Draft Order laid before Parliament under section 117(2) of the Local Democracy, Economic Development and Construction Act 2009 for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2017 No.

LOCAL GOVERNMENT, ENGLAND

POLICE, ENGLAND AND WALES

The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017

Made - - - - ***

Coming into force in accordance with article 1

The Secretary of State, in exercise of the powers conferred by sections 114(**a**), 115(**b**), 116(**c**) and 117(5)(**d**) of, and Schedule 5C(**e**) to, the Local Democracy, Economic Development and Construction Act 2009(**f**) ("the 2009 Act"), makes the following Order.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 117(2) of the 2009 Act(**g**).

Citation and commencement

1.—(1) This Order may be cited as the Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017.

(2) Subject to paragraph (3), this Order comes into force on 8th May 2017.

(3) Articles 7 and 9 come into force on the day after the day on which this Order is made.

(**a**) 2009 c. 20. Section 114 was amended by paragraph 26(2) to (4) of Schedule 5 to the Cities and Local Government Devolution Act 2016 (c. 1) and by S.I. 2016/997.

(**b**) Section 115 was amended by paragraph 27 of Schedule 5 to the Cities and Local Government Devolution Act 2016.

(**c**) Section 116 was amended by paragraph 28 of Schedule 5 to the Cities and Local Government Devolution Act 2016 and by S.I. 2016/997.

(**d**) Section 117(5) was amended by paragraph 29 of Schedule 5 to the Cities and Local Government Devolution Act 2016.

(**e**) Schedule 5C was inserted by section 4 of, and paragraph 1 of Schedule 2 to, the Cities and Local Government Devolution Act 2016. Schedule 5C applies where an Order is made under section 107F of the 2009 Act providing for the mayor to exercise the powers of a police and crime commissioner. Such an Order has been made in relation to Greater Manchester (S.I. 2016/448).

(**f**) Sections 107A and 107F and Schedule 5B were inserted by sections 2 and 4 of, and paragraph 1 of Schedule 1 to, the Cities and Local Government Devolution Act 2016.

(**g**) Section 117(2), (2A) and (3) were substituted by section 13 of the Localism Act 2011 (c. 20). Section 117 was amended by paragraph 29 of Schedule 5 to the Cities and Local Government Devolution Act 2016.

Interpretation

2. In this Order—

"the 2009 Act" means the Local Democracy, Economic Development and Construction Act 2009(**a**);

"the 2011 Act" means the Police Reform and Social Responsibility Act 2011(**b**);

"the 2016 Order" means the Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions) Order 2016(**c**).

"the area" means the area of the combined authority;

"the combined authority" means the Greater Manchester combined authority;

"the deputy mayor for policing and crime" means the deputy mayor for policing and crime for the area;

"election for the return of the mayor" means an election held pursuant to the 2016 Order;

"the mayor" means the mayor for the area;

"the police and crime commissioner" means the police and crime commissioner for Greater Manchester;

"the PCC component" means the component of the council tax requirement calculated under section 42A of the Local Government Finance Act 1992(**d**) as modified by any Order made under section 107G of the 2009 Act in respect of the mayor's PCC functions.

Transfer of police and crime commissioner functions

3.—(1) Subject to paragraphs (2) and (3), the mayor is to be treated, in relation to the mayor's PCC functions, as a police and crime commissioner for the purposes of all police and crime commissioner enactments (whenever passed or made)(**e**).

(2) In their application to the mayor, the police and crime commissioner enactments set out in Schedule 1 apply with the modifications set out in that Schedule.

(3) Paragraph (1) does not apply to those enactments set out in Schedule 2.

Transitional arrangements and asset transfers

Transfer of property, rights and liabilities

4.—(1) All property, rights and liabilities (including rights and liabilities in relation to contracts of employment) which immediately before 8th May 2017 were property, rights and liabilities of the police and crime commissioner are to transfer to, and by virtue of this paragraph vest in, the combined authority on 8th May 2017.

(2) In relation to the property, rights and liabilities transferred by paragraph (1) and any property, rights and liabilities acquired in relation to the mayor's PCC functions on or after 8th May 2017—

(a) all functions in relation to such property, rights and liabilities are to be exercised by the mayor;

(b) all decisions relating to such property, rights and liabilities are to be made by the mayor;

(**a**) 2009 c. 20.
(**b**) 2011 c. 13.
(**c**) S.I. 2016/448.
(**d**) 1992 c. 14. Section 42A was inserted by section 75 of the Localism Act 2011 (c. 20) and amended by article 3 of S.I. 2014/389. Section 107G of the Local Government and Devolution Act 2016 (c.1) provides that, wherever a mayor exercises policing and crime commissioner functions, there must be a separate component of the council tax requirement in respect of the mayor's PCC functions.
(**e**) The definition of "police and crime commissioner enactment" is at paragraph 12(5) of Schedule 5C of the 2009 Act.

(c) any receipts arising from such property, rights and liabilities (whether arising from their use, sale, disposal or otherwise) are to be paid into the police fund kept by the mayor by virtue of section 21 of the 2011 Act.

(3) All monies held in the police fund kept by the police and crime commissioner under section 21 of the 2011 Act immediately before 8th May 2017 are, on that date, to transfer to the police fund kept by the mayor by virtue of that section (as applied in accordance with article 3 above).

(4) Nothing in paragraph (2) prevents the mayor from making arrangements under section 18(**a**) of the 2011 Act (as applied in accordance with article 3) in relation to the matters mentioned in paragraph (2).

Secondments

5. In the case of a person who, immediately before 8th May 2017 is seconded to the police and crime commissioner, the secondment is to have effect, after that time, as a secondment to the combined authority.

Continuity

6.—(1) The abolition of the police and crime commissioner, the transfer or abolition of the commissioner's functions, and the transfer of the commissioner's property, rights and liabilities, do not affect the validity of anything done before the abolition or transfer.

(2) Paragraphs (3) to (5) apply where any functions, property, rights or liabilities are transferred by or under the 2016 Order or this Order from the commissioner to the combined authority.

(3) There may be continued by or in relation to the combined authority anything (including legal proceedings) which—

(a) relates to any of the functions, property, rights or liabilities transferred; and

(b) is in the process of being done by or in relation to the commissioner immediately before 8th May 2017.

(4) Anything which—

(a) was made or done by or in relation to the commissioner for the purposes of, or otherwise in connection with, any of the functions, property, rights or liabilities transferred; and

(b) is in effect immediately before 8th May 2017;

has effect as if made or done by or in relation to the combined authority.

(5) The combined authority is to be substituted for the commissioner in any instruments, contracts or legal proceedings which—

(a) relate to any of the functions, property, rights or liabilities transferred; and

(b) are made or commenced before 8th May 2017.

(6) In this paragraph a reference to the transfer of a function includes a reference to the abolition of the function and the conferral of a corresponding function on another person.

Foreign property etc, perfection of vesting

7.—(1) Subsections (2) to (8) of section 414 of the Greater London Authority Act 1999(**b**) (foreign property, rights and liabilities: perfection of vesting) apply to the transfer by this Order of any foreign property, rights or liabilities.

(2) In the application of those provisions by virtue of paragraph (1)—

(**a**) 2011 c. 13. Section 18 makes provision to permit (with certain restrictions) the delegation of functions by a police and crime commissioner to the deputy police and crime commissioner and to other persons. Section 18 has been amended by section 79 of, and paragraph 53 of Schedule 7 to, the Localism Act 2011 (c. 20); and by section 45 of, and paragraph 116 of Schedule 12 to, the Local Audit and Accountability Act 2014 (c. 2).

(**b**) 1999 c. 29.

(a) references to a transfer or pension instrument have effect as references to the transfer by or under this Order; and

(b) references to the transferor and the transferee are to be construed accordingly.

Transfers: supplementary provision

8.—(1) All property, rights and liabilities transferred by this Order are to be transferred, notwithstanding that they may be or include—

(a) property, rights and liabilities that would not otherwise be capable of being transferred; or

(b) rights and liabilities under enactments.

(2) No right of reverter, right of pre-emption, right of forfeiture, right of re-entry, right to compensation, option or similar right affecting any land or other property is to operate or become exercisable as a result of any transfer of land or other property by virtue of this Order (whether or not any consent required to the transfer has been obtained).

(3) No right to terminate or vary a contract or instrument is to operate or become exercisable, and no provision of a contract or relevant document, is to operate or become exercisable or be contravened, by reason of the transfer made by this Order.

