



Police Reform Act 2002

2002 CHAPTER 30

PART 2

COMPLAINTS AND MISCONDUCT

The Independent Police Complaints Commission

9 The Independent Police Complaints Commission

- (1) There shall be a body corporate to be known as the Independent Police Complaints Commission (in this Part referred to as “the Commission”).
- (2) The Commission shall consist of—
 - (a) a chairman appointed by Her Majesty; and
 - (b) not less than ten other members appointed by the Secretary of State.
- (3) A person shall not be appointed as the chairman of the Commission, or as another member of the Commission, if—
 - (a) he holds or has held office as a constable in any part of the United Kingdom;
 - (b) he is or has been under the direction and control of a chief officer or of any person holding an equivalent office in Scotland or Northern Ireland;
 - (c) he is a person in relation to whom a designation under section 39 is or has been in force;
 - (d) he is a person in relation to whom an accreditation under section 41 is or has been in force;
 - (e) he is or has been a member of the National Criminal Intelligence Service or the National Crime Squad; or
 - (f) he is or has at any time been a member of a body of constables which at the time of his membership is or was a body of constables in relation to which any procedures are or were in force by virtue of an agreement or order under—
 - (i) section 26 of this Act; or
 - (ii) section 78 of the 1996 Act or section 96 of the 1984 Act (which made provision corresponding to that made by section 26 of this Act).

- (4) An appointment made in contravention of subsection (3) shall have no effect.
- (5) The Commission shall not—
 - (a) be regarded as the servant or agent of the Crown; or
 - (b) enjoy any status, privilege or immunity of the Crown;and the Commission's property shall not be regarded as property of, or property held on behalf of, the Crown.
- (6) Schedule 2 (which makes further provision in relation to the Commission) shall have effect.
- (7) The Police Complaints Authority shall cease to exist on such day as the Secretary of State may by order appoint.

10 General functions of the Commission

- (1) The functions of the Commission shall be—
 - (a) to secure the maintenance by the Commission itself, and by police authorities and chief officers, of suitable arrangements with respect to the matters mentioned in subsection (2);
 - (b) to keep under review all arrangements maintained with respect to those matters;
 - (c) to secure that arrangements maintained with respect to those matters comply with the requirements of the following provisions of this Part, are efficient and effective and contain and manifest an appropriate degree of independence;
 - (d) to secure that public confidence is established and maintained in the existence of suitable arrangements with respect to those matters and with the operation of the arrangements that are in fact maintained with respect to those matters;
 - (e) to make such recommendations, and to give such advice, for the modification of the arrangements maintained with respect to those matters, and also of police practice in relation to other matters, as appear, from the carrying out by the Commission of its other functions, to be necessary or desirable; and
 - (f) to such extent as it may be required to do so by regulations made by the Secretary of State, to carry out functions in relation to the National Criminal Intelligence Service, the National Crime Squad and bodies of constables maintained otherwise than by police authorities which broadly correspond to those conferred on the Commission in relation to police forces by the preceding paragraphs of this subsection.
- (2) Those matters are—
 - (a) the handling of complaints made about the conduct of persons serving with the police;
 - (b) the recording of matters from which it appears that there may have been conduct by such persons which constitutes or involves the commission of a criminal offence or behaviour justifying disciplinary proceedings;
 - (c) the manner in which any such complaints or any such matters as are mentioned in paragraph (b) are investigated or otherwise handled and dealt with.
- (3) The Commission shall also have the functions which are conferred on it by—
 - (a) any regulations under section 39 or 83 of the 1997 Act (complaints etc. against members of NCIS and NCS);

