

*These notes relate to the Lords Amendments to the Police Reform and Social Responsibility Bill, as brought from the House of Lords on 20th July 2011.*

# **POLICE REFORM AND SOCIAL RESPONSIBILITY BILL**

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## **EXPLANATORY NOTES ON LORDS AMENDMENTS**

### **INTRODUCTION**

1. These explanatory notes relate to the Lords Amendments to the Police Reform and Social Responsibility Bill, as brought from the House of Lords on 20th July 2011. They have been prepared by the Home Office in order to assist the reader of the Bill and the Lords Amendments and to help inform debate on the Lords Amendments. They do not form part of the Bill and have not been endorsed by Parliament.
2. These notes, like the Lords Amendments themselves, refer to HL Bill 62, the Bill as first printed for the Lords.
3. These notes need to be read in conjunction with the Lords Amendments and the text of the Bill. They are not, and are not meant to be, a comprehensive description of the effect of the Lords Amendments.
4. All the Lords Amendments were in the name of the Minister except for Amendments 1, 2, 3, 4 and 6, which were opposed by the Government. (In the following Commentary, an asterisk appears in the heading to each of the paragraphs dealing with non-Government amendments.)

### **COMMENTARY ON LORDS AMENDMENTS**

#### ***Lords Amendments 1 to 4\****

5. These amendments would remove clause 1(1) to (4) (police and crime commissioners) from the Bill.

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These provisions provide for there to be a police and crime commissioner for each police area in England and Wales outside London, who would be a corporation sole known as “the police and crime commissioner for” followed by the name of the police area, and who would be elected and hold office in accordance with Chapter 6 of Part 1 of the Bill.

#### ***Lords Amendments 5 and 7***

6. These amendments would add a further paragraph to clause 1(8) and 3(8) respectively, with the effect that a police and crime commissioner or the Mayor’s Office for Policing and Crime would be required to hold the chief constable or the Commissioner of Police of the Metropolis to account, in particular, for carrying out his or her duties under sections 10 and 11 of the Children Act 2004. The duties in question concern co-operation with a view to improving the well-being of children, and the making of arrangements in relation to the safeguarding of children and the promotion of their welfare.

#### ***Lords Amendment 6\****

7. This amendment would insert a new clause after clause 1, creating a corporate body known as a Police Commission for each police area in England and Wales outside London. Each Police Commission would consist of a police and crime panel and a police and crime commissioner, who would be appointed by the police and crime panel from among its members.

#### ***Lords Amendment 8 and 10***

8. These amendments would insert further words in clause 5(10) and a further subsection in clause 6, respectively, with the effect that a Police and Crime Commissioner or the Mayor’s Office for Policing and Crime would be required to send a copy of the police and crime plan to those persons who are responsible authorities for the purposes of section 5 of the Crime and Disorder Act 1998, in relation to local government areas within the police area. These responsible authorities are the members of the Community Safety Partnerships in the police area.

#### ***Lords Amendment 9***

9. This amendment would provide for the Mayor’s Office for Policing and Crime to provide the London Assembly’s police and crime panel with a response to any report or recommendation that the panel makes in respect of a draft police and crime plan, and to publish the response. This amendment brings the provisions for

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***Lords Amendment 11 to 14 and 102***

10. These amendments to clause 10 and Schedule 11 would require a police and crime commissioner or the Mayor's Office for Policing and Crime and the responsible authorities comprising the Community Safety Partnerships in the police area to have regard to each others' relevant priorities in carrying out their respective functions.