(4) Paragraphs (1) to (3) above have effect in relation to—

(a) the grant or creation of an estate or interest in, or right over, any land or other property; or

(b) the doing of any other thing in relation to land or other property,

as they have effect in relation to the transfer made by this Order of land or other property.

(5) In this article—

"relevant document" means—

(a) any enactment, other than an enactment contained in the 2009 Act;

(b) any subordinate legislation made otherwise than under that Act; or

(c) any deed or other instrument.

Extension of financial year of Police and Crime Commissioner and Chief Constable for Greater Manchester

9.—(1) The requirement in section 3(3) of the Local Audit and Accountability Act 2014(**a**) for a relevant authority to prepare a statement of accounts for each financial year ending on 31st March is modified in the case of the police and crime commissioner and chief constable for the financial year which began on 1st April 2016 to require—

(a) the police and crime commissioner, or after the transfer made by this Order, the combined authority in respect of the police and crime commissioner's accounts; and

(b) the chief constable;

to prepare a statement of accounts from that date for the period which ends on 7th May 2017.

(2) The requirement in regulation 15(1)(a) of the Accounts and Audit Regulations 2015(**b**) ("the Regulations") concerning the commencement of the period for the exercise of public rights under regulation 9(1)(b) of the Regulations, is modified in the case of the police and crime commissioner and the chief constable for the financial year which began on 1st April 2016 so as to require the relevant responsible financial officer to ensure that the commencement of the period for the exercise of public rights takes place on such a day that ensures that the period referred to in regulation 14(1) of the Regulations includes the 24th July to 4th August 2017.

(3) In this article—

"the chief constable" means the chief constable of the police force for Greater Manchester;

(**a**) 2014 c. 2.
(**b**) S.I. 2015/234.

"the relevant responsible financial officer" means—

(a) in relation to the police and crime commissioner, the responsible financial officer for the combined authority; and

(b) in relation to the chief constable, the responsible financial officer for the police force for Greater Manchester;

"responsible financial officer" has the same meaning as in the Regulations (see regulation 2(2)).

Consequential amendments and modifications

Amendments to the Police Reform and Social Responsibility Act 2011

10.—(1) The 2011 Act is amended as follows.

(2) After section 1(9), insert—

"(9A) Subsection (1) does not apply to an area in relation to which an order under section 107F(1) of the Local Democracy, Economic Development and Construction Act 2009(**a**) has effect (order providing for mayor for an area of a combined authority to exercise functions of a police and crime commissioner for the area).".

(3) In section 64—

(a) after subsection (3), insert—

"(3A) A person is disqualified from being elected to the office of police and crime commissioner for a police area at an ordinary election if the person—

(a) has been nominated as a candidate for election as mayor for the area of a combined authority at an election to be held on the same day; and

(b) by virtue of an order under section 107F(1) of the Local Democracy, Economic Development and Construction Act 2009, the mayor would exercise functions of a police and crime commissioner in relation to the area.";

(b) after subsection (4), insert—

"(4A) A person is disqualified from being elected to the office of police and crime commissioner for a police area at an election other than an ordinary election if—

(a) the person is a mayor who, by virtue of an order under section 107F(1) of the Local Democracy, Economic Development and Construction Act 2009, exercises functions of a police and crime commissioner for the area of a combined authority; or

(b) the person has been nominated as a candidate for election as a mayor who, by virtue of such an order, would exercise such functions and the election would take place on the same day.".

Modifications to the Local Government Act 1972

11. Section 86 of the Local Government Act 1972(**b**) applies in relation to the mayor with the following modification.

(1) After section 86(1)(c), insert—

"(d) ceases to be the mayor by virtue of section 63 of the 2011 Act;".

(**a**) Section 107F was inserted by section 4 of the Cities and Local Government Devolution Act 2016 (c. 1).

(**b**) 1972 c. 70. Section 86(2) was amended by section 59 of, and paragraph 6(1) and (7)(d) of Schedule 13 to the Deregulation Act 2015 (c. 20). There are other amendments, but none is relevant.

Name
Minister of State
Home Office

Date

SCHEDULE 1

Article 3(2)

Modifications of police and crime commissioner enactments in their application to the mayor

PART 1

Primary Legislation

Police (Property) Act 1897

1.—(1) The Police (Property) Act 1897(**a**) is modified as follows.

(2) In section 2(2A), for the last reference to "relevant body" substitute "combined authority".

Trustee Investments Act 1961

2.—(1) The Trustee Investments Act 1961(**b**) is modified as follows.

(2) In paragraph 9 of Part 2 of Schedule 1, for "similar officer of the authority" substitute "similar officer of the combined authority deployed wholly or partly in relation to the PCC functions of the mayor".

Pensions (Increase) Act 1971

3.—(1) The Pensions (Increase) Act 1971(**c**) is modified as follows.

(2) In paragraph 51(aa) of Schedule 2, for "a police and crime commissioner" substitute "the police and crime commissioner for Greater Manchester or of the combined authority deployed wholly or partly in relation to the mayor's PCC functions".

Local Government (Miscellaneous Provisions) Act 1976

4.—(1) The Local Government (Miscellaneous Provisions) Act 1976(**d**) is modified as follows.

(2) In section 29(1)(**e**), for "or transferred to the authority", substitute "to the mayor, or transferred to the combined authority in relation to the mayor's PCC functions.".

(3) In section 30(3)(a)(**f**), for "maintained by a local authority", substitute "maintained by the mayor of the combined authority".

(**a**) 1897 c. 30. Section 2(2A) was inserted by section 1(2) and (3) of the Police (Property) Act 1997 (c. 30).
(**b**) 1961 c. 62.
(**c**) 1971 c. 56. Paragraph 51(aa) was inserted by section 99 of, and paragraph 97 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.
(**d**) 1976 c. 57.
(**e**) Section 29(1) was amended by section 190 of, and paragraph 14 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22).
(**f**) Section 30(3)(a) was inserted by paragraph 126 of Schedule 16 to the Police Reform and Social Responsibility Act (c. 13).

(4) In section 44(1), in paragraph (a)(**a**) of the definition of "local authority", for "13 to 16, 29, 30, 38, 39 and 41" substitute "13, 14, 16, 29 and 38".

Local Government, Planning and Land Act 1980

5.—(1) The Local Government, Planning and Land Act 1980(**b**) is modified as follows.

(2) In section 99—

(a) After subsection (2), insert—

"(2A) Where a notice under subsection (1) is received by the combined authority and it relates to land used wholly or partly in relation to the mayor's PCC functions, the mayor is to make any representations (referred to in subsection (2)) on behalf of the combined authority to the Secretary of State.";

(b) in subsection (4)—

(i) in paragraph (dbzb) after "that Act", insert "or (as the case may be) the mayor"(**c**);

(ii) omit paragraph (dc)(**d**).

Dartford-Thurrock Crossing Act 1988

6.—(1) The Dartford-Thurrock Crossing Act 1988(**e**) is modified as follows.

(2) In section 19(a)(i), for "a local policing body" substitute "the combined authority for use in relation to the exercise of the mayor's PCC functions".

Local Government Finance Act 1988

7.—(1) The Local Government Finance Act 1988(**f**) is modified as follows.

(2) In section 114(**g**)—

(a) for subsection (4)(b)(i) substitute—

"(i) a report relating to the mayor's PCC functions, each member of the combined authority (including the mayor) and each member of the police and crime panel for the mayor's area;";

(b) in subsection (8A)(b)(**h**), for "relevant authority", substitute "mayor".

(3) In section 115—

(a) subsection (1B)(**i**) for "elected local policing body, that body", substitute "of the combined authority in relation to the mayor's PCC functions, the mayor ("the body")";

(b) in subsection (1F)(b), for "elected local policing body's" substitute "combined authority's";

(**a**) Section 44(1) was amended by section 119 of, and paragraph 43(a) of Schedule 6 to, the Local Democracy, Economic Development and Construction Act 2009 (c. 20); and section 99 of, and paragraph 127 of Schedule 16, to the Police Reform and Social Responsibility Act 2011; there are other amendments to this section, but none is relevant.

(**b**) 1980 c. 65.

(**c**) Section 99(4)(dbzb) was inserted by paragraph 51 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20).

(**d**) Section 99(4)(dc) was substituted by section 99 of, and paragraph 141 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(**e**) 1988 c. 20; section 19(a)(i) was substituted by section 99 of, and paragraph 177 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011. There are other amendments to section 19(a) that are not relevant to this Order.

(**f**) 1988 c. 41.

