



Police Reform Act 2002

2002 CHAPTER 30

PART 2

COMPLAINTS AND MISCONDUCT

Interpretation of Part 2

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(1) In this Part—

“the appropriate authority”, in relation to a person serving with the police or in relation to any complaint, matter or investigation relating to the conduct of such a person, means—

- (a) if that person is a senior officer, the police authority for the area of the police force of which he is a member; and
- (b) if he is not a senior officer, the chief officer under whose direction and control he is;

“chief officer” means the chief officer of police of any police force;

“the Commission” has the meaning given by section 9(1);

“complainant” shall be construed in accordance with subsection (2);

“complaint” has the meaning given by section 12;

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

“conduct matter” has the meaning given by section 12;

“disciplinary proceedings” means—

- (a) in relation to a member of a police force or a special constable, proceedings under any regulations made by virtue of section 50 or 51 of the 1996 Act and identified as disciplinary proceedings by those regulations; and
- (b) in relation to a person serving with the police who is not a member of a police force or a special constable, proceedings identified as such by regulations made by the Secretary of State for the purposes of this Part;

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

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

“local resolution”, in relation to a complaint, means the handling of that complaint in accordance with a procedure which—

- (a) does not involve a formal investigation; and
- (b) is laid down by regulations under paragraph 8 of Schedule 3 for complaints which it has been decided, in accordance with paragraph 6 of that Schedule, to subject to local resolution;

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

“recordable conduct matter” means (subject to any regulations under section 23(2)(d))—

- (a) a conduct matter that is required to be recorded by the appropriate authority under paragraph 10 or 11 of Schedule 3 or has been so recorded; or
- (b) except in sub-paragraph (4) of paragraph 2 of Schedule 3, any matter brought to the attention of the appropriate authority under that sub-paragraph;

“relevant force”, in relation to the appropriate authority, means—

- (a) if that authority is a police authority, the police force maintained by it; and
- (b) if that authority is the chief officer of police of a police force, his force;

“senior officer” means a member of a police force holding a rank above that of chief superintendent;

“serious injury” means a fracture, a deep cut, a deep laceration or an injury causing damage to an internal organ or the impairment of any bodily function;

“serving with the police”, in relation to any person, shall be construed in accordance with section 12(7).

- (2) References in this Part, in relation to anything which is or purports to be a complaint, to the complainant are references—
 - (a) except in the case of anything which is or purports to be a complaint falling within section 12(1)(d), to the person by whom the complaint or purported complaint was made; and
 - (b) in that case, to the person on whose behalf the complaint or purported complaint was made;

but where any person is acting on another’s behalf for the purposes of any complaint or purported complaint, anything that is to be or may be done under this Part by or in relation to the complainant may be done, instead, by or in relation to the person acting on the complainant’s behalf.

- (3) Subject to subsection (4), references in this Part, in relation to any conduct or anything purporting to be a complaint about any conduct, to a member of the public include references to any person falling within any of the following paragraphs (whether at the time of the conduct or at any subsequent time)—
 - (a) a person serving with the police;
 - (b) a member of the National Criminal Intelligence Service or the National Crime Squad;

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- (c) a member of the staff of the Central Police Training and Development Authority; or
 - (d) a person engaged on relevant service, within the meaning of section 97(1)(a), (cc) or (d) of the 1996 Act (temporary service otherwise than with NCIS or NCS).
- (4) In this Part references, in relation to any conduct or to anything purporting to be a complaint about any conduct, to a member of the public do not include references to—
- (a) a person who, at the time when the conduct is supposed to have taken place, was under the direction and control of the same chief officer as the person whose conduct it was; or
 - (b) a person who—
 - (i) at the time when the conduct is supposed to have taken place, in relation to him, or
 - (ii) at the time when he is supposed to have been adversely affected by it, or to have witnessed it,was on duty in his capacity as a person falling within subsection (3)(a) to (d).
- (5) For the purposes of this Part a person is adversely affected if he suffers any form of loss or damage, distress or inconvenience, if he is put in danger or if he is otherwise unduly put at risk of being adversely affected.
- (6) References in this Part to the investigation of any complaint or matter by the appropriate authority on its own behalf, under the supervision of the Commission, under the management of the Commission or by the Commission itself shall be construed as references to its investigation in accordance with paragraph 16, 17, 18 or, as the case may be, 19 of Schedule 3.
- (7) The Commissioner of Police for the City of London shall be treated for the purposes of this Part as if he were a member of the City of London police force.