***Lords Amendments 15 to 22, 24, 28, 29, 52, 60, 61, 79 and 161***

11. These amendments concern the appointment of deputy police and crime commissioners. The provision that they make in relation to the scrutiny of such appointments by police and crime panels also applies to the appointment by a police and crime commissioner of a chief executive or chief finance officer.
12. Amendment 15 would allow a police and crime commissioner to appoint a deputy who would be able to exercise any of the commissioner's functions.
13. Amendment 17 would prohibit the appointment of a person listed in clause 18(3) as a deputy police and crime commissioner, and the exercise by a deputy police and crime commissioner of the functions set out in clause 18(4)(a), (e) or (f), (namely the functions of issuing a police and crime plan, appointing, suspending or dismissing the chief constable, or issuing a precept). The amendment would also give a deputy police and crime commissioner the same powers to arrange for another person to carry out his or her functions as are available to the police and crime commissioner.
14. Amendment 19 would add the Deputy Mayor for Policing and Crime appointed by the Mayor's Office for Policing and Crime to the list of persons in clause 18(3) who cannot be appointed as a deputy police and crime commissioner or be the subject of arrangements made by a police and crime commissioner for the exercise of his or her functions. Amendment 20 would add to the same list members of staff of the persons listed.
15. Amendment 22 would add provision to the effect that the police and crime commissioner may arrange for other persons to exercise his or her functions whether or not a deputy police and crime commissioner has been appointed, and that a deputy police and crime commissioner is a member of the police and crime commissioner's staff.
16. Amendment 24 would have the same effect in relation to the Mayor's Office for Policing and Crime as amendment 20 would in relation to a police and crime commissioner, in that it would add to clause 19(6) a reference to a member of the

staff of persons already listed there.

17. Amendment 61 would add provision disqualifying specified persons from appointment as a deputy police and crime commissioner, securing that the appointment of a deputy police and crime commissioner does not extend beyond the term of office of the police and crime commissioner who appointed him or her, and disapplying section 7 of the Local Government and Housing Act 1989 (which would otherwise require a deputy police and crime commissioner, as a member of the police and crime commissioner's staff, to be appointed on merit).
18. Amendment 61 would also add provision requiring a police and crime panel to hold a confirmation hearing in relation to a proposed appointment by a police and crime commissioner of a deputy police and crime commissioner, a chief executive or a chief finance officer. This provision is similar to that made for the appointment of a chief constable under Part 1 of Schedule 8. It is applicable to the appointment of a chief executive or chief finance officer by virtue of amendment 60.
19. Amendment 79 would make the function of scrutinising a senior staff appointment under amendment 61 one that could not be discharged by a committee or sub-committee of the police and crime panel.
20. Amendment 161 would have the effect that the post of deputy police and crime commissioner would not be politically restricted under section 1 of the 1989 Act, unlike any other post on the staff of a police and crime commissioner.
21. Amendments 16, 18, 21, 28, 29 and 52 are consequential to the amendments already described.

### ***Lords Amendment 23***

22. This amendment to clause 19(4) ensures that the Deputy Mayor for Policing and Crime's powers to arrange for another person to exercise a function of the Mayor's Office for Policing and Crime is subject to the same limitation as the power of the Mayor's Office for Policing and Crime itself to make such arrangements, with regard to the persons and the functions that may be the subject of the arrangements.

### ***Lords Amendments 25 and 26***

23. Lords Amendment 26 would insert provision in clause 20(3), which amends the provisions of the Greater London Authority Act 1999 concerning the holding of confirmation hearings by the London Assembly in respect of appointments made by the Mayor. Clause 20 already has the effect that the appointment by the Mayor's Office for Policing and Crime of a Deputy Mayor for Policing and Crime is subject to such a confirmation hearing. The amendment would have the effect

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that, in a case where the candidate for appointment as Deputy Mayor for Policing and Crime is not a member of the London Assembly, the London Assembly would also have the power to veto the appointment by a majority of two thirds of the members voting.

24. Amendment 25 is consequential to amendment 26.

***Lords Amendment 27***

25. This amendment would insert further provision in clause 28 to the effect that a police and crime panel outside London is required to exercise its functions with a view to supporting the effective exercise of the functions of the police and crime commissioner.