(**g**) Section 114(4)(b) was inserted by section 99 of, and paragraph 188(5) and of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(**h**) Subsection (8A)(b) was inserted by section 99 of, and paragraph 188(6) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(**i**) Subsections (1B) to (1F) were inserted by section 99 of, and paragraph 189(2) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(c) in subsection (2)(**a**), for "any authority other than an elected local policing body", substitute "any report other than one relating to the mayor's PCC functions".

(4) For section 116(2B)(**b**), substitute:

"(2B) In the case of the mayor, the chief finance officer of the combined authority must notify the auditor of the combined authority of any decision taken by the mayor in accordance with section 115".

Road Traffic Act 1988

8.—(1) The Road Traffic Act 1988(**c**) is modified as follows.

(2) In section 144(2)(b)—

(a) for "a local policing body" substitute "the combined authority for use in relation to the mayor's PCC functions";

(b) for "a police and crime commissioner's staff (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011)" substitute "the combined authority's staff deployed wholly or partly in relation to the mayor's PCC functions".

Local Government and Housing Act 1989

9.—(1) The Local Government and Housing Act 1989(**d**) is modified as follows.

(2) In section 1—

(a) in subsection (9)(**e**), for "an elected local policing body" substitute "the combined authority deployed predominantly in relation to the mayor's PCC functions";

(b) in subsection (10)(**f**), for "an elected local policing body does not include a deputy police and crime commissioner" substitute "the combined authority deployed predominantly in relation to the mayor's PCC functions does not include the deputy mayor for policing and crime.".

(3) In section 4—

(a) omit subsections (1) and (1A)(**g**);

(b) for subsection (4)(**h**) substitute—

"(4) It shall be the duty of the head of the combined authority's paid service, as soon as practicable after he has prepared a report relating to the mayor's PCC functions under this section, to arrange for a copy of it to be sent to the members of the combined authority (including the mayor) and to the police and crime panel.";

(c) in subsection (5)(**i**), omit "(other than an elected local policing body)";

(d) in subsection (5A)(**j**), for "by the head of the body's paid service" substitute "that relates to the mayor's PCC functions".

(**a**) Subsection (2) was amended by section 99 of, and paragraph 189(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(**b**) Subsection (2B) was amended by section 99 of, and paragraph 190(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(**c**) 1988 c. 52; section 144(2)(b) was amended by section 99 of, and paragraph 197(3)(a) and (b) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011. There are other amendments the section, but none is relevant.

(**d**) 1989 c. 42.

(**e**) Subsection (9) was inserted by section 99 of, and paragraph 200 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; and was amended by section 123 of the Policing and Crime Act 2017 (c. 3).

(**f**) Subsection (10) was inserted by section 123 of the Policing and Crime Act 2017.

(**g**) Subsection (1A) was inserted by section 99 of, and paragraph 201(2) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(**h**) Subsection (4) was inserted by section 99 of, and paragraph 201(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(**i**) Subsection (5) was inserted by section 99 of, and paragraph 201(4) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(**j**) Subsection (5A) was inserted by section 99 of, and paragraph 201(5) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(4) In section 5—

(a) omit subsection (1C)(**a**);

(b) for subsection (3)(b)(a)(**b**), substitute—

"(a) in the case of a report relating to the mayor's PCC functions, to the members of the combined authority (including the mayor) and to the police and crime panel; and";

(c) in subsection (5)—

(i) for "a relevant authority" substitute "the mayor";

(ii) in paragraph (a)(**c**)—

(aa) in sub-paragraph (i), omit "in the case of an elected local policing body";

(bb) omit sub-paragraph (ii);

(d) in subsection (8)(**d**), in the definition of "relevant authority" omit "and an elected local policing body".

(5) Omit section 7(1)(aa)(**e**).

(6) Omit section 13(5ZA)(**f**).

Police Act 1996

10.—(1) The Police Act 1996 Act(**g**) is modified as follows.

(2) In section 22A(9)(a)(**h**), for "that body" substitute "the combined authority deployed wholly or partly in relation to the mayor's PCC functions".

(3) In section 41(**i**)—

(a) in subsection (1), for "commissioner's council tax requirement (under section 42A of the Local Government Finance Act 1992) or budget requirement (under section 43 of that Act)" substitute "PCC component";

(b) in subsection (4), for "precept issued or calculation made by the commissioner under Part 1 of the Local Government and Finance Act 1992", substitute "determination by the mayor of the final amount of the PCC component".

(4) In section 53E(**j**)—

(a) in subsection (1)(a), for "a local policing body" substitute "the combined authority and are deployed wholly or partly in relation to the mayor's PCC functions";

(b) in subsection (1)(b), for "the body" substitute "the combined authority";

(5) In section 88(**k**)—

(**a**) Subsection (1C) was inserted by section 99 of, and paragraph 202(3) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(**b**) Subsection (3)(b)(a) was inserted by section 99 of, and paragraph 202(4) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(**c**) Subsection (5)(a) was inserted by section 99 of, and paragraph 202(5) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(**d**) Subsection (8) was amended by section 99 of, and paragraph 202(6)(b) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011. There are other amendments to the section, but none is relevant.

(**e**) Section 7(1)(aa) was inserted by section 99 of, and paragraph 203(b) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011

(**f**) Section 13(5ZA) was inserted by section 7 of the Policing and Crime Act 2017 (c. 3).

(**g**) 1996 c.16.

(**h**) Section 22A was inserted by section 89(2) of the Police Reform and Social Responsibility Act 2011 (c. 13).

(**i**) Section 41 was amended by paragraph 28 of Schedule 2 to the Police and Justice Act 2006 (c. 48); section 22 of the Police Reform and Social Responsibility Act 2011; and by paragraph 33 of Schedule 7 to the Localism Act 2011 (c. 20).

(**j**) Section 53E was inserted by section 125 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(**k**) Section 88 was amended by paragraph 85 of Schedule 9 to the Police Act 1997 (c. 50); sections 102(1) and (4) and 103(1) of the Police Reform Act 2002; paragraph 80(3) of Schedule 4 and paragraph 1 of Schedule 17, to the Serious Organised Crime and Police Act 2005 (c. 15); paragraph 42 of Schedule 16 to the Police Reform and Social Responsibility Act 2011; by S.I. 2012/1809, and by paragraph 45 of Schedule 8 to the Crime and Courts Act 2013 (c. 22).

(a) in subsection (5A)(**a**), for the first reference to "local policing body" substitute "combined authority deployed wholly or partly in relation to the mayor's PCC functions";

(b) in subsection (6)(a)(**b**), for "local policing body" substitute "combined authority deployed wholly or partly in relation to the mayor's PCC functions".

(6) In section 92(1)(**c**), for "parish or community" substitute "parish, community, or combined authority".

(7) In section 96(1B)(**d**), for "precept for a financial year is issued by the police and crime commissioner under section 40 of the Local Government Finance Act 1992" substitute "PCC component is determined by the mayor".

Police Reform Act 2002

11.—(1) The Police Reform Act 2002 Act(**e**) is modified as follows.

(2) In section 40(7)(d)(**f**), for "local policing body" substitute "combined authority and are deployed wholly or partly in relation to the mayor's PCC functions".

(3) In section 42(7)(**g**)—

(a) for the first reference to "local policing body" substitute "combined authority deployed wholly or partly in relation to the mayor's PCC functions";

(b) for the second reference to "local policing body" substitute "combined authority";

(c) for "or body" substitute "or authority".

Proceeds of Crime Act 2002

12.—(1) The Proceeds of Crime Act 2002(**h**) is modified as follows.

(2) For section 55(8)(aa) substitute—

"(aa) a member of the combined authority's staff deployed wholly or partly in relation to the mayor's PCC functions;".

Local Government Act 2003

13.—(1) The Local Government Act 2003(**i**) is modified as follows.

(2) In section 7—

(a) in subsection (1)(a), for "its part", substitute "the part of the combined authority";

(b) in subsection (2), for "on the part of the authority", substitute "on the part of the combined authority".

Railways and Transport Safety Act 2003

(**a**) Subsection (5A) was inserted by section 59 of, and paragraph 80(3) of Schedule 4 to, the Serious Organised Crime and Police Act 2005 (c. 15); and amended by section 99 of, and paragraph 42(4) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; and by paragraph 45 of Schedule 8 to the Crime and Courts Act 2013 (c. 22).

(**b**) Subsection (6)(a) was amended by section 99 of, and paragraph 42(5) of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(**c**) Section 92(1) was amended by section 25(4)(a) of the Police Reform and Social Responsibility Act 2011. There are other amendments, but none is relevant.

