

# Police Reform and Social Responsibility Bill

---

## AMENDMENTS TO BE MOVED ON REPORT

### Clause 158

BARONESS BROWNING

- 1 Page 104, line 14, leave out “and” and insert “to”
- 2 Page 104, line 22, at end insert —  
“(3A) Section [§2500](#) and Schedule [§2500s](#) apply to England and Wales and Scotland.”

### Schedule 15

BARONESS BROWNING

- 3 Page 165, line 26, leave out from beginning to end of line 3 on page 166 and insert —

“CHIEF OFFICERS OF POLICE

*Current chief officers to remain in post*

- 1 (1) At the relevant commencement time a person who, immediately before that time, is in post as the existing chief officer of the police force for a police area becomes the new chief officer of that police force.
- (2) Where a person has, prior to the relevant commencement time, accepted an appointment as the existing chief officer of the police force for a police area which is to come into effect at a time (the “effective time”) which falls at or after the relevant commencement time, that appointment is to take effect at the effective time as an appointment as the new chief officer of that police force.
- (3) Sub-paragraph (2) is without prejudice to any right of the person appointed not to take up the appointment.

*Transfer of rights and liabilities*

- 2 At the relevant commencement time, all rights and liabilities which immediately before that time were rights and liabilities of the existing chief officer of the police force for a police area are to transfer to the new chief officer of that police force.

*Relevant legislative provisions*

- 4 Page 166, line 5, leave out “day” and insert “time”  
 5 Page 166, line 6, after “apply” insert “after that time”  
 6 Page 166, line 10, leave out “day” and insert “time”  
 7 Page 166, line 11, after “apply” insert “after that time”  
 8 Page 166, line 20, leave out from beginning to end of line 24  
 9 Page 166, line 34, leave out from beginning to end of line 37 and insert —

*“Interpretation*

- 3A In this Part “relevant commencement time” means —  
 (a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the time when section {j2200} comes into force in relation to that area;  
 (b) in relation to the metropolitan police district, the time when section {j22200} comes into force.

## PART 1A

## INITIAL TRANSFER FROM POLICE AUTHORITIES

*Transfer of property, rights and liabilities*

- 3B (1) At the relevant commencement time, all property, rights and liabilities which immediately before that time were property, rights and liabilities of the existing police authority for a police area are to transfer to, and by virtue of this paragraph vest in, the new policing body for that police area.  
 (2) This paragraph does not apply to any rights or liabilities under a contract of employment (which are dealt with in paragraph 3C).

*Transfer of staff*

- 3C (1) Subject to sub-paragraphs (5) and (6), this paragraph applies to any person who immediately before the relevant commencement time is a member of the staff of the existing police authority for a police area (the “existing employer”).  
 (2) A contract of employment between a person to whom this paragraph applies and the existing employer is to have effect from the relevant commencement time as if originally made between that person and the new policing body for the police area in relation to which the existing employer was established (the “new employer”).

- (3) Sub-paragraph (2) does not break the continuity of a person's employment and accordingly such a person's period of employment with the existing employer counts as a period of employment with the new employer for the purposes of the Employment Rights Act 1996
- (4) Without prejudice to subsection (2) –
  - (a) all the existing employer's rights, powers, duties and liabilities under or in connection with a contract to which that sub-paragraph applies are by virtue of this paragraph transferred to the new employer at the relevant commencement time; and
  - (b) anything done before that date by or in relation to the existing employer in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the new employer.
- (5) Sub-paragraphs (2) to (4) are without prejudice to any right of a member of staff to terminate the contract of employment if a substantial change is made to the person's detriment in his working conditions; but no such right arises by reason only of the change in employer effected by this paragraph.
- (6) Where a person –
  - (a) has, prior to the relevant commencement time, entered into a contract of employment with an existing police authority which is to come into effect at or after that time; and
  - (b) would, if the contract had come into effect before that date, have been a person to whom this paragraph applies,that person is to be treated as a person to whom this paragraph applies.
- (7) A person who would (but for this sub-paragraph) be treated as being dismissed by the operation of this paragraph (whether by an enactment or otherwise) is to be treated as not being so dismissed.
- (8) Sub-paragraph (7) does not apply to a person who, by virtue of sub-paragraph (5), does not become an employee of a new policing body.
- (9) This paragraph is subject to paragraph 3D.

