that is specified by the College of Policing for the purposes of this paragraph.”

Commencement Information

I15 Sch. 1 para. 93 in force for certain purposes at Royal Assent, see s. 183

I16 Sch. 1 para. 93 in force at 3.4.2017 in so far as not already in force by S.I. 2017/399, reg. 2, **Sch. para. 38**

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1139, reg. 2 by [S.I. 2017/1162 reg. 2](#)