(**d**) Section 96(1B) was inserted by section 14(3) of the Police Reform and Social Responsibility Act 2011.

(**e**) 2002 c. 30.

(**f**) Section 40(7) was amended by section 99 of, and paragraphs 277 and 295 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(**g**) Section 42(7) was amended by section 99 of, and paragraphs 277 and 295 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(**h**) 2002 c. 29; paragraph (aa) was inserted by section 99 of, and paragraph 305 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(**i**) 2003 c. 26.

14.—(1) The Railways and Transport Safety Act 2003(**a**) is modified as follows.

(2) For paragraph 7(2)(c) of Schedule 4, substitute—

"(c) a member of staff of the combined authority deployed wholly or partly in relation to the mayor's PCC functions.".

Local Government and Public Involvement in Health Act 2007

15.—(1) The Local Government and Public Involvement in Health Act 2007(**b**) is modified as follows.

(2) For section 15(1)(a), substitute—

"(a) for the transfer of functions, property, rights or liabilities from a local authority, combined authority in relation to the mayor's PCC functions, or local policing body for any area to another local authority, combined authority in relation to the mayor's PCC functions, or local policing body whose area consists of or includes the whole or part of that area;".

Local Democracy, Economic Development and Construction Act 2009

16.—(1) The 2009 Act is modified as follows.

(2) In paragraph 9(1)(a) of Schedule 5B(**c**), for "or deputy mayor" substitute ", deputy mayor or deputy mayor for policing and crime".

Police Reform and Social Responsibility Act 2011

17. The 2011 Act is modified as follows.

18. In section 5(**d**)—

(a) in subsection (1), for "ordinary election" substitute "election for the return of a mayor";

(b) in subsection (13)—

(i) in the definition of "financial year", for "year of the police and crime commissioner" substitute "year of the combined authority";

(ii) omit the definition of "ordinary election".

19. In section 7(7)(**e**)—

(a) in the definition of "financial year", for "year of the elected local policing body" substitute "year of the combined authority"

(b) omit the definition of "ordinary election";

(c) in the definition of "planning period" for "ordinary election" substitute "election for the return of a mayor";

(d) in the definition of "qualifying day" for "ordinary election" substitute "election for the return of a mayor".

20. In section 16—

(a) for subsection (1), substitute—

(**a**) 2003 c. 20; paragraph 7(2)(c) was inserted by section 99 of, and paragraph 328 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(**b**) 2007 c. 28; section 15(1)(a) was amended by section 74 of, and paragraph 14(2)(a) of Schedule 10 to, the Police Reform and Social Responsibility Act 2011.

(**c**) 2009 c. 20; paragraph 9(1) of Schedule 5B was inserted by section 2 of, and paragraph 1 of Schedule 1 to, the Cities and Local Government Devolution Act 2016 (c. 1).

(**d**) There are amendments to section 5, none of which are relevant to this Order.

(**e**) Section 7 was amended by section 181 of, and paragraph 97 of Schedule 11 to, the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)

"(1) This section applies where the mayor is required or authorised by any Act—

(a) to appoint a person to a specified post in the combined authority; or

(b) to designate a person as having a specified duty or responsibilities,

in connection with the exercise of the mayor's PCC functions.";

(b) in subsection (2), for "the body" substitute "the combined authority".

21. In section 18(**a**)—

(a) for each reference to "deputy police and crime commissioner" substitute "deputy mayor for policing and crime";

(b) in subsection (6)—

(i) after paragraph (d), insert—

"(da) a deputy mayor under section 107C of the 2009 Act;";

(ii) after paragraph (h), insert—

"(i) the combined authority.";

(c) in subsection (7)—

(i) for paragraph (f), substitute—

"(f) calculating the PCC component.";

(ii) omit paragraphs (g) and (h)(**b**);

(iii) for subsection (10), substitute—

"(10) The deputy mayor for policing and crime is a member of staff of the combined authority, unless they are a member of the combined authority.".

22. In section 21, after subsection (3) insert—

"(3A) Expenditure may be paid out of the police fund only if, and to the extent that, it is incurred in or otherwise relates to, the exercise of the mayor's PCC functions.".

23. In section 28—

(a) omit subsections (1A) and (1B)(**c**);

(b) in subsection (6)(a), after "police and crime commissioner" insert ", the deputy mayor for policing and crime and any other person who exercises any function of the mayor pursuant to arrangements made under section 18".

24. In section 29—

(a) for subsection (1), substitute—

"(1) A police and crime panel may require—

(a) the mayor;

(b) the deputy mayor for policing and crime;

(c) members of staff of the combined authority deployed wholly or partly in relation to the mayor's PCC functions; and

(d) any members of the combined authority who exercise any function of the mayor pursuant to arrangements made under section 18,

to attend before the panel (at reasonable notice) to answer any question which appears to the panel to be necessary in order for it to carry out its functions.".

(**a**) Section 18 was amended by section 79 of, and paragraph 53 of Schedule 7 to, the Localism Act 2011 (c. 20); and section 45 of, and paragraph 116 of Schedule 12 to, the Local Audit and Accountability Act 2014 (c. 2).

(**b**) Paragraphs (7)(g) and (h) were added by section 45 of, and paragraph 116 of Schedule 12 to, the Local Audit and Accountability Act 2014 (c. 2).

(**c**) Subsections (1A) and (1B) were added by section 6 of, and paragraph 89 of Schedule 1 to, the Policing and Crime Act 2017 (c. 3).

(b) for subsection (2), substitute—

"(2) Nothing in subsection (1) requires a person to give any evidence, or produce any document, which discloses advice given to—

(a) the mayor in relation to the mayor's PCC functions;

(b) the deputy mayor for policing and crime; or

(c) a member of the combined authority who exercises any function of the mayor pursuant to arrangements made under section 18.".

(c) for subsection (5), substitute—

"(5) Any person referred to in subsection (1)(b), (c) or (d) must comply with any requirement imposed on them under that subsection.";

(d) in subsection (6), after "commissioner" insert "or "the deputy mayor for policing and crime".

25. In section 30—

(a) in subsection (1), for "relevant police and crime commissioner" substitute "the mayor so far as acting in the exercise of PCC functions";

(b) for subsection (3), substitute—

"(3) For the purposes of salary, pensions and allowances in respect of times during a period of suspension, the mayor is to be treated as holding that office during that suspension.".

26. In subsection 31(3), for paragraphs (b) to (d) substitute—

"(b) deputy mayor for policing and crime.".

27. In section 62—

(a) for subsection (1), substitute—

"(1) The police and crime panel must appoint a person to exercise the mayor's PCC's functions (the "acting commissioner") if the mayor is suspended from the exercise of PCC functions in accordance with section 30.";

(b) in subsection (2), for "member of the police and crime commissioner's staff" substitute "member of the staff of the combined authority deployed wholly or partly in relation to the mayor's PCC functions or the deputy mayor for policing and crime";

(c) after subsection (2), insert—

"(2A) The police and crime panel may not appoint as acting commissioner any person appointed as a deputy mayor under section 107C of the 2009 Act.";

(d) omit subsection (3);

(e) for subsection (5), substitute—

"(5) Any property or rights vested in the combined authority in relation to the mayor's PCC functions can be dealt with by the acting commissioner.";

(f) omit subsection (6)(c);

(g) in subsection (7)—

(i) omit "incapacitated or";

(ii) omit "(6)(c) or";

(h) omit subsection (8).

28. For section 63, substitute—

"(1) Subsection (2) applies where—

(a) the deputy mayor is appointed under section 107C of the 2009 Act to act for the mayor because the mayor is unable to act; and

(b) the mayor does not cease to be unable to act during the period of 6 months beginning with the day on which the acting mayor was appointed.

(2) At the end of that 6 month period—

(a) the mayor ceases to be the mayor, and

(b) accordingly, the office of mayor becomes vacant.".

29. For section 64(3) to (4A)(**a**), substitute—

"(3) A person is disqualified from being elected at an election held under the 2016 Order if—

(a) the person has been nominated as a candidate for election as police and crime commissioner for an election for any other police area at an ordinary election, and

(b) the ordinary election is held on the same day as the election to return the mayor.

(4) A person is disqualified from being elected as the mayor at an election other than an election held under the 2016 Order if—

(a) the person is the police and crime commissioner for any other police area; or

(b) the person has been nominated as a candidate for election as police and crime commissioner for any other police area for which an election is held on the same day.".