#### *Police civilians*

- 3D (1) The new policing body for a police area –
- (a) is to have, for the purpose mentioned in sub-paragraph (2), relevant powers to arrange for the new chief officer of the police force for that area to discharge functions of that body; and
  - (b) must exercise those powers for the purpose mentioned in sub-paragraph (2).
- (2) That purpose is securing that the police civilian members of staff of that new policing body are under the direction and control of that chief officer.
- (3) Any arrangements made in compliance with section 15(2) of the Police Act 1996 between the existing police authority for a police area and the existing chief officer of the police force for that area which are in force immediately before the relevant time are to have effect at and after that time as if made under this paragraph between the new policing body for that area and the new chief officer of that police force.

- (4) Sub-paragraph (2) applies to a person who –
  - (a) immediately before the relevant commencement time, is a police civilian member of the staff of an existing police authority, and
  - (b) at that time becomes a member of the staff of the new policing body for a police area by virtue of paragraph 3C.
- (5) For as long as the person continues to be a member of the staff of that body, the person is to be –
  - (a) employed as a police civilian member of that staff, and
  - (b) under the direction and control of the new chief officer of the police for that area.
- (6) Sub-paragraph (5) does not prevent the new policing body from making arrangements with the person for the person to cease to be a police civilian member of staff of that body (whether or not the person remains a member of the staff of that body).
- (7) After the relevant commencement time, a new policing body may, for either of the purposes set out in sub-paragraph (8), make arrangements –
  - (a) with any member of the staff of the body who is not a police civilian member of staff to become a police civilian member of that staff, or
  - (b) with a person who is not a member of that body's staff to become a police civilian member of that staff.
- (8) In relation to the new policing body for a police area those purposes are –
  - (a) replacing police civilian members of staff of the existing police authority for that area who did not become members of the staff of the new policing body in accordance with paragraph 3C;
  - (b) replacing police civilian members of staff of the new policing body who have ceased to be police civilian members of staff of that body otherwise than by virtue of a transfer scheme under Part 2 of this Schedule; or
  - (c) to supplement the police civilian members of staff of the new policing body.
- (9) Sub-paragraphs (1) to (5) are subject to –
  - (a) any provision included in a collaboration agreement under section 22A of the Police Act 1996, and
  - (b) section 24(3A) of that Act (aid of one police force by another).
- (10) In this paragraph –
  - (a) “relevant powers” means powers corresponding to those conferred by sections 101 and 107 of the Local Government Act 1972 on police authorities established under section 3 of the Police Act 1996;
  - (b) references to a police civilian member of staff of an existing police authority or a new policing body are references to a member of the staff of that authority or body who is employed solely to assist the police force maintained by that authority or body;
  - (c) the chief officers' powers of direction and control referred to include powers of engagement and dismissal.

*Seconded staff*

- 3E In the case of a person who, immediately before the relevant commencement time, is seconded to the existing police authority for a police area, the secondment is to have effect, after that time, as a secondment to the new policing body for that police area.

*Interpretation*

- 3F In this Part “relevant commencement time” means –
- (a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the time when section {j2100} comes into force in relation to that area;
  - (b) in relation to the metropolitan police district, the time when section {j22100} comes into force.

## PART 2

## SUBSEQUENT TRANSFER BY NEW POLICING BODY

*Power to direct new policing body to make transfer scheme*

- 4 (1) The Secretary of State may direct a new policing body –
- 10 Page 167, line 3, leave out “existing police authority” and insert “new policing body”
- 11 Page 167, line 8, leave out “existing police authority” and insert “new policing body”
- 12 Page 167, line 17, leave out “existing police authority” and insert “new policing body”
- 13 Page 167, line 18, leave out “authority” and insert “body”
- 14 Page 167, line 21, leave out “authority” and insert “body”
- 15 Page 167, line 23, leave out “existing police authority” and insert “new policing body”
- 16 Page 167, line 23, at end insert –
- “5A (1) The Secretary of State may direct a new policing body –
- (a) to modify a transfer scheme made by that body, and
  - (b) to submit such a scheme to the Secretary of State for approval.
- (2) Sub-paragraphs (2) to (5) of paragraph 4 apply to a direction under sub-paragraph (1) of this paragraph as they apply to a direction under sub-paragraph (1) of paragraph 4.
- (3) In the application of paragraph 4(2) to (5) by virtue of sub-paragraph (2) –
- (a) references to paragraph 4(1)(b) have effect as references to sub-paragraph (1)(b) of this paragraph;
  - (b) references to the making of a scheme have effect as references to the modification of a scheme;
  - (c) references to a scheme have effect as references to a scheme as modified.

