STATUTORY INSTRUMENTS

2015 No. 1526

MINISTERS OF THE CROWN

The Transfer of Functions (Police and Crime Commissioner Elections) Order 2015

Made - - - -	*15th July 2015*
Laid before Parliament	*22nd July 2015*
Coming into force - -	*12th August 2015*

At the Court at Buckingham Palace, the 15th day of July 2015

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred by section 1 of the Ministers of the Crown Act 1975(**1**), is pleased, by and with the advice of Her Privy Council, to order as follows:

Citation and commencement

1.—(1) This Order may be cited as the Transfer of Functions (Police and Crime Commissioner Elections) Order 2015.

(2) This Order comes into force on 12th August 2015.

Interpretation

2. In this Order—

"the Chancellor of the Duchy" means the Chancellor of the Duchy of Lancaster;

"instrument" includes Royal Charters, Royal Warrants, Orders in Council, Letters Patent, judgments, decrees, orders, rules, regulations, schemes, bye-laws, awards, licences, authorisations, consents, approvals, contracts and other agreements, memoranda and articles of association, certificates, deeds and other documents.

Functions of the Secretary of State to be exercisable concurrently with the Chancellor of the Duchy

3.—(1) The Secretary of State's functions under—

(**1**) 1975 c. 26; section 1 was amended by section 20 of the Constitutional Reform Act 2005 (c. 4).

(a) a provision of the Police Reform and Social Responsibility Act 2011 ("the 2011 Act")(**2**) which is listed in paragraph (2),

(b) the Police and Crime Commissioner Elections Order 2012(**3**), and

(c) the Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012(**4**),

are, subject to paragraph (3), to be exercisable concurrently with the Chancellor of the Duchy.

(2) The provisions of the 2011 Act referred to in paragraph (1)(a) are—

(a) section 50(4) (power to specify different day for PCC election);

(b) section 55 (functions relating to returning officers' expenditure);

(c) section 58(5)(a), (b) and (d) (power to modify enactments relating to elections);

(d) section 65(3) (power to make provision about reference to an entity under the control of a local policing body etc);

(e) section 66(8) (power to make provision about reference to an entity under the control of a relevant council);

(f) section 70(1)(a) (power to specify form for declaration of acceptance of office of PC commissioner);

(g) section 71(6) (judicial proceedings as to disqualification or vacancy: power to specify different sum as security for costs of proceedings);

(h) section 75(1) (duty to designate a local authority for each police area other than the metropolitan district).

(3) The functions which are directed by paragraph (1) to be exercisable by the Secretary of State concurrently with the Chancellor of the Duchy are to be so exercisable so far as they relate to an election of a police and crime commissioner the date of the poll for which is on or after 1st May 2016.

(4) Paragraph (3) does not apply to the functions under 71(6) and 75(1) of the 2011 Act.

Supplementary provision in connection with article 3

4.—(1) This Order does not affect the validity of anything done (or having effect as if done) by or in relation to the Secretary of State before the coming into force of this Order.

(2) There are transferred to the Chancellor of the Duchy all property, rights and liabilities to which the Secretary of State is entitled or subject at the coming into force of this Order in connection with a function which is directed by article 3 to be exercisable by the Secretary of State concurrently with the Chancellor of the Duchy (an "article 3 function").

(3) Anything (including legal proceedings) which, at the coming into force of this Order, is in the process of being done by or in relation to the Secretary of State may, so far as it relates to an article 3 function or anything transferred by paragraph (2), be continued by or in relation to the Chancellor of the Duchy.

(4) Anything done (or having effect as if done) by or in relation to the Secretary of State in connection with an article 3 function or anything transferred by paragraph (2) has effect, so far as necessary for continuing its effect after the coming into force of this Order, as if done by or in relation to the Chancellor of the Duchy.

(5) Documents or forms printed for use in connection with an article 3 function may be used in connection with the exercise of that function by the Chancellor of the Duchy even though they

(**2**) 2011 c.13.
(**3**) S.I. 2012/1917.
(**4**) S.I. 2012/2088.

contain, or are to be read as containing, references to the Secretary of State; and for the purposes of the use of any such documents or forms in connection with the exercise of that function by the Chancellor of the Duchy, those references are to be read as references to the Chancellor of the Duchy.

(6) Any enactment or instrument passed or made before the coming into force of this Order has effect, so far as necessary for the purposes of or in consequence of article 3 or paragraph (2), as if references to the Secretary of State (and references which are to be read as references to the Secretary of State) were or included references to the Chancellor of the Duchy.

(7) In paragraphs (1) and (3) to (6)—

(a) references to the Secretary of State are to be read as including references to the department or an officer of the Secretary of State, and

(b) references to the Chancellor of the Duchy are to be read as including references to the Cabinet Office or an officer in that Office accordingly.

Consequential amendments

5.—(1) The Schedule has effect.

(2) The amendments made by the Schedule, except the amendments relating to sections 71(6) and 75(1) of the Police Reform and Social Responsibility Act 2011, have effect in relation to an election of a police and crime commissioner the date of the poll for which is on or after 1st May 2016.

Richard Tilbrook
Clerk of the Privy Council