30. In section 65—

(a) in subsection (1)(e)(**b**), insert after paragraph (ii)—

"(iii) the combined authority.";

(b) for subsection (1A)(**c**), substitute—

"(1A) Subsection (1)(e)(i) does not prevent a deputy mayor for policing and crime—

(a) from being elected as mayor at an election held under the 2016 Order;

(b) from being elected at an election held otherwise than under the 2016 Order to fill a vacancy in the office of mayor if, on the day on which the person is nominated as a candidate at the election and at all times between that day and the declaration of the result of the election, the deputy is acting as acting commissioner under section 62.".

31. In section 70—

(a) for subsection (1), substitute—

"(1) A person elected to the office of mayor may not exercise police and crime commissioner functions unless that person has made the specified declaration to the appropriate officer.";

(b) omit subsection (2);

(c) in subsection (5), for "office" substitute "the duty of exercising police and crime commissioner functions as mayor";

(d) for subsection (6), substitute—

"(6) In this section—

"appropriate officer" means the person designated as the head of paid service by the combined authority under section 4(1)(a) of the Local Government Act 1989;

"specified declaration" means the following declaration—

I [Full Name] of [Place] do hereby declare that I accept the duty of exercising Police and Crime Commissioner functions as Greater Manchester Mayor.

(**a**) Subsection (4A) was inserted into section 64 by article 10 of this Order.
(**b**) Section 65(1) was amended by paragraph 184 of Schedule 8 to the Crime and Courts Act 2013 (c. 22).
(**c**) Subsection (1A) was inserted by section 123 of the Policing and Crime Act 2017 (c. 3).

In making this declaration, I solemnly and sincerely promise that in exercising Police and Crime Commissioner functions:

I will serve all the people of Greater Manchester.

I will act with integrity and diligence in my role and, to the best of my ability, will execute my duties to ensure that the police are able to cut crime and protect the public.

I will give a voice to the public, especially victims of crime, and work with other services to ensure the safety of the community and effective criminal justice.

I will take all steps within my power to ensure transparency of my decisions, so that I may be properly held to account by the public.

I will not interfere with the operational independence of police officers.";

(e) omit subsection (7).

32. In Schedule 1—

(a) for paragraph 1, substitute—

"**1.** This Schedule applies in relation to the mayor in the exercise of PCC functions.";

(b) for paragraph 4, substitute—

"**4.**—(1) The mayor must make authorised pension payments.

(2) In this paragraph "authorised pension payments" means—

(a) pensions to, or in respect of, persons who have been the police and crime commissioner for Greater Manchester, and

(b) amounts for or towards provision of pensions to, or in respect of, persons who have been the police and crime commissioner for Greater Manchester,

which are of the kinds and amounts determined by the Secretary of State as payable in accordance with this paragraph.";

(c) in paragraph 5(2), for "any of paragraphs 2 to" substitute "paragraph";

(d) in paragraph 8(**a**)—

(i) for each reference to "deputy police and crime commissioner" substitute "deputy mayor for policing and crime";

(ii) for sub-paragraph (3) and (3A), substitute—

"(3) The terms and conditions of a person appointed as the deputy mayor for policing and crime must ensure that the person's term of office ends no later than the third day after the day of the poll at an election for the return of a mayor(**b**).

(3A) The terms and conditions must also provide for the deputy mayor for policing and crime's appointment to end when, following an election held to fill a vacancy in the office of the appointing mayor, the person elected makes and delivers a declaration under section 70.".

(e) for paragraph 9(1), substitute—

"(1) The mayor must notify the police and crime panel of each proposed appointment by the mayor of a deputy mayor for policing and crime.";

(f) in paragraph 10(9)(a), for "ordinary election of a police and crime commissioner under section 50" substitute "election for the return of the mayor";

(g) for paragraph 13, substitute—

"**13.**—(1) The mayor may pay —

(**a**) Paragraph 8 was amended by section 122(2) and (3) of the Policing and Crime Act 2017 (c. 3).
(**b**) S.I. 2016/448 makes provision for the election of a mayor with PCC functions in Greater Manchester.

(a) remuneration, allowances and gratuities to members of the combined authority's staff deployed wholly or partly in relation to the mayor's PCC functions; and

(b) to the deputy mayor for policing and crime where that person is not a member of staff of the combined authority, allowances and gratuities.

(2) The mayor may pay—

(a) pensions to, or in respect of, persons who have been members of the combined authority's staff deployed wholly or partly in relation to the mayor's PCC functions; and

(b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the combined authority's staff deployed wholly or partly in relation to the mayor's PCC functions.

(3) In this paragraph "allowances"—

(a) in relation to a member of the combined authority's staff deployed wholly or partly in relation to the mayor's PCC functions, means allowances in respect of expenses incurred by the member of staff in the course of employment in relation to such functions; and

(b) in relation to a deputy mayor for policing and crime who is not a member of the combined authority's staff, means allowances in respect of expenses incurred by the deputy mayor for policing and crime in the course of that person's duties as deputy mayor for policing and crime.";

(h) for paragraph 15(2), substitute—

"(2) A person who is—

(a) a member of staff of the combined authority deployed wholly or partly in relation to the mayor's PCC functions; or

(b) a member of the combined authority exercising the mayor's PCC functions;

has no personal liability for an act or omission done by the person, in the carrying out of duties relating to the mayor's PCC functions as a member of staff or as a member of the combined authority, unless it is shown to have been done otherwise than in good faith.";

(i) for paragraph 16, substitute—

"**16.** References to the financial year of the mayor are to be read as if they were references to the financial year of the combined authority.".

33. In Schedule 5—

(a) in paragraph 1—

(i) for sub-paragraph (1), substitute—

"(1) The mayor may not determine the final amount of the PCC component for a financial year until the end of the scrutiny process is reached";

(ii) for sub-paragraph (3), substitute—

"(3) References in this Schedule to the determining of the final amount of the PCC component include references to the determining of the amount of the PCC component of a substitute precept.";

(b) in paragraph 2, for "the precept which the commissioner is proposing to issue" substitute "the proposed amount of the PCC component";

(c) in paragraph 3(3), for "the precept that should be issued" substitute "the amount of the PCC component";

(d) in paragraph 4(3), for "precept for the financial year" substitute "PCC component for the financial year";

(e) in paragraph 5(3)—

(i) in paragraph (a), for "issue the proposed precept as the precept" substitute "determine that the proposed amount of the PCC component is the final amount of the PCC component";

(ii) in paragraph (b), for "issue a different precept" substitute "determine a different PCC component";

(f) in paragraph 6(2), for "issue the proposed precept as the precept" substitute "determine that the proposed PCC component is to be the PCC component";

(g) in paragraph 8—

(i) in sub-paragraph (1), for "issuing of precepts" substitute "determining the amount of the PCC component";

(ii) in sub-paragraph (4), for "precept that may be issued" substitute "amount of the PCC component".

34. In Schedule 6(**a**)—

(a) for paragraph 21, substitute—

"**21.** The mayor, a member of the combined authority appointed by the constituent councils, or substitute members acting in place of those members may not be a member of the police and crime panel for the area.";

(b) in paragraph 22(a), for the words "police and crime commissioner for that police area" substitute "combined authority";

35. In Schedule 7—

(a) in paragraph 3(1)(a)(ii), for "deputy police and crime commissioner" substitute "deputy mayor for policing and crime (unless the holder of that office is a member of the combined authority)";

(b) for paragraph 4, substitute—

"**4.**—(1) This paragraph applies in relation to qualifying complaints which—

(a) relate to a holder of the office of—

(i) mayor; or

(ii) deputy mayor for policing and crime, if the holder of that office is a member of the combined authority, and

(b) are not, or cease to be, investigated by the Independent Police Complaints Commission or a police force.

(2) Regulations must secure that such complaints are dealt with in accordance with the combined authority's code of conduct adopted under section 27(2) of the Localism Act 2011.".

36. In Schedule 8—

(a) for paragraph 4(10), substitute—

"(10) For that purpose, "relevant post-election period" means the period that—

(a) begins with the day of the poll at an election for the return of the mayor; and

(b) ends with the day on which the person elected as mayor delivers a declaration under section 70.";

(b) for paragraph 15(8), substitute—

"(8) For that purpose, "relevant post-election period" means the period that—

(a) begins with the day of the poll at an election for the return of the mayor; and

---

(**a**) There are amendments to Schedule 6, none of which is relevant to this instrument.

(b) ends with the day on which the person elected as mayor delivers a declaration under section 70.".

Local Audit and Accountability Act 2014

37.—(1) The Local Audit and Accountability Act 2014(**a**) is modified as follows.

