



Home Office

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MINISTER FOR CRIME PREVENTION AND ANTI-SOCIAL BEHAVIOUR REDUCTION

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Rt Hon Lord Hunt of Kings Heath OBE
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05 JUL 2011

Dear Philip,

FURTHER GOVERNMENT AMENDMENTS TO THE POLICE REFORM AND SOCIAL RESPONSIBILITY (PRSR) BILL

Further to my letter of 30 June, the Government has tabled a number of additional amendments. This letter sets out what those changes cover.

Schedule 15 – Transfer of Staff (amendment numbers have not yet been allocated)

The amendments to Schedule 15 essentially ensure that all of the staff, property, rights and liabilities of police authorities pass to PCCs/ MOPC on the day of their creation, to maintain the current arrangements. They allow for secondary transfer schemes to be put in place following this, to allow staff to transfer to the Chief Officer of Police.

As there are quite a number of technical amendments here, I thought it would be helpful to attach the list sent by parliamentary Counsel to the Public Bill Office. The numbers referred to below therefore relate to the numbers in the attached document – they will of course change once they are added to the Marshalled list.

Amendments 1 and 2 extend the territorial extent of Schedule 15 of the Bill, so that transfers under that Schedule are legally effective under Scots Law as well as in England and Wales. We have brought these amendments as it has come to our attention that some police authorities own land in Scotland, and need the Bill to be able to transfer this land to the new Policing Bodies.

Amendments 3 and 41-42 enable the continued employment of Chief Officers of Police. The new drafting ensures that where a Chief Officer has been appointed to the role but not yet taken it up, their appointment is still valid under the new arrangements. The new drafting also ensures that the

rights and liabilities under the existing office (for example for Health and Safety) continue to apply to the Chief Constable once the new arrangements are in place. These provisions are necessary because a Chief Officer of Police will be a different legal entity once the Bill comes into force. Equivalent provisions are not required in relation to lower-ranking officers because section 13 of the Police Act 1996 will continue to provide for the existence of these other ranks (although the Bill makes further provision about them).

Amendment 9 inserts six new paragraphs. Paragraph 3A defines when the rest of the Schedule will take effect, which will be when the relevant sections of the Bill are commenced. Paragraph 3B provides that all property, rights and liabilities of police authorities will transfer to PCCs or the Mayors Office for Policing and Crime (MOPC) on that day. Paragraph 3C provides that all staff employed by the police authority will pass to the PCC/MOPC, under the same terms and conditions and as if the staff had been employed by the PCC/MOPC from the outset. Paragraph 3E ensures that all secondments continue to take effect. Previously all these matters would have needed to have been the subject of individual transfer schemes drawn up by police authorities.

Paragraph 3D ensures that the Chief Officer will continue to exercise direction and control over police staff whilst under the employment of the PCC/MOPC between the initial and the secondary transfers. Essentially this maintains the status quo as provided for at present under section 15 of the Police Act 1996 – all staff will be employed by the governance body, but those employed solely to assist the police force will remain under the direction and control of the Chief Officer.

Amendments 10-15, 17 and 20 will allow PCCs/MOPC to make transfer schemes once they come into being, so as to transfer police staff to the employment of the Chief Officer. **Amendment 16** provides for the modification of transfer schemes after they have been made.

Amendment 28 makes it clear that interests in property, as well as other legal rights, can be included in a transfer scheme.

Amendment 39 adds further provision to deal with property outside the UK – it requires the necessary steps to be taken under the local law to secure the effective transfer of this property. The amendment also adds further provision to ensure that transfer schemes can deal with all necessary incidental matters and do not create unintended consequences, for example by conferring rights on third parties.

Amendment 40 ensures that accounting and audit arrangements can be put in place for police authorities and the PCC/MOPC in respect of the financial year when the transition takes place. The intention is to prevent unnecessary work and expense by removing the requirement for police authorities to account for and be audited in respect of the 6-week period between the commencement of the 2012-13 financial year and the coming into office of the

first PCCs. Instead, this period will be covered by a detailed note from the police authority to be included in the first accounts of the PCC.

Amendments 4-8, 18-19, 21-27, 29-38 make consequential amendments to the rest of the schedule.

Part 4 – Seizure powers under byelaws (amendment numbers have not yet been allocated)

Our provisions to deal with disruptive activity on Parliament Square are premised on managing any displacement activity to areas in the vicinity of the Square through byelaws. In Part 4 of the Bill, we are therefore providing local authorities and the Greater London Authority with the ability to attach powers of seizure to their byelaws to support effective and prompt enforcement.

In consultation with the House Authorities, it has become clear that additional provision would be helpful for other areas around Parliament Square not covered by Westminster City Council or GLA byelaws but which fall under Royal Parks Regulations (for example the lawn area around the statue of George V). We are therefore amending the Bill to allow seizure powers to be attached to these regulations.

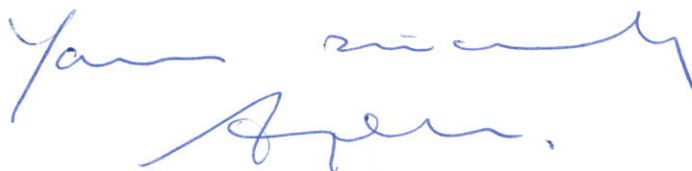
Schedule 17 - temporary class drug orders (amendments 307C and 307D)

We have introduced amendments to Schedule 17 to reflect the recommendation of the Delegated Powers and Regulatory Reform Committee. These amendments will change the procedure by which a temporary class drug is brought under control for a period up to 12 months, from statutory instrument (following the negative resolution procedure) to a made affirmative order.

This procedure will still enable the Government to act swiftly if we need to throughout the year, but would require a resolution of both Houses within forty sitting days if it is to remain in force.

I hope this letter helps to clarify the further changes that the Government is making.

I have placed copies of this letter in the libraries of both Houses.



Baroness Browning