***Lords Amendments 30 and 37***

26. These amendments would insert provision in clauses 29 and 33, respectively, allowing a police and crime panel (including the police and crime panel of the London Assembly) to request the chief constable or the Commissioner of Police of the Metropolis to attend before the panel and answer questions on an occasion when the panel is requiring the police and crime commissioner or the Mayor's office for Policing and Crime to attend.

***Lords Amendments 31, 33, 34, 86, and 89 to 94***

27. Amendments 31, 33, 34, 86, 89 and 91 to clause 31 and Schedule 7 would, taken together, have the effect that the power of the Secretary of State to make regulations about misconduct is exercisable not only in relation to police and crime commissioners but also to the holder of the Mayor's Office for Policing and Crime, the Deputy Mayor for Policing and Crime (unless the Deputy Mayor is a member of the London Assembly, see below), and a deputy police and crime commissioner.

28. Amendments 90, 92, 93 and 94 concern the handling of complaints about the conduct of the holder of the Mayor's Office for Policing and Crime and (if he or she is a member of the London Assembly) the Deputy Mayor for Policing and Crime, other than those being investigated by or under the management of the Independent Police Complaints Commission in accordance with paragraph 2 of Schedule 7. The effect would be that regulations would have to secure that such complaints were dealt with in accordance with Part 3 of the Local Government Act 2000. The standards regime in Part 3 of the 2000 Act applies to any other allegation of misconduct against the Mayor of London or an Assembly Member. Where the Deputy Mayor for Policing and Crime is not an Assembly member, the effect would be that the regulations would have to secure that such complaints were resolved informally by the police and crime panel of the London Assembly.

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***Lords Amendments 33, 87 and 88***

29. These amendments would remove references to “other corrupt behaviour” in clause 31 and Schedule 7. The effect would be that a “conduct matter” to which regulations made under clause 31 will apply would be defined as a matter in the case of which there was an indication that the person in question may have committed a criminal offence. Further, a “serious complaint” (one in respect of which the regulations must make provision for an investigation by or under the management of the Independent Police Complaints Commission) would be defined as a complaint made about conduct which constituted or involved, or appeared to constitute or involve, the commission of a criminal offence.

***Lords Amendment 35***

30. This amendment would correct an erroneous reference to the Greater London Authority in clause 32(6) – the police and crime panel will be a committee of the London Assembly, not the Greater London Authority.

***Lords Amendment 36***

31. This amendment to clause 32 would allow the London Assembly to decide the composition of its police and crime panel, and allow the panel to contain persons who are not members of the Assembly. It would also allow the panel itself to decide the composition of its sub-committees, and for them to contain non-Assembly members. Further, the amendment would make provision equivalent to that made by amendment 27 in relation to panels outside London (requiring the panel to exercise its functions in support of the police and crime commissioner).

***Lords Amendments 38 to 42***

32. These amendments would change the duty in clause 36 on a chief officer of police to provide “reports” on policing matters when required to do so by the elected local policing body in clause 36 to a duty to provide “information” on such matters.

***Lords Amendment 43***

33. This amendment to clause 41 would give a police and crime commissioner the same powers to suspend and dismiss a deputy or assistant chief constable who is standing in for the chief constable as the commissioner will have in relation to the chief constable.

***Lords Amendments 44, 95 and 96***

34. These amendments would have the effect of allowing a person who had previously held the office of constable to be put forward for appointment as

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the Commissioner of Police of the Metropolis or as a chief constable. At present the Bill restricts eligibility for these appointments to persons who hold the office of constable.