(2) In Schedule 4—

(a) for paragraph 2(4)(a), substitute—

"(a) cases where the relevant authority referred to in the opening words of sub-paragraph (2) (the "relevant authority concerned") is a combined authority where the mayor exercises PCC functions;";

(b) for paragraph 2(5), substitute—

"(5) Where the relevant authority concerned is a combined authority where the mayor exercises PCC functions, references to "the authority" include the chief constable for the area.".

PART 2

Secondary Legislation

Motor Vehicles (Third Party Risks) Regulations 1972

38.—(1) The Motor Vehicles (Third Party Risks) Regulations 1972(**b**) are modified as follows.

(2) For regulation 7(3), substitute—

"(3) in the case of a motor vehicle owned by the combined authority for use wholly or partly in relation to the mayor's PCC functions, a certificate in Form F signed by some person authorised in that behalf by the mayor that the motor vehicle is owned by the combined authority for use in relation to the mayor's PCC functions.".

Official Secrets Act 1989 (Prescription) Order 1990

39.—(1) The Official Secrets Act 1989 (Prescription) Order 1990(**c**) is modified as follows.

(2) In Schedule 2, for "a Deputy police and crime commissioner", substitute "a Deputy mayor for policing and crime".

Police (Disposal of Sound Equipment) Regulations 1995

40.—(1) The Police (Disposal of Sound Equipment) Regulations 1995(**d**) and modified as follows.

(2) In regulation 4(4), for "local policing body" substitute "combined authority".

Police (Property) Regulations 1997

41.—(1) The Police (Property) Regulations 1997(**e**) are modified as follows.

(2) In regulation 6(6), for "relevant authority" substitute "combined authority".

(3) In regulation 7(1), for "vest in them" substitute "vest in the combined authority".

(**a**) 2014 c. 2.
(**b**) S.I. 1972/1217; regulation 7(3) was amended by S.I. 2011/3058. There are other amending instruments, but none is relevant.
(**c**) S.I. 1990/200; amended by S.I. 2012/2900. There are other amending instruments, but none is relevant.
(**d**) S.I. 1995/722; regulation 4 was amended by S.I. 2000/1549 and S.I. 2011/3058.
(**e**) S.I. 1997/1908; regulations 6 and 7 were amended by S.I. 2002/2313 and S.I. 2013/2318.

Health and Safety (Enforcing Authority) Regulations 1998

42.—(1) The Health and Safety (Enforcing Authority) Regulations 1998(**a**) are modified as follows.

(2) In regulation 4(3)(d), for "a local policing body" substitute "the combined authority in relation to the mayor's PCC functions".

Motor Vehicles (Driving Licences) Regulations 1999

43.—(1) The Motor Vehicles (Driving Licences) Regulations 1999(**b**) are modified as follows.

(2) In regulation 23(1)(c)(ii)(**c**), for "local policing body or" substitute "the combined authority deployed wholly or partly in relation to the mayor's PCC functions or a".

(3) In regulation 24(1)(d)(ii)(**d**), for "local policing body or" substitute "the combined authority deployed wholly or partly in relation to the mayor's PCC functions or a".

(4) In regulation 58(2)(c)(ii)(**e**), for "local policing body" substitute "the combined authority deployed wholly or partly in relation to the mayor's PCC functions".

Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999

44.—(1) The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999(**f**) is modified as follows.

(2) For paragraph 2 of Section 6 of Schedule 1, substitute—

> "**2.** The combined authority in relation to employees deployed wholly or partly in relation to the mayor's PCC functions.".

Motor Vehicles (Access to Driver Licensing Records) Regulations 2001

45.—(1) The Motor Vehicles (Access to Driver Licensing Records) Regulations 2001(**g**) are modified as follows.

(2) In regulation 3(2), for "local policing body or" substitute "the combined authority deployed wholly or partly in relation to the mayor's PCC functions or a".

Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001

46.—(1) The Police and Criminal Evidence Act 1984 (Drug Testing of Persons in Police Detention) (Prescribed Persons) Regulations 2001(**h**) are modified as follows.

(2) In regulation 2(1)(b), for "a local policing body or" substitute "the combined authority deployed wholly or partly in relation to the mayor's PCC functions or a".

Police Regulations 2003

47.—(1) The Police Regulations 2003(**i**) are modified as follows.

(**a**) S.I. 1998/494; regulation 4(3)(d) was amended by S.I. 2011/3058. There are other amending instruments, but none is relevant.
(**b**) S.I. 1999/2864.
(**c**) Regulation 23(1)(c) was substituted by S.I. 2011/3058. There are other amending instruments, but none is relevant.
(**d**) Regulation 24(1)(d) was inserted by S.I. 2011/3058. There are other amending instruments, but none is relevant.
(**e**) Regulation 58(2)(c)(ii) was substituted by S.I. 2011/3058.
(**f**) S.I. 1999/2277; paragraph 2 of Section 6 of Schedule 1 was substituted by S.I. 2012/2733.
(**g**) S.I. 2001/3343; regulation 3 was amended by S.I. 2011/3058.
(**h**) S.I. 2001/2645; regulation 2(1)(b) was amended by S.I. 2012/61.
(**i**) S.I. 2003/527; regulation 24(1)(b) was amended by S.I. 2011/3026.

(2) In regulation 7(7)(a), for "a deputy appointed under section 18(1)(a) or 19(1)(a) of the Police Reform and Social Responsibility Act 2011" substitute "the deputy mayor for policing and crime".

(3) In regulation 24(1)(b), for "local policing body" substitute "combined authority deployed wholly or partly in relation to the mayor's PCC functions".

Docking of Working Dogs' Tails (England) Regulations 2007

48.—(1) The Docking of Working Dogs' Tails (England) Regulations 2007(**a**) are modified as follows.

(2) In regulation 2, for the definition of "police identification" substitute—

""police identification" means evidence that the person presenting the identification is—

(a) a police officer;

(b) employed by the combined authority and deployed wholly or partly in relation to the mayor's PCC functions;

(c) contracted to work for the mayor in relation to the mayor's PCC functions; or

(d) contracted to work for, or otherwise employed by, the chief officer of police.".

REACH Enforcement Regulations 2008

49.—(1) The Reach Enforcement Regulations 2008(**b**) are modified as follows.

(2) In paragraph 5(c) of Part 3 of Schedule 3, for "local policing body" substitute "the combined authority in relation to the mayor's PCC functions".

Elected Local Policing Bodies (Specified Information) Order 2011

50.—(1) The Elected Local Policing Bodies (Specified Information) Order 2011(**c**) is modified as follows.

(2) In article 1(2)—

(a) for the definition of "election" substitute—

""election" means an election for the return of a mayor;"";

(b) in the definition of "relevant office holder", for "deputy police and crime commissioner" substitute "deputy mayor for policing and crime";

(c) for the definition of "senior employee", substitute—

""senior employee" means a member of staff of the combined authority deployed wholly or partly in relation to the mayor's PCC functions and whose salary exceeds £50,000;" and;

(d) for the definition of "staff", substitute—

""staff" means members of staff employed by the combined authority deployed wholly or partly in relation to the mayor's PCC functions but does not include the deputy mayor for policing and crime."".

(3) In the Schedule—

(a) in paragraph 2—

(i) omit the first reference to "of the elected local policing body";

(ii) for each of the remaining two references to "elected local policing body" substitute "combined authority";

(**a**) S.I. 2007/1120, regulation 2 was amended by SI 2012/61.

(**b**) S.I. 2008/2852; paragraph 5(c) of Part 3 of Schedule 3 was amended by S.I. 2011/3058. There are other amendments but none is relevant.

(**c**) S.I. 2011/3050.

(b) in paragraph 3(**a**)—

(i) for sub-paragraph (b), substitute—

"(b) the PCC component;";

(ii) in sub-paragraph (c), for "the precept" substitute "the PCC component";

(c) in paragraph 4(**b**)—

(i) for the first reference to "elected local policing body", substitute "combined authority in relation to the mayor's PCC functions";

(ii) in sub-paragraph (a), for "by, or occupied for the purposes of" substitute "by the combined authority in relation to the mayor's PCC functions, or occupied for the purpose of";

(iii) in sub-paragraphs (b) and (c), for "£10,000" substitute "£5,000";

(iv) for sub-paragraph (d), substitute—

"(d) a list of every contract with a value not exceeding £5,000 —

(i) which the mayor has entered into, or is to enter into, on behalf of the combined authority in relation to the mayor's PCC functions; or

(ii) to which the chief officer of the police force maintained by the mayor is, or is to be, a party,

including the value of the contract, the identity of every other party to the contract and the purpose of the contract.".

