Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART IX

POLICE COMPLAINTS AND DISCIPLINE

General

104 Restrictions on subsequent proceedings

(1) Where a member of a police force has been convicted or acquitted of a criminal offence he shall not be liable to be charged with any offence against discipline which is in substance the same as the offence of which he has been convicted or acquitted.

(2) Subsection (1) above shall not be construed as applying to a charge in respect of an offence against discipline which consists in having been found guilty of a criminal offence.

(3) Subject to subsection (4) below, no statement made by any person for the purpose of the informal resolution of a complaint shall be admissible in any subsequent criminal, civil or disciplinary proceedings.

(4) A statement is not rendered inadmissible by subsection (3) above if it consists of or includes an admission relating to a matter which does not fall to be resolved informally.

105 Guidelines concerning discipline, complaints etc.

(1) The Secretary of State may issue guidance to chief officers of police and to other police officers concerning the discharge of their functions—

(a) under this Part of this Act; and

(b) otherwise in connection with discipline ;

and police officers shall have regard to any such guidance in the discharge of their functions.

(2) Guidance may not be issued under subsection (1) above in relation to the handling of a particular case.

(3) A failure on the part of a police officer to have regard to any guidance issued under subsection (1) above when determining—

(a) whether an officer has committed an offence against discipline; or

(b) the punishment to be awarded for such an offence,

shall be admissible in evidence on any appeal from the determination.

(4) In discharging their functions under section 93 above the Authority shall have regard to any guidance given to them by the Secretary of State with respect to such matters affecting the preferring and withdrawing of disciplinary charges as are for the time being the subject of guidance under subsection (1) above, and shall have regard in particular, but without prejudice to the generality of this subsection, to any such guidance as to the principles to be applied in cases that involve any question of criminal proceedings and are not governed by section 104 above.

(5) The report of the Authority under section 97(3) above shall contain a statement of any guidance given to the Authority under subsection (4) above during the year to which the report relates.