***Lords Amendments 45, 46, 47, 100 and 101***

35. Amendments 45 to 47 would clarify the power in clause 58(1) to make provision in secondary legislation about elections of police and crime commissioners.
36. Amendment 46 would have the effect of ensuring that provision made in secondary legislation about funding and expenditure in relation to police and crime commissioner elections may apply to individuals or other persons who are not candidates or political parties, and Amendment 45 would facilitate this by allowing provision to be made for registration, or some other kind of recognition, of such persons (in addition to political parties).
37. Lords Amendment 47 would then clarify that such provision may prohibit or limit any such funding or expenditure. Where funding or expenditure is relevant to both a police and crime commissioner election and another kind of election, Amendment 47 would also enable provision to be made (in particular, for the purposes of any relevant limits on donations or campaign expenditure) for apportioning it between the elections or treating it as relating solely to one or other of those elections.
38. Amendment 100 is consequential on Amendment 46; it updates the description of clause 58(2)(d) to reflect that amendment.
39. In order to enable provision to be made about funding and expenditure of political parties and other persons in relation to police and crime commissioner elections (other than candidates' expenditure) in accordance with Amendments 45 to 47, Amendment 101 would remove the amendment of section 22(5) of the Political Parties, Elections and Referendums Act 2000 which, by making police and crime commissioner elections "relevant elections" for the purposes of certain provisions of that Act, applies certain provisions of that Act about funding and expenditure in relation to police and crime commissioner elections.

***Lords Amendment 48***

40. This amendment would remove clause 65, which disqualifies a person from being elected as a police and crime commissioner on more than two occasions in respect of the same police area.

***Lords Amendment 49***

41. This amendment would remove clause 73, which prevents a police and crime commissioner from sitting or voting in the House of Lords or a committee or joint

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committee of the House of Lords.

***Lords Amendment 50***

42. This amendment would create a duty on the Secretary of State to issue a policing protocol.
43. Subsection (2) of the proposed new clause provides that all relevant persons must have regard to the protocol when discharging their functions – “relevant persons” are defined for these purposes in subsection (6) as the Secretary of State when exercising policing functions, elected local policing bodies (namely police and crime commissioners and the Mayor’s Office for Policing and Crime), chief officers of police and police and crime panels.
44. Subsection (3) provides that the Secretary of State may at any time vary or replace the protocol.
45. Subsection (4) sets out the duty on the Secretary of State to consult with those who represent the views of elected local policing bodies; those who represent the views of chief police officers of forces maintained by elected local policing bodies; those who represent the views of police and crime panels; and any other persons that the Secretary of State thinks fit, before varying or replacing the protocol.
46. Subsection (5) sets out that the Secretary of State may exercise her functions under subsection (1) and (3) by order.
47. Subsection (6) sets out the definition of a police and crime panel, the protocol, and relevant persons, for the purposes of this clause.

***Lords Amendment 51, 54 and 55***

48. These amendments would add to the list of statutory instruments, made under powers created by the Bill, which will be made by the affirmative resolution procedure.
49. The relevant powers are the powers in the new section 23FA of the Police Act 1996 inserted by clause 90(3) (specifying police functions that must be the subject of force collaboration provision – amendment 51), and the powers in paragraph 36 of Schedule 6 (modifying, suspending, transferring or removing functions in relation to the formation and maintenance of police and crime panels – amendment 54) and paragraph 16 of Schedule 15 (transitional and transitory provision and savings in connection with the abolition of police authorities, to the extent that they amend primary legislation – amendment 55). Amendments 51 and 54 give effect to a recommendation of the Delegated Powers and Regulatory



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50. Amendment 54 also replaces the reference to paragraph 32(1) of Schedule 6 in clause 155(2)(a) with a reference to paragraph 32(1)(a). This is a consequential change to reflect the change to paragraph 32(1) itself in amendment 80.

***Lords Amendments 53, 56, 57 and 59***

51. Amendment 53 would amend the Parks Regulation (Amendment) Act 1926 to enable current seizure powers contained in the Royal Parks (Trading) Act 2000 to be applied in relation to the enforcement of any offences under the 1926 Act. This would cover other areas around Parliament Square not covered by Part 3 of the Bill, or by Westminster City Council or Greater London Authority byelaws – for example the lawn area around the statue of George V, Victoria Tower Gardens and the Jewel Tower. Amendments 56, 57 and 59 are consequential on amendment 53.

