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STATUTORY INSTRUMENTS

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**2012 No. 2732**

**POLICE, ENGLAND AND WALES  
TRANSPORT, ENGLAND AND WALES  
INFRASTRUCTURE PLANNING**

**The Local Policing Bodies (Consequential  
Amendments No. 2) Regulations 2012**

<i>Made</i>	- - - -	<i>30th October 2012</i>
<i>Laid before Parliament</i>		<i>1st November 2012</i> <i>22nd November</i>
<i>Coming into force</i>	- -	<i>2012</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 43 and 105(4) of the Police Reform Act 2002(1) and sections 4, 7, 37, 42, 48, 51, 56, 58, 59, 127(7) and 232 of, and paragraphs 2, 4, and 6 of Schedule 6 to, the Planning Act 2008(2).

In relation to regulation 2, the Secretary of State has consulted in accordance with section 43(9) of the Police Reform Act 2002.

**Citation and commencement**

1. These Regulations may be cited as the Local Policing Bodies (Consequential Amendments No. 2) Regulations 2012 and come into force on 22nd November 2012.

**Amendments to the Railway Safety Accreditation Scheme Regulations 2004**

- 2.—(1) The Railway Safety Accreditation Scheme Regulations 2004(3) are amended as follows.  
(2) In regulation 4(c) (consultation), for “police authorities” substitute “local policing bodies”.

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(1) 2002 c. 30. Section 43 is amended by paragraph 14 of Schedule 4 to the Police and Justice Act 2006 (c. 48), paragraph 14(1) of Schedule 23 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), paragraphs 277 and 297 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13) and S.I. 2004/1573.  
(2) 2008 c. 29. Sections 4, 37, 51, 56, 58, 59, 127 and 232 and Schedule 6 are amended by Schedule 13 to the Localism Act 2011 (c. 20). There are other amendments, but none is relevant.  
(3) S.I. 2004/915.

### **Amendments to the Infrastructure Planning (National Policy Statement Consultation) Regulations 2009**

3.—(1) The Infrastructure Planning (National Policy Statement Consultation) Regulations 2009<sup>(4)</sup> are amended as follows.

(2) In regulation 2 (interpretation), for the definition of “police authority” substitute—

““police and crime commissioner” means a police and crime commissioner established under section 1 of the Police Reform and Social Responsibility Act 2011 (police and crime commissioners);”.

(3) In regulation 3 (consultation), in Table 2, for “police authority” (in each place) substitute “police and crime commissioner”.

### **Amendments to the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009**

4.—(1) The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009<sup>(5)</sup> are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), for the definition of “police authority” substitute—

““police and crime commissioner” means a police and crime commissioner established under section 1 of the Police Reform and Social Responsibility Act 2011 (police and crime commissioners);”.

(3) In Schedule 1 (prescribed consultees), in the table, for “police authority” substitute “police and crime commissioner”.

### **Amendments to the Infrastructure Planning (Interested Parties) Regulations 2010**

5.—(1) The Infrastructure Planning (Interested Parties) Regulations 2010<sup>(6)</sup> are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), for the definition of “police authority” substitute—

““police and crime commissioner” means a police and crime commissioner established under section 1 of the Police Reform and Social Responsibility Act 2011 (police and crime commissioners);”.

(3) In the table in the Schedule (statutory parties to the examination of an application), for “police authority” substitute “police and crime commissioner”.

### **Amendments to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010**

6.—(1) The Infrastructure Planning (Compulsory Acquisition) Regulations 2010<sup>(7)</sup> are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), for the definition of “police authority” substitute—

““police and crime commissioner” means a police and crime commissioner established under section 1 of the Police Reform and Social Responsibility Act 2011 (police and crime commissioners);”.

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(4) [S.I. 2009/1302](#). There are amendments to regulation 2 and Table 2 in regulation 3, but none is relevant.

(5) [S.I. 2009/2264](#). There are amendments to regulation 2(1) and the table in Schedule 1, but none is relevant.

