

DEPUTY POLICE AND CRIME COMMISSIONER – DISQUALIFICATION CRITERIA

Extracts from the Police Reform and Social Responsibility Act 2011

S18(3) The deputy police and crime commissioner

The police and crime commissioner may not appoint a person listed in subsection 6 as the deputy police and crime commissioner.

(6) The persons referred to in subsections (3)(a) and (c) and (5) are—

- (a) a constable (whether or not in England and Wales);
- (b) a police and crime commissioner;
- (c) the Mayor's Office for Policing and Crime;
- (d) the Deputy Mayor for Policing and Crime appointed by the Mayor's Office for Policing and Crime;
- (e) the Mayor of London;
- (f) the Common Council of the City of London;
- (g) any other person or body which maintains a police force;
- (h) a member of the staff of a person falling within any of paragraphs (a) to (g).

Sch 1(8) Relevant extracts from paragraph 8, Schedule 1, of the Police Reform and Social Responsibility Act 2011

8 (1) This paragraph applies to a person appointed under section 18 by a police and crime commissioner to be the deputy police and crime commissioner.

(2) None of the following may be appointed as the deputy police and crime commissioner -

- a) a person who has not attained the age of 18 on the day of the appointment;
- b) a person who is subject to a relevant disqualification;
- c) a Member of the House of Commons
- d) a Member of the European Parliament
- e) a Member of the National Assembly for Wales⁶
- f) a Member of the Scottish Parliament
- g) a Member of the Northern Ireland Assembly

(3) The terms and conditions of a person who is appointed as the deputy police and crime commissioner must provide for the appointment to end not later than the day when the current term of office of the appointing police and crime commissioner ends.

(4) Section 7 of the Local Government and Housing Act 1989 (appointment of staff on merit) does not apply to the deputy police and crime commissioner.

(5) In this paragraph “current term of office”, in relation to the appointment of a deputy police and crime commissioner by a police and crime commissioner, means the commissioner’s term of office which is running at the time the appointment is made.

(6) For the purposes of this paragraph, a person is subject to a relevant disqualification if the person is disqualified from being elected as, or being, a police and crime commissioner under

- a) section 65(1) (police officers, police-related employment etc), other than paragraph (e)(ii); or
- b) section 66(1), 3(a)(iii) or (iv), 3(c) or 3(d) (citizenship, bankruptcy, criminal convictions & corrupt or illegal election practices)

S65 Disqualification from election or holding office as police and crime commissioner: police grounds

Relevant extracts from Section 65(1) of the Police Reform and Social Responsibility Act 2011

65 (1) A person is disqualified from being elected as, or being, a police and crime commissioner if the person

a) is disqualified from being a member of the House of Commons under section 1(1)(d) of the House of Commons Disqualification Act 1975 (members of police forces for police areas in the United Kingdom);

b) is a member of-

- (i) the British Transport Police Force
- (ii) the Civil Nuclear Constabulary

c) is a special constable appointed-

- (i) under section 27 of the Police Act 1996 for a police area or the City of London police area;
- (ii) under section 25 of the Railways and Transport Safety Act 2003 (British Transport Police Force)

d) is a member of staff of the chief officer of police of any police force maintained for a police area;

e) is a member of staff of-

- (i) a police and crime commissioner;⁷
- (ii) the Mayor’s Office for Policing and Crime;

f) is the Mayor of London;

g) is a member of the Common Council of the City of London or a member of staff of that Council in its capacity as a police authority;

h) is a member (including a member who is chairman or chief executive), or a member of staff, of-

- (i) the British Transport Police;

- (ii) the Civil Nuclear Police Authority;
 - (iii) the Independent Police Complaints Commission;
 - (iv) the Serious Crime Agency;
 - (v) The National Policing Improvement Agency;
- i) holds any employment in an entity which is under the control of-
- (i) a local policing body;
 - (ii) any body mentioned in paragraph (h);
 - (iii) the chief officer of police for any police force maintained for a police area or the City of London police area;
 - (iv) the chief officer of police for any police force mentioned in paragraph (b).

S66 Disqualification from election or holding office as police and crime commissioner: other grounds

Relevant extracts from Section 66 of the Police Reform and Social Responsibility Act 2011

- 66 (1) A person is disqualified from being elected as, or being, a police and crime commissioner unless the person satisfies the citizenship condition (see section 68)
- (3) A person is disqualified from being elected as, or being, a police and crime commissioner if-

- (a) the person is the subject of-
 - (iii) a bankruptcy restrictions order under paragraph 1 of Schedule 4A to that Act;
 - (iv) a bankruptcy restrictions interim order under paragraph 5 of that Schedule;
- (c) the person has been convicted in the United Kingdom, the Channel Islands, or the Isle of Man, of any imprisonable offence (whether or not sentenced to a term of imprisonment in respect of the offence); or
- (d) the person is incapable of being elected as a member of the House of Commons, or is required to vacate a seat in the House of Commons, under Part 3 of the Representation of the People Act 1983 (consequences of corrupt or illegal practices)

S68 Citizenship condition

Relevant extract from Section 68 Police Reform and Social Responsibility Act 2011

- 68 (1) This section applies for the purposes of section 66.
- (2) A person satisfies the citizenship condition if the person is—
- (a) a qualifying Commonwealth citizen,
 - (b) a citizen of the Republic of Ireland, or
 - (c) a citizen of the Union.

(3) For the purposes of this section, a person is a qualifying Commonwealth citizen if the person is a Commonwealth citizen

and—

(a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or

(b) is a person who requires such leave but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.

(4) But a person who does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases) is not a qualifying Commonwealth citizen by virtue of subsection (3)(a).

(5) In this section the expression “citizen of the Union” is to be construed in accordance with Article 20(1) of the Treaty on the Functioning of the European Union.