***Lords Amendment 58***

52. This amendment to clause 157 would have the effect of extending clause 99 and Schedule 15 (police reform: transitional provision) to Scotland. The purpose is to secure that transitional provision under those provisions which transfers property, rights or liabilities in Scotland will have effect under Scots law.

***Lords Amendment 62***

53. This amendment would correct an erroneous reference in paragraph 5(3) of Schedule 2 to the chief finance officer of a chief constable – the correct terminology is the police force’s chief finance officer (see paragraph 4(1) of the Schedule).

***Lords Amendments 63, 64, 67 and 68***

54. These amendments would limit the incidental powers of chief constables and the Commissioner of Police of the Metropolis.
55. The amendments would have the effect that a chief constable or the Commissioner of Police of the Metropolis would only be able to enter into a contract or other agreement with the consent of the police and crime commissioner or the Mayor’s Office for Policing and Crime, unless the contract or agreement was for or related to the employment of a person as a member of the civilian staff of the police force.
56. The amendments would also prevent a chief constable or the Commissioner of Police of the Metropolis from borrowing money – the Bill currently

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permits this, if the police and crime commissioner or the Mayor's Office for Policing and Crime consents.

***Lords Amendment 65***

57. This amendment would remove paragraph 4(2)(a) of Schedule 3 which duplicates clause 19(6)(b) and is therefore unnecessary.

***Lords Amendment 66***

58. This amendment inserts provision in Schedule 4 that would require the Commissioner of Police of the Metropolis to appoint a suitably qualified acting chief finance officer if the substantive post is vacant or the Commissioner feels that holder of the post is unable to carry out his or her duties. Provision to this effect is made in relation to a chief constable by paragraph 5 of Schedule 2 – the failure to include equivalent provision in relation to the Commissioner of Police of the Metropolis was an error.

***Lords Amendments 69 and 98***

59. Amendment 69 would reduce the majority required for the police and crime panel to veto the police and crime commissioner's proposed precept from three-quarters of the members of the panel to two-thirds.

60. Amendment 98 would change the majority required for a police and crime panel to veto a police and crime commissioner's proposed appointment of a chief constable from three-quarters to two-thirds.

***Lords Amendment 70 to 78 and 80 to 83***

61. These amendments to Schedule 6 would have the effect of allowing a police and crime panel to co-opt additional members.

62. Amendments 70, 72, 73 and 75 would remove the existing provisions that restrict a panel to co-opting no more than two members, and instead insert provision requiring a panel to co-opt at least two members and allowing the co-option, with the agreement of the Secretary of State, of further members as long as the total membership of the panel does not exceed 20.

63. Amendments 76 and 77 would remove the provision preventing the co-option by the panel of a member of a local authority in the police area and instead require the co-option of at least two persons who were not members of those local authorities, while allowing any further co-opted members to be members of those local authorities.

64. Amendment 80 would require a panel to secure that, as far as was reasonably

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practicable, the balanced appointment objective in paragraph 30(3) of Schedule 6 is met when co-opting persons who are members of local authorities, and would also require the panel to keep under review the extent to which co-opting additional members would contribute to the fulfilment of that objective.

65. Amendments 71, 74, 78, 81, 82 and 83 are consequential to the amendments described above.

#### ***Lords Amendment 84***

66. This amendment would require a local authority, when nominating a person for appointment to a police and crime panel, to nominate the elected mayor, if there is one. The amendment would impose the same requirement on the Secretary of State when making such a nomination to a panel in relation to a local authority that has an elected mayor. Provision to this effect was included in the Bill on introduction in the House of Commons, but was removed in error when amendments were made to Schedule 6.

#### ***Lords Amendment 85***

67. This amendment to paragraph 32 of Schedule 6 would change the scope of the Secretary of State's power to make regulations in relation to police and crime panels that apply, disapply or modify legislation relating to local authority committees. The effect would be that the regulations could amend or otherwise modify any such legislation that did apply to panels, and apply (with or without modifications) any such legislation that did not apply. Further, the power would extend to legislation relating to members of local authority committees, as well as legislation relating to the committees themselves.