(6) [S.I. 2010/102](#).

(7) [S.I. 2010/104](#).

(3) In the table in Schedule 2 (persons to be notified of the proposed provision), for “police authority” substitute “police and crime commissioner”.

**Amendments to the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011**

7.—(1) The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011<sup>(8)</sup> are amended as follows.

(2) In regulation 2 (interpretation), in paragraph (1), for the definition of “police authority” substitute—

““police and crime commissioner” means a police and crime commissioner established under section 1 of the Police Reform and Social Responsibility Act 2011 (police and crime commissioners);”.

(3) In the table in Schedule 1 (consultation and notification), for “police authority” substitute “police and crime commissioner”.

Home Office  
30th October 2012

*Damian Green*  
Minister of State

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<sup>(8)</sup> [S.I. 2011/2055](#). There are amendments to regulation 2(1), but none is relevant.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 1 of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”) provides for the replacement of police authorities in England and Wales outside London with police and crime commissioners. Section 3 of the 2011 Act provides for the replacement of the Metropolitan Police Authority with the Mayor’s Office for Policing and Crime. The 2011 Act does not change the policing governance arrangements in the City of London, where the Common Council continues to act as the police authority. Police and crime commissioners, the Mayor’s Office for Policing and Crime and the Common Council in its capacity as police authority are referred to as “local policing bodies” (see sections 96(2)(a) and 97(2) of the 2011 Act, amending section 101(1) of the Police Act 1996 and Schedule 1 to the Interpretation Act 1978 respectively).

These Regulations make amendments to various other instruments in consequence of the changes to policing governance made by the 2011 Act.

The Railway Safety Accreditation Scheme Regulations 2004 make provision for the chief constable of the British Transport Police to establish and maintain a scheme for the accreditation of suitably skilled and trained non-police employees, granting them certain police powers which can be exercised within the jurisdiction of the British Transport Police. The effect of the amendment in regulation 2 of these Regulations is that, before making such a scheme, the chief constable is required to consult persons whom he considers represent the views of local policing bodies, just as he has previously been required to consult persons whom he considers represent the views of police authorities.

The Planning Act 2008 provides for the granting of development consent for certain types of nationally significant infrastructure projects.

The Infrastructure Planning (National Policy Statement Consultation) Regulations 2009 prescribe the persons whom the Secretary of State must consult before designating a statement as a national policy statement (that is, a statement setting out national policy in relation to major infrastructure developments and the determination of applications for development consent). The effect of the amendments in regulation 4 of these Regulations is that, where a proposed national policy statement includes policies identifying one or more locations as suitable (or potentially suitable) for a specified description of development, and a police and crime commissioner has responsibility for some or all of the area identified in the statement, the Secretary of State must consult that police and crime commissioner and any other police and crime commissioner for an adjacent police area. Previously this requirement applied to police authorities for police areas outside London.

The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 make provision in relation to the procedure for applying for development consent. The effect of the amendments in regulation 5 is that police and crime commissioners replace police authorities for police areas outside London as persons who must be consulted in relation to applications.

The Infrastructure Planning (Interested Parties) Regulations 2010 make provision in relation to interested parties who may make representations in relation to an application for development consent. The effect of the amendments in regulation 6 is that the relevant police and crime commissioner replaces the relevant police authority for a police area outside London as an interested party.

The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 make provision in relation to the inclusion, in an order for development consent, of provision authorising the compulsory

purchase of land. The effect of the amendments in regulation 7 of these Regulations is that the relevant police and crime commissioner replaces the relevant police authority for a police area outside London as a person who must be notified of the proposed provision.

The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 make provision in relation to the procedure for applications to change or revoke orders granting development consent. The effect of the amendments in regulation 8 of these Regulations is that the relevant police and crime commissioner replaces the relevant police authority for a police area outside London as a person who must be consulted in relation to such applications.

A full regulatory impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.