- (4) The Secretary of State may modify a transfer scheme made by a new policing body if—
  - (a) the authority does not comply with a direction given to it under sub-paragraph (1), or
  - (b) the Secretary of State decides not to approve the modified scheme submitted by the body.
- (5) A scheme modified by the Secretary of State under sub-paragraph (4) is to be treated as if modified (and made) by the new policing body.
- (6) A scheme modified in accordance with this paragraph is to be deemed for all purposes to have come into force with those modifications.”

- 17 Page 167, line 25, leave out “existing police authority under section 15 of the Police Act 1996” and insert “new policing body”
- 18 Page 167, line 27, leave out sub-paragraph (a)
- 19 Page 167, line 30, leave out sub-paragraph (2)
- 20 Page 167, line 43, leave out “existing police authority” and insert “new policing body”
- 21 Page 167, line 45, leave out sub-paragraph (a)
- 22 Page 168, line 1, leave out “a member of staff of”
- 23 Page 168, line 4, leave out sub-paragraph (1)
- 24 Page 168, line 16, leave out sub-paragraph (4)
- 25 Page 168, line 41, leave out from first “the” to “and” in line 42 and insert “new policing body,”
- 26 Page 168, line 44, leave out sub-paragraph (i)
- 27 Page 169, line 8, leave out from “the” to end of line 9 and insert “new policing body”
- 28 Page 169, line 12, after “rights” insert “or interests”
- 29 Page 169, line 13, after “scheme” insert “or retained by the transferor under the scheme or create rights or liabilities as between the transferor and transferee under the scheme”
- 30 Page 169, line 24, leave out “policing body, or the”
- 31 Page 169, line 27, leave out “existing police body” and insert “new policing body”
- 32 Page 169, line 16, leave out sub-paragraphs (3) and (4)
- 33 Page 170, line 5, leave out from “person” to end of line 14 and insert “who—
  - (a) ceases to be a member of the staff of an existing police authority, and
  - (b) becomes a member of the staff of a new policing body.
- (7) 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—
  - (a) continues to be a member of the staff of the new policing body, and

- (b) carries out duties which are the same, or substantially the same, as the duties the person carried out as a member of the staff of the existing police authority.”

34 Page 170, line 18, at end insert —

“(1A) The replacement of an existing chief officer, the transfer or abolition of the functions of an existing chief officer, and the transfer of the rights and liabilities of an existing chief officer, do not affect anything done before the replacement, transfer or abolition.

(1B) The transfer of the property, rights and liabilities of a new policing body do not affect anything done before the transfer.”

35 Page 170, line 20, leave out “an existing police authority” and insert “a person”

36 Page 171, line 2, after “to” in the first place insert “Part 1A of this Schedule and”

37 Page 171, line 3, after “of” insert “Part 1A of this Schedule and”

38 Page 171, line 4, leave out “of an existing police authority”

39 Page 171, line 6, at end insert —

*“Foreign property etc: perfection of vesting*

15A (1) Subsections (2) to (8) of section 414 of the Greater London Authority Act 1999 (foreign property, rights and liabilities: perfection of vesting) apply in any case where a transfer by or under this Act provides for the transfer of foreign property, rights or liabilities.

- (2) In the application of those provisions by virtue of sub-paragraph (1) —
  - (a) references to a transfer or pension instrument have effect as references to the transfer by or under this Act; and
  - (b) references to the transferor and the transferee are to be construed accordingly.

*Transfers: supplementary provision*

15B (1) All property, rights and liabilities to which a statutory transfer applies are to be transferred by that transfer, 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) The property, rights and liabilities which may be transferred by a transfer scheme include —

- (a) property, rights and liabilities that would not otherwise be capable of being transferred, or
- (b) rights and liabilities under enactments.

(3) 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 shall operate or become exercisable as a result of any transfer of land or other property by virtue of a statutory transfer or a transfer scheme (whether or not any consent required to the transfer has been obtained).

