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DRAFT STATUTORY INSTRUMENTS

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**2011 No.**

**The Elected Local Policing Bodies (Complaints  
and Misconduct) Regulations 2011**

**PART 1**

**General**

**Interpretation**

**2.—(1)** In these Regulations—

“2002 Act” means the Police Reform Act 2002<sup>(1)</sup>;

“2004 Regulations” means the Police (Complaints and Misconduct) Regulations 2004<sup>(2)</sup>;

“2011 Act” means the Police Reform and Social Responsibility Act 2011;

“the Commission” means the Independent Police Complaints Commission established under section 9(1) of the 2002 Act;

“complainant”, in relation to anything which is or purports to be a complaint, means the person by whom the complaint or purported complaint was made, but where any person is acting on the complainant’s behalf for the purposes of any complaint or purported complaint, anything that is to be or may be done under these Regulations by or in relation to the complainant may be done, instead, by or in relation to that person;

“complaint” means a qualifying complaint within the meaning of section 31(1)(a) of the 2011 Act;

“conduct” includes acts, omissions, statements and decisions (whether actual, alleged or inferred);

“conduct matter” has the same meaning as in section 31(1)(b) of the 2011 Act;

“criminal offence” means any offence triable in England and Wales;

“document” means anything in which information of any description is recorded;

“information” includes estimates and projections, and statistical analyses;

“person complained against”, in relation to a complaint, means the relevant office holder whose conduct is the subject matter of the complaint;

“police and crime panel” means—

- (a) in relation to a police and crime commissioner or deputy police and crime commissioner for a police area listed in Schedule 1 to the Police Act 1996<sup>(3)</sup>, the police and crime panel established for that police area under section 28(1) of the 2011 Act;

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(1) 2002 c. 30.

(2) S.I. 2004/643, as amended by S.I. 2005/3389, S.I. 2006/1406 and S.I. 2008/2866.

(3) 1996 c. 16. Schedule 1 is amended by section 129(a) of the Police Act 1997 (c. 50) and by S.I. 1997/1377, S.I. 1997/1844, S.I. 1997/1845, S.I. 1997/1846, S.I. 1997/1847, S.I. 1987/1849, S.I. 1987/1850, S.I. 1997/1855, S.I. 1987/1857 and S.I. 2009/119.

- (b) in relation to the Mayor’s Office for Policing and Crime or the Deputy Mayor for Policing and Crime, the committee established under section 32 of the 2011 Act;

“relevant office” means—

- (a) police and crime commissioner;
- (b) deputy police and crime commissioner;
- (c) the Mayor’s Office for Policing and Crime;
- (d) the Deputy Mayor for Policing and Crime;

“relevant office holder” means the holder of a relevant office, and in relation to any conduct includes a person who—

- (a) holds the relevant office at the time of the conduct but subsequently ceases to hold that office; or
- (b) holds the relevant office at the time when a complaint or conduct matter comes to the attention of the police and crime panel, but did not hold that office at the time of the conduct;

“serious complaint” has the same meaning as in paragraph 2(6) of Schedule 7 to the 2011 Act.

(2) References in these Regulations to the investigation of any serious complaint or conduct matter under the management of the Commission or by the Commission itself shall be construed as references to its investigation in accordance with regulation 19 or 20 as the case may be.

(3) References in these Regulations to a person serving with the police shall be construed in accordance with sections 12(7) and 29 of the 2002 Act.