#### ***Lords Amendment 97***

68. This amendment would correct an error in paragraph 4(6) of Schedule 8. The paragraph refers to a police and crime panel complying with paragraph 4(4) "if applicable" – paragraph 4(4) requires a panel to include in its report on a proposed appointment of a chief constable a recommendation as to whether or not the appointment should be made, and will always be applicable in a case to which paragraph 4(6) applies. Accordingly the amendment reflects the fact that a panel would be required to comply with paragraph 4(4) in every case.

#### ***Lords Amendment 99***

69. This amendment to paragraph 15(9) of Schedule 8 would allow a police and crime commissioner and chief constable to attend a scrutiny hearing held by a police and crime panel in relation to the proposed dismissal of the chief constable, regardless of whether the panel had invited them to attend. It would also allow the police and crime commissioner and chief constable to make representations at the hearing,

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rather than merely answering the police and crime panel's questions.

***Lords Amendment 103***

70. This amendment would replace an erroneous reference in paragraph 5(2)(c) of Schedule 11 to section 5(7) of the Crime and Disorder Act 1998 with a reference to the correct provision of the 1998 Act – section 5(8).

***Lords Amendments 104 to 114, and 163 to 167***

71. These amendments would correct some errors and omissions in the amendments that Schedules 14 and 16 of the Bill make to Part 2 of the Police Reform Act 2002 in relation to police complaints. For the most part they deal with straightforward matters such as references to the wrong provisions of the 2002 Act and failures to make necessary consequential amendments. However, amendments 108 and 113 are of more substantial effect.
72. Amendment 108 concerns changes that the Bill makes to the provisions in the 2002 Act that allow a police force to handle a complaint other than in accordance with the strict procedures that are usually applicable, with the permission of the Independent Police Complaints Commission. The Bill allows a force to dispense with the usual procedures without seeking the Commission's permission in some cases, but gives the complainant a right of appeal against the force's decision to do so. This amendment would ensure that, where a force decides to dispense with the usual complaints procedures, it informs the complainant of the decision, so that the complainant can decide whether to exercise his or her right of appeal.
73. Amendment 113 concerns changes that the Bill makes to the provisions in the 2002 Act concerning appeals in relation to a police force's investigation of a complaint. The amendment would ensure that, where the police force deals with such an appeal internally and concludes that an incorrect decision was taken at first instance as to the need for disciplinary proceedings against a police officer, the force takes the necessary disciplinary action.
74. These two amendments would simply correct unintentional failures to include the relevant provisions at the outset.

***Lords Amendments 115, 146, 153 and 154***

75. These amendments would ensure that the appointment of a chief officer of police made before clause 2 of the Bill comes into force will remain valid afterwards. They would also ensure that the rights and liabilities of the chief officer are not affected by the commencement of clause 2. These provisions are necessary because a chief officer under clause 2 will be a different legal entity to a chief officer under the current provisions of the Police Act 1996. Equivalent provision is not required in relation to lower-ranking officers because section 13 of the 1996

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Act will continue to provide for the existence of these other ranks (although the Bill makes further provision about them).

***Lords Amendments 116 to 145, and 147 to 150***

76. These amendments to Schedule 15 would have the effect of securing the automatic transfer of all staff, property, rights and liabilities of a police authority (including the Metropolitan Police Authority) to the new policing body (a police and crime commissioner or the Mayor's Office for Policing and Crime) when the police authority is abolished under clause 1(9) or 3(12). Further, they would allow the Secretary of State to direct a new policing body to make schemes for the transfer of staff, property, rights and liabilities to the chief officer of police or to a local authority. Currently the Bill provides instead for the Secretary of State to direct a police authority to make such schemes, before its abolition, for the transfer of staff, property, rights and liabilities to the new policing body, the chief officer or a local authority.
77. Amendment 121 would (in particular) have the effect that police authority employees who are under the direction and control of the chief officer by virtue of section 15 of the Police Act 1996 when the police authority is abolished will remain under the direction and control of the chief officer while employed by the new policing body.
78. Amendment 128 would allow the Secretary of State to direct a new policing body to modify a transfer scheme and for the scheme to be deemed to have come into force as modified. There is currently no provision in Schedule 15 for the modification of transfer schemes.
79. Amendment 140 would make it clear that interests in property, as well as other legal rights, can be included in a transfer scheme.