- (4) No right to terminate or vary a contract or instrument shall operate or become exercisable, and no provision of a contract or relevant document, shall operate or become exercisable or be contravened, by reason of any transfer by virtue of a statutory transfer or a transfer scheme.
- (5) Sub-paragraphs (2) to (4) 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 a transfer of land or other property.
- (6) A transfer scheme may make provision for the apportionment or division of any property, rights or liabilities.
- (7) Where a transfer scheme makes provision for the apportionment or division between two or more persons of any rights or liabilities under a contract, the contract shall have effect, as from the coming into force of the provision, as if it constituted two or more separate contracts separately enforceable by and against each of those persons respectively as respects the part of the rights or liabilities which falls to that person as a result of the apportionment or division.
- (8) The provision that may be made by a transfer scheme includes provision for –
  - (a) any transfer of land or other property by virtue of the instrument,
  - (b) the grant or creation of any estate or interest in, or right over, any land or other property by virtue of the instrument, or
  - (c) the doing of any other thing in relation to land or other property by virtue of the instrument,
 to be on such terms, including financial terms, as the person making the scheme thinks fit.
- (9) The Secretary of State may by order confer on any body or person to whom property, rights or liabilities are transferred by a statutory transfer or transfer scheme any statutory functions which were previously exercisable in relation to that property, or those rights or liabilities, by the transferor.
- (10) It shall be the duty –
  - (a) of existing police authorities, new policing bodies, existing chief officers, new chief officers and local authorities, and
  - (b) of the trustees or managers, or administrators, of any pension scheme,
 to provide the Secretary of State with such information or assistance as the Secretary of State may reasonably require for the purposes of, or in connection with, the exercise of any powers exercisable by the Secretary of State in relation to a statutory transfer or a transfer scheme.
- (11) Where any person is entitled, in consequence of any transfer made by virtue of a statutory transfer or transfer scheme, to possession of a document relating in part to the title to, or to the management of, any land or other property in England and Wales –
  - (a) the instrument may contain provision for treating that person as having given another person an acknowledgment in writing of the right of that other person to the production of the document and to delivery of copies thereof; and

- (b) section 64 of the Law of Property Act 1925 (production and safe custody of documents) shall have effect accordingly, and on the basis that the acknowledgment did not contain any such expression of contrary intention as is mentioned in that section.

(12) In this paragraph—

“relevant document” means—

- (a) any enactment, other than an enactment contained in this Act;
- (b) any subordinate legislation made otherwise than under this Act; or
- (c) any deed or other instrument;

“statutory transfer” means a transfer under Part 1 or 1A of this Schedule;

“transfer scheme” means a transfer scheme under Part 2.”

**40** Page 171, line 10, leave out “the abolition of the existing police authorities.” and insert “Part 1 of this Act (including provision that supplements or varies the provision made by this Schedule).

(2) An order under this paragraph may, in particular, make provision in relation to the accounts and audit of—

- (a) existing police authorities, and
- (b) new policing bodies.

(3) Such provision may, in particular—

- (a) modify the effect of any enactment relating to the accounts and audit of public bodies in its application to—
  - (i) an existing police authority and the financial year in which that authority is abolished, or
  - (ii) a new policing body and the financial year in which that body is established;
- (b) provide for the Secretary of State to give directions as to action to be taken in relation to the accounts and audit of—
  - (i) an existing police authority in relation to the financial year in which that authority is abolished, or
  - (ii) a new policing body in relation to the financial year in which that body is established;
- (c) provide for a person who, in acting in accordance with such a direction, fails to comply with a code of practice or other document relating to proper accounting practice to be taken not to have so failed to comply.”

**41** Page 171, line 14, leave out from beginning to end of line 20 and insert—

““existing chief officer” means—

- (a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the chief constable of the police force for that area before the coming into force of section {j2200} of this Act in relation to that area;
- (b) in relation to the metropolitan police district, the Commissioner of Police of the Metropolis immediately before the coming into force of section {j22200};”

**42** Page 171, line 30, at end insert —

““new chief officer” means —

- (a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the chief constable established for that police area under section {j2200} of this Act;
- (b) in relation to the metropolitan police district, the Commissioner of Police of the Metropolis established under section {j22200};”