

**2012 No. 2733**

**POLICE, ENGLAND AND WALES**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Local Policing Bodies (Consequential Amendments and  
Transitional Provision) Order 2012**

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

The Secretary of State makes the following Order in exercise of the powers conferred by section 209(1)(b) and 236 of the Employment Rights Act 1996(a), paragraph 3(4) of Schedule 4A to the Police Act 1996(b) and paragraph 24 of Schedule 15 to the Police Reform and Social Responsibility Act 2011(c).

**Citation and commencement**

1. This Order may be cited as the Local Policing Bodies (Consequential Amendments and Transitional Provision) Order 2012, and comes into force on 22nd November 2012.

**Amendment to the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999**

2.—(1) The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999(d) is amended as follows.

(2) In section 6 of Schedule 1, for paragraph 2 substitute—

“2. A police and crime commissioner established under section 1 of the Police Reform and Social Responsibility Act 2011.

2A. A chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011.

2B. The Commissioner of Police of the Metropolis established under section 4 of the Police Reform and Social Responsibility Act 2011.”.

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(a) 1996 c. 18.

(b) 1996 c. 16. Schedule 4A was inserted by section 29(2) of the Police and Justice Act 2006 (c. 48).

(c) 2011 c. 13.

(d) S.I. 1999/2277. Paragraph 2 of section 6 of Schedule 1 was amended by S.I. 2000/1042.

**Amendment to the Her Majesty's Inspectors of Constabulary (Specified Organisations) Order 2007**

3.—(1) The Her Majesty's Inspectors of Constabulary (Specified Organisations) Order 2007(a) is amended as follows.

(2) In article 2 (specified organisations), omit paragraph (b).

**Transitional provision in relation to police staff and politically restricted posts**

4.—(1) This article applies to a person who becomes a police civilian member of the staff of a new policing body by virtue of paragraph 7(7)(b) of Schedule 15 to the Police Reform and Social Responsibility Act 2011.

(2) Section 1 of the Local Government and Housing Act 1989 (politically restricted posts) does not apply to the person for as long as the person continues to be a police civilian member of the staff of the new policing body.

Home Office  
30th October 2012

*Damian Green*  
Minister of State

**EXPLANATORY NOTE**

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

Section 1 of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”) provides for the replacement of police authorities in England and Wales outside London with police and crime commissioners. Section 2 of the Act establishes chief constables of police forces maintained by police and crime commissioners as corporations sole with the capacity to employ staff in their own right. Section 3 of the 2011 Act provides for the replacement of the Metropolitan Police Authority with the Mayor’s Office for Policing and Crime. Section 4 of the 2011 Act establishes the Commissioner of Police of the Metropolis (the chief officer of the metropolitan police force) as a corporation sole in the same way as a chief constable of a police force outside London. The 2011 Act does not change the policing governance arrangements in the City of London, where the Common Council continues to act as the police authority.

Police and crime commissioners, the Mayor’s Office for Policing and Crime and the Common Council in its capacity as police authority are referred to as “local policing bodies” (see sections 96(2)(a) and 97(2) of the 2011 Act, amending section 101(1) of the Police Act 1996 and Schedule 1 to the Interpretation Act 1978 respectively).

This Order makes amendments to two other instruments in consequence of the changes to policing governance made by the 2011 Act, and also makes transitional provision in connection with the changes.

Article 2 of this Order replaces the reference to a police authority in section 6 of Schedule 1 to the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 (“the 1999 Order”) with references to a police and crime commissioner, a chief constable of a police force outside London and the Commissioner of Police of the Metropolis. Schedule 1 to the 1999 Order lists employers to which certain modifications to the redundancy payment provisions of the Employment Rights Act 1996, as set out in Schedule 2, apply. The Common Council is listed separately in Schedule 1 (see paragraph 1 of section 1), and the

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(a) S.I. 2007/1170.

Mayor's Office for Policing and Crime is included by virtue of being a functional body of the Greater London Authority (see paragraph 6C of section 1).

Article 3 of this Order removes the reference to a police authority in article 2 of the Her Majesty's Inspectors of Constabulary (Specified Organisations) Order 2007 ("the 2007 Order"). Article 2 of the 2007 Order lists organisations in relation to which the Chief Inspector of Constabulary may give a notice to the effect that another person or body with inspection functions is not to carry out a proposed inspection of the listed organisation, or is not to carry it out in the proposed manner. By virtue of amendments made to the Police Act 1996 by the 2011 Act, the Inspectors of Constabulary do not have the function of inspecting police and crime commissioners, as they had in relation to police authorities.

Article 4 of this Order makes transitional provision in relation to police staff and politically restricted posts. The effect is that a person who joins the staff of a police and crime commissioner or the Mayor's Office for Policing and Crime and who is employed solely to assist the police force (and is therefore placed under the direction and control of the chief officer of police) does not become subject to the restrictions on political activity that would otherwise apply. This supplements the transitional provision made by paragraphs 7 and 20 of Schedule 15 to the 2011 Act by placing such new staff in the same position as staff who transfer from a police authority to a police and crime commissioner or the Mayor's Office for Policing and Crime on the authority's abolition.

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

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STATUTORY INSTRUMENTS

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The Local Policing Bodies (Consequential Amendments and  
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£4.00

E4845 11/2012 124845T 19585

ISBN 978-0-11-153029-0



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