Policing Protocol Order 2011

51.—(1) The Policing Protocol Order 2011(**c**) is modified as follows.

(2) In the Schedule—

(a) in paragraph 5, for "each PCC" substitute "the combined authority deployed wholly or partly in relation to the mayor's PCC functions";

(b) for paragraph 13, substitute—

"**13.** Chief Constables are established in law as corporations sole within the 2011 Act. In doing so Chief Constables are enabled by law to employ staff and hold funds. Chief Constables are charged with the impartial direction and control of all constables and staff within the police force that they lead.

13A. The staff of the combined authority deployed wholly or partly in relation to the mayor's PCC functions are accountable to the directly elected mayor to enable the mayor to exercise their PCC functions.";

(c) in paragraph 16, for "precept" substitute "PCC component";

(d) in paragraph 17(d), for "precept" substitute "PCC component";

(e) in paragraph 24—

(i) in sub-paragraph (a), for "precept" substitute "PCC component";

(ii) in sub-paragraph (h), for "incapacitated, resigns or is disqualified" substitute "suspended from the exercise of PCC functions";

(iii) omit sub-paragraph (i);

(f) after paragraph 24, insert—

"**24A.** Complaints against the mayor and deputy mayor for policing and crime (if that person is a member of the combined authority) will be dealt with in accordance with the

(**a**) Paragraph 3 of the Schedule was amended by S.I. 2012/2479 and by S.I. 2013/1816.
(**b**) Paragraph 4 of the Schedule was amended by S.I. 2012/2479.
(**c**) S.I. 2011/2744.

combined authority's existing standards regime, which operates under local government legislation. Serious complaints and conduct matters must be passed to the IPCC in line with legislation.".

Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012

52.—(1) The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012(**a**) are modified as follows.

(2) In regulation 2—

(a) after the definition of "document", insert—

"head of paid service" means the head of paid service designated by the combined authority under section 4(1)(a) of the Local Government and Housing Act 1989(**b**);

(b) in the definition of "police and crime panel", in paragraph (a), for "deputy police and crime commissioner" substitute "deputy mayor for policing and crime";

(c) in the definition of "relevant office", for paragraph (b) substitute—

"(b) deputy mayor for policing and crime;".

(3) In regulation 7—

(a) for paragraph (1)(a), substitute–

"(a) the monitoring officer appointed by the combined authority under section 5(1)(a) of the Local Government and Housing Act 1989;";

(b) in paragraph (2), omit "a chief executive or";

(c) for paragraph (3), substitute—

"(3) Where the police and crime panel delegates powers or duties conferred or imposed by or under regulation 9 (notification and recording of complaints), 11 (notification and recording of conduct matters arising in civil proceedings) or 12 (recording of conduct matters in other cases) to the monitoring officer appointed by the combined authority, the monitoring officer shall notify the head of paid service of any complaint or conduct matter considered by the monitoring officer in accordance with those regulations.".

(4) In regulation 15(3)(a), for "the office holder's staff" substitute "staff deployed by the combined authority wholly or partly in relation to the mayor's PCC functions".

(5) For regulation 28(1)—

(a) omit paragraph (a);

(b) for paragraph (b), substitute—

"(b) the deputy mayor for policing and crime who is not a member of the combined authority at the time when the complaint is recorded;".

(6) For regulation 29, substitute—

"**Resolution in accordance with the combined authority's code of conduct.**

29.—(1) If a complaint to which this Part applies concerns the conduct of—

(a) the mayor; or

(b) the deputy mayor for policing and crime who is a member of the combined authority at the time when the complaint is recorded,

the police and crime panel shall pass the complaint to the monitoring officer appointed by the combined authority under section 5(1)(a) of the Local Government and Housing Act 1989 ("the monitoring officer").

(**a**) S.I. 2012/62, to which there are amendments not relevant to this Order.
(**b**) 1989 c. 42.

(2) On receiving a complaint in accordance with paragraph (1), the monitoring officer shall deal with it in accordance with the combined authority's code of conduct adopted under section 27(2) of the Localism Act 2011(**a**).

(3) The monitoring officer shall as soon as practicable inform the police and crime panel of the outcome of the complaint.".

Police Appeals Tribunals Rules 2012

53.—(1) The Police Appeals Tribunals Rules 2012(**b**) are modified as follows.

(2) In rule 15(4) for "relevant local policing body" substitute "combined authority".

Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012

54.—(1) The Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012(**c**) are modified as follows.

(2) In regulation 3(2)—

(a) in sub-paragraph (c), omit "or";

(b) in sub-paragraph (d), after "(c)." insert ", or";

(c) after sub-paragraph (d) insert—

"(e) the combined authority.".

Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012

55.—(1) The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012(**d**) are modified as follows.

(2) In regulation 4(2), for "may issue the proposed precept as the precept" substitute "may determine that the proposed PCC component is the final amount of the PCC component".

(3) In regulation 5(2), for "precept that he now proposes to issue" substitute "PCC component that he now proposes to determine".

(4) In regulation 6(2)—

(a) in sub-paragraph (a), for "issuing the revised precept as the precept" substitute "finalising the revised precept as the PCC component to be determined";

(b) in sub-paragraph (b), for "precept that should be issued" substitute "PCC component that should be determined".

(5) In regulation 8—

(a) in paragraph (2)—

(i) in sub-paragraph (a), for "issue the revised precept as the precept" substitute "finalise the revised precept as the PCC component to be determined";

(ii) in sub-paragraph (b), for "issue a different precept" substitute "finalise a different amount of the PCC component".

(b) in paragraph (3)—

(i) in sub-paragraph (a), for "issue a precept" substitute "finalise the PCC component";

(ii) in sub-paragraph (b), for "issue a precept" substitute "finalise the PCC component".

(**a**) 2011 c. 20.
(**b**) S.I. 2012/2630, to which there are amendments not relevant to this Order.
(**c**) S.I. 2012/2087.
(**d**) S.I. 2012/2271.

Local Government Pension Scheme Regulations 2013

56.—(1) The Local Government Pension Scheme Regulations 2013(**a**) are modified as follows.

(2) After Regulation 64(8), insert—

"(8A) Paragraph (8B) applies where the exiting employer is the Police and Crime Commissioner for the area and the liabilities of the fund in respect of benefits due to the commissioner's current and former employees (or those of any predecessor authority) have been or are to be transferred to the combined authority by virtue of the Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017.

(8B) Where this paragraph applies, no exit payment is due under paragraph (1) and paragraph (2) does not apply.".

Local Audit (Auditor Resignation and Removal) Regulations 2014

57.—(1) The Local Audit (Auditor Resignation and Removal) Regulations 2014(**b**) are modified as follows.

(2) In regulation 2—

(a) in paragraph (3), for "police and crime commissioner" substitute "combined authority";

(b) in paragraph (4), for "a police and crime commissioner" substitute "the combined authority in relation to the mayor's PCC functions".

Combined Authorities (Mayors) (Filling of Vacancies) Order 2017

58.—(1) The Combined Authorities (Mayors) (Filling of Vacancies) Order 2017(**c**) is modified as follows.

(2) In article 4(d)—

(a) omit "or" at the end of paragraph (ii);

(b) insert "or" at the end of paragraph (iii);

(c) after paragraph (iii), insert—

"(iv) the mayor ceasing to hold office by virtue of section 63 of the 2011 Act.".

SCHEDULE 2

Article 3(3)

Exclusion of legislation from application to the combined authority mayor with policing and crime functions

Primary Legislation

1. Section 28 of the Leasehold Reform Act 1967(**d**).

2. The following provisions of the Local Government Act 1972(**e**)—

(**a**) S.I. 2013/2356, to which there are amendments not relevant to this Order.
(**b**) S.I. 2014/1710, to which there are amendments not relevant to this Order.
(**c**) S.I. 2017/69
(**d**) 1967 c. 88. Section 28(5)(a) was amended by section 99 of, and paragraph 85 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011 (c. 13). There are other amending Acts but none is relevant.
(**e**) 1972 c. 70. Section 102(6) to (11) and paragraphs 6ZA and the quoted words in paragraph 6B of Schedule 12 were inserted by section 7 of the Policing and Crime Act 2017 (c. 3). Section 223 was amended by paragraph 24 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 and by section 99 of, and paragraph 109 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011. There are other amending Acts but none is relevant.

(a) section 102(6) to (11);

(b) section 223(2);

(c) paragraph 6ZA of Part 1 of Schedule 12.

