**EXPLANATORY MEMORANDUM TO**

# THE POLICE AND CRIME COMMISSIONER (DISQUALIFICATION) (SUPPLEMENTARY PROVISIONS) REGULATIONS 2012

**2012 No. 2087**

**1.** This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

## 2. Purpose of the instrument

2.1 The Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012 ("the Regulations) set out, for the purposes of disqualification in relation to elections of police and crime commissioners to be held on 15 November 2012, when an entity is under the control of a local policing body, various other bodies and a chief officer of police, and when an entity is under the control of a relevant council (as defined in section 66(7) of the Police Reform and Social Responsibility Act 2011).

## 3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

## 4. Legislative Context

4.1 The Regulations are being made in exercise of the powers contained in the Police Reform and Social Responsibility Act 2011 "the 2011 Act"), and set out when employment by certain entities disqualifies a person from being elected as, or being, a Police and Crime Commissioner established by the 2011 Act.

## 5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

## 6. European Convention on Human Rights

6.1 As this statutory instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. Policy background

7.1 In June 2010, the Government announced its intention to replace police authorities with directly elected Police and Crime Commissioners (PCCs) in England and Wales by 2012.

7.2 PCCs are established under the 2011 Act, which also includes provisions governing the conduct of elections for such office.

## 8. Consultation outcome

8.1 No consultation was held specifically for these Regulations.

## 9. Guidance

9.1 Guidance as to disqualification has been issued by the Electoral Commission

## 10. Impact

10.1 These Regulations do not apply to businesses, charities or voluntary bodies.

10.2 The impact on the public sector will be that a person will be disqualified from being elected as, or being, a PCC whilst he/she remains employed by entities specified in the Regulations.

10.3 An Impact Assessment has been prepared for the 2011 Act (which is available at the following link: http://www.homeoffice.gov.uk/publications/about-us/legislation/police-reform-bill/eia-police-crime-commissioners?view=Binary).

## 11. Regulating small business

11.1 The legislation does not apply to small business.

## 12. Monitoring & review

12.1 Under the provisions of the 2011 Act, the Electoral Commission will publish a report on the conduct of the elections held in November 2012. Legislative provisions will be reviewed if necessary at that point in response to the report.

## 13. Contact

13.1 Alex Doyle or Neil King at the Home Office (tel: 020 7035 4858 or email: PCCelections@homeoffice.gsi.gov.uk) can answer any queries regarding this instrument.