***Lords Amendment 151***

80. This amendment would apply to a transfer by or under the Bill the relevant provisions of the Greater London Authority Act 1999 that require the necessary steps to be taken to secure that any transfer of overseas property, rights and liabilities is effective under the local law. The amendment would also ensure that transfers under Schedule 15 to the Bill can deal with all necessary incidental matters and do not create unintended consequences, for example, by conferring rights on third parties.

***Lords Amendment 152***

81. This amendment would ensure that an order made by the Secretary of State under paragraph 16 of Schedule 15 can make all necessary provision, including provision amending or otherwise modifying any enactment, in particular any

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enactment relating to the accounts and audit of public bodies.

***Lords Amendments 155, 157, 159, 160, 162 and 168***

82. These amendments would correct errors in Schedule 16.
83. Amendment 155 would remove paragraph 30 of Schedule 16 because it is inconsistent with paragraph 7(2) of Schedule 10. Paragraph 7(2) amends section 34(1)(a) of the Police Act 1996 (which allows the Secretary of State to make any orders deemed necessary for the provision of transitional arrangements for the altering of force areas); paragraph 30 repeals it.
84. Amendment 157 would remove a provision of the Bill that is no longer required. Paragraph 136 of Schedule 16 amends the Race Relations Act 1976, but provisions in the Equality Act 2010 repealing the whole of the 1976 Act have now been brought into force, so there is nothing to amend.
85. Amendment 159 would correct an omission by extending the exemption from the requirement for motor insurance to staff of a Chief Constable or Metropolitan Police Commissioner, as well as staff of Police and Crime Commissioners or the Mayors Office for Policing and Crime (this provision currently applies to all police authority staff).
86. Amendment 160 would correct a mistaken reference to the Mayor's Office for Policing and Crime. Metropolitan Police staff will be employed by the Commissioner of Police for the Metropolis, not the Mayor's Office for Policing and Crime.
87. Amendment 162 would create greater consistency and clarity by drawing on the existing reference to "relevant employees" to capture police staff, in provisions dealing with exemptions from the private security licensing regime.
88. Amendment 168 would ensure that police and crime commissioners and the Mayors Office for Policing and Crime are included in Schedule 19 to the Equality Act 2010, which lists those public bodies that are subject to the general equality duty. Since the introduction of the Bill an order has been made adding further bodies to Schedule 19, and this has necessitated this amendment to the Bill.

***Lords Amendment 156***

89. This amendment would apply to police and crime commissioners and the Mayor's Office for Policing and Crime provisions of the Local Government Act 1972 relating to the compulsory purchase of land that currently apply to police authorities. The failure to apply these provisions at the outset was an error.

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***Lords Amendment 158***

90. This amendment would exempt the Mayor's Office for Policing and Crime from some of the provisions of the Landlord and Tenant Act 1987, which require landlords to offer residential premises to their tenants before disposing of them. Police authorities outside London currently benefit from this exemption, and the Bill applies it to police and crime commissioners. By an omission it was not applied to the Metropolitan Police Authority when that authority was created under the Greater London Authority Act 1999. The amendment would ensure that the same error is not made in relation to the Mayor's Office for Policing and Crime.

***Lords Amendments 169 and 170***

91. These amendments would replace the current provisions for making a temporary class drug order under the new section 2A of the Misuse of Drugs Act 1971 with a "made affirmative" order, which would be laid before Parliament *after* being made and which would require a resolution of both Houses within 40 sitting days if it is to remain in force.

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[Bill 225]*

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