3. Section 5(3)(baa) of the Rent (Agriculture) Act 1976(**a**).

4. Section 14(1)(caa) of the Rent Act 1977(**b**).

5. Sections 95, 96A, 97 and 98 of the Local Government, Planning and Land Act 1980(**c**).

6. Sections 33 and 41 of the Local Government (Miscellaneous Provisions) Act 1982(**d**).

7. Sections 13AB(8)(f) and 13B(4)(g) of the Representation of the People Act 1983(**e**).

8. Section 60 of the County Courts Act 1984(**f**).

9. Sections 80(1), 157(1), 171(2), 573(1), paragraph 2(1) of Schedule 1, grounds 7 and 12 in Schedule 2, ground 5 in Schedule 3, paragraph 7(1) of Schedule 4 and paragraph 5(1)(b) of Schedule 5 to the Housing Act 1985(**g**).

10. Section 38 of the Landlord and Tenant Act 1985(**h**).

11. Section 7 of the Local Government Act 1986(**i**).

12. Section 58 of the Landlord and Tenant Act 1987(**j**).

13. Paragraph 12(2)(g) of Schedule 1 to the Housing Act 1988(**k**).

14. Sections 111, 113, 114 and 114A Local Government Finance Act 1988(**l**).

15. Section 39 of the Local Government Finance Act 1992(**m**).

16. Section 33 of the Value Added Tax Act 1994(**n**).

17. Section 94 of the Police Act 1996(**o**).

18. Paragraph 57 of Schedule 1 to the Freedom of Information Act 2000(**p**).

19. Sections 21 and 22 of the Local Government Act 2003(**q**).

(**a**) 1976 c. 80. Section 5(3)(baa) was inserted by section 43 of, and paragraph 52 of Schedule 4 to, the Police and Magistrates' Courts Act 1994 (c. 29), and was amended by section 99 of, and paragraph 134 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(**b**) 1977 c. 42. Section 14(1)(caa) was inserted by section 43 of, and paragraph 53 of Schedule 4 to, the Police and Magistrates' Courts Act 1994, and was amended by section 99 of, and paragraph 135 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011.

(**c**) 1980 c. 65.

(**d**) 1982 c. 30. Section 33 was amended by paragraph 6 of Schedule 7 to the Planning and Compensation Act 1991 (c. 34); section 119 of and paragraph 56(2)(a) of Schedule 6, to the Local Democracy, Economic Development and Construction Act 2009; and section 99 of, and paragraph 156 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011; section 59 of, and paragraphs 6(1) and 16(a) of Schedule 13 to the Deregulation Act 2015 (c. 20). There are other amendments to section 33, but none is relevant.

(**e**) 1983 c. 2. Section 13AB was inserted by section 16(3) of the Electoral Registration and Administration Act 2013 (c. 6). Section 13B was substituted by section 8 of, and paragraph 6 of Schedule 1 to, the Representation of the People Act 2000 and amended by section 74 of, and paragraph 3 of Schedule 10 to, the Police Reform and Social Responsibility Act 2011. There are other amendments but none is relevant.

(**f**) 1984 c. 28.

(**g**) 1985 c. 68.

(**h**) 1985 c. 70.

(**i**) 1986 c. 10.

(**j**) 1987 c. 31.

(**k**) 1988 c. 50.

(**l**) 1988 c. 41.

(**m**) 1992 c. 14.

(**n**) 1994 c. 23.

(**o**) 1996 c. 16.

(**p**) 2000 c. 36.

(**q**) 2003 c. 26.

20. The following provisions of the Fire and Rescue Services Act 2004(**a**)—

(a) section 3(7) and (9);

(b) section 4A;

(c) Schedules A1 and A2.

21. The following provisions of the 2011 Act—

(a) section 1, subsections (1) to (4)(**b**);

(b) sections 50 to 61(**c**);

(c) section 69;

(d) sections 71 to 75;

(e) section 102(3);

(f) Schedule 1, paragraphs 2, 3, 5(1), 6(1), (2) and (4), and 7;

(g) Schedule 6, paragraphs 33 to 35;

(h) Schedules 9 and 10.

22. Paragraph 19 of Schedule 2 to the Local Audit and Accountability Act 2014(**d**).

23. Sections 5(7)(a) and (9)(a) of, and paragraph 92 of Schedule 1 to, the Policing and Crime Act 2017(**e**).

Secondary Legislation

24. The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012(**f**).

25. Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012(**g**).

26. Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012(**h**).

27. Police and Crime Commissioner (Elections) Order 2012(**i**).

28. The following provisions of Schedule 2 to the Local Government Pension Scheme Regulations 2013(**j**)—

(a) Part 1, Paragraph 6;

(b) and Part 4.

29. Article 7 of the Chancellor of the Duchy of Lancaster Order 2015(**k**).

30. Police and Crime Commissioner (Elections) Order 2015(**l**).

31. Transfer of Functions (Police and Crime Commissioner Elections) Order 2015(**m**).

(**a**) 2004 c. 21.
(**b**) 2011 c. 13. Section 1, to which there are amendments not relevant to this Order.
(**c**) Section 42 was amended by section 140(5) and (6) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
(**d**) 2014 c. 2.
(**e**) 2017 c. 3.
(**f**) S.I. 2012/2553.
(**g**) S.I. 2012/1918.
(**h**) S.I. 2012/2088.
(**i**) S.I. 2012/1917.
(**j**) S.I. 2013/2356.
(**k**) S.I. 2015/1376.
(**l**) S.I. 2015/665.
(**m**) S.I. 2015/1526.

32. Police and Crime Commissioner (Designation of Police Area Returning Officers) Order 2015(**a**).

33. Police and Crime Commissioner (Designation of Local Authorities) Order 2015(**b**).

34. Police and Crime Commissioner (Local Returning Officers' and Police Area Returning Officers' Charges) Order 2016(**c**).

35. The Police and Crime Commissioner Elections (Amendment) Order 2016(**d**).

36. Police and Crime Commissioner Elections (Returning Officers' Accounts) (Amendment) Regulations 2016(**e**).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes detailed provision in relation to the transfer of police and crime commissioner functions from the police and crime commissioner for Greater Manchester to the mayor of the Greater Manchester Combined Authority ("the mayor"), which was provided for by the Greater Manchester Combined Authority (Election of Mayor with Police and Crime Commissioner Functions) Order 2016 (S.I. 2016/448).

Article 3 of this Order provides that, in relation to the mayor's police and crime commissioner ("PCC") functions, the mayor is to be treated as a PCC for the purposes of all legislation affecting PCCs. This is subject to certain modifications of such in their application to the mayor set out in Schedule 1 to the Order and does not apply in respect of the legislative provisions listed in Schedule 2 to the Order.

Articles 4 to 8 make transitional provision in relation to the transfer of functions, in particular in relation to transfer of property, rights and liabilities. The property, rights and liabilities of the PCC for Greater Manchester are to transfer to the Greater Manchester Combined Authority. In relation to such property, rights and liabilities (and any acquired in relation to the mayor's PCC functions after the transfer) the mayor is to exercise all functions in relation to such property etc, make all decisions relating to it. Any receipts arising from such property, rights and liabilities or from property, rights and liabilities acquired in the future, are to be paid into the police fund.

Article 9 extends the period in which the statement of accounts required by the Local Audit and Accountability Act 2014 in relation to the PCC for Greater Manchester (or, after the transfer, the combined authority in respect of the PCC's accounts), and the chief constable for that area is to be prepared.

Article 10 makes amendments to the Police Reform and Social Responsibility Act 2011 ("the 2011 Act"). In particular, it amends section 64 of the 2011 Act so that any person nominated as a candidate at a combined authority mayoral election (where the mayor is to exercise PCC functions) is disqualified from being elected as a PCC at a PCC election (whether an ordinary election or by-election) held on the same day. A person who is a combined authority mayor that exercises PCC functions is also disqualified from being elected at a PCC by-election.

Article 11 applies section 86 of the Local Government Act 1972 ("the 1972 Act") in relation to the mayor but with a modification to that section which has the effect that where a mayor ceases to be mayor by virtue of being unable to act for more than six months (see section 63 of the Police Reform and Social Responsibility Act 2011), the combined authority shall declare the office of mayor to be vacant, unless there is a High Court declaration under Part 5 of the 1972 Act.

(**a**) S.I. 2015/2031.
(**b**) S.I. 2015/2028.
(**c**) S.I. 2016/514.
(**d**) S.I. 2016/300.
(**e**) S.I. 2016/488.

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