- (b) any agreement or order under section 26 of this Act (other bodies of constables);
 - (c) any regulations under section 39 of this Act (police powers for contracted-out staff); or
 - (d) any regulations or arrangements relating to disciplinary or similar proceedings against persons serving with the police, or against members of the National Criminal Intelligence Service, the National Crime Squad or any body of constables maintained otherwise than by a police authority.
- (4) It shall be the duty of the Commission—
 - (a) to exercise the powers and perform the duties conferred on it by the following provisions of this Part in the manner that it considers best calculated for the purpose of securing the proper carrying out of its functions under subsections (1) and (3); and
 - (b) to secure that arrangements exist which are conducive to, and facilitate, the reporting of misconduct by persons in relation to whose conduct the Commission has functions.
- (5) It shall also be the duty of the Commission—
 - (a) to enter into arrangements with the chief inspector of constabulary for the purpose of securing co-operation, in the carrying out of their respective functions, between the Commission and the inspectors of constabulary; and
 - (b) to provide those inspectors with all such assistance and co-operation as may be required by those arrangements, or as otherwise appears to the Commission to be appropriate, for facilitating the carrying out by those inspectors of their functions.
- (6) Subject to the other provisions of this Part, the Commission may do anything which appears to it to be calculated to facilitate, or is incidental or conducive to, the carrying out of its functions.
- (7) The Commission may, in connection with the making of any recommendation or the giving of any advice to any person for the purpose of carrying out—
 - (a) its function under subsection (1)(e), or
 - (b) any corresponding function conferred on it by virtue of subsection (1)(f),impose any such charge on that person for anything done by the Commission for the purposes of, or in connection with, the carrying out of that function as it thinks fit.
- (8) Nothing in this Part shall confer any function on the Commission in relation to so much of any complaint or conduct matter as relates to the direction and control of a police force by—
 - (a) the chief officer of police of that force; or
 - (b) a person for the time being carrying out the functions of the chief officer of police of that force.

11 Reports to the Secretary of State

- (1) As soon as practicable after the end of each of its financial years, the Commission shall make a report to the Secretary of State on the carrying out of its functions during that year.

Status: This is the original version (as it was originally enacted).

- (2) The Commission shall also make such reports to the Secretary of State about matters relating generally to the carrying out of its functions as he may, from time to time, require.
- (3) The Commission may, from time to time, make such other reports to the Secretary of State as it considers appropriate for drawing his attention to matters which—
 - (a) have come to the Commission's notice; and
 - (b) are matters that it considers should be drawn to his attention by reason of their gravity or of other exceptional circumstances.
- (4) The Commission shall prepare such reports containing advice and recommendations as it thinks appropriate for the purpose of carrying out—
 - (a) its function under subsection (1)(e) of section 10; or
 - (b) any corresponding function conferred on it by virtue of subsection (1)(f) of that section.
- (5) Where the Secretary of State receives any report under this section, he shall—
 - (a) in the case of every annual report under subsection (1), and
 - (b) in the case of any other report, if and to the extent that he considers it appropriate to do so,lay a copy of the report before Parliament and cause the report to be published.
- (6) The Commission shall send a copy of every annual report under subsection (1)—
 - (a) to every police authority;
 - (b) to the Service Authority for the National Criminal Intelligence Service;
 - (c) to the Service Authority for the National Crime Squad;
 - (d) to every authority that is maintaining a body of constables in relation to which any procedures are for the time being in force by virtue of any agreement or order under section 26 or by virtue of subsection (9) of that section.
- (7) The Commission shall send a copy of every report under subsection (3)—
 - (a) to any police authority that appears to the Commission to be concerned; and
 - (b) to the chief officer of police of any police force that appears to it to be concerned.
- (8) Where a report under subsection (3) relates to the National Criminal Intelligence Service or the National Crime Squad, the Commission shall send a copy of that report—
 - (a) to the Service Authority for that Service or Squad; and
 - (b) to its Director General.
- (9) Where a report under subsection (3) relates to a body of constables maintained by an authority other than a police authority, the Commission shall send a copy of that report—
 - (a) to that authority; and
 - (b) to the person having the direction and control of that body of constables.
- (10) The Commission shall send a copy of every report under subsection (4) to—
 - (a) the Secretary of State;
 - (b) every police authority;
 - (c) every chief officer;

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- (d) the Service Authority for the National Criminal Intelligence Service and the Director General of that Service;
 - (e) the Service Authority for the National Crime Squad and the Director General of that Squad;
 - (f) every authority that is maintaining a body of constables in relation to which any procedures are for the time being in force by virtue of any agreement or order under section 26 or by virtue of subsection (9) of that section; and
 - (g) every person who has the direction and control of such a body of constables.
- (11) The Commission shall send a copy of every report made or prepared by it under subsection (3) or (4) to such of the persons (in addition to those specified in the preceding subsections) who—
- (a) are referred to in the report, or
 - (b) appear to the Commission otherwise to have a particular interest in its contents,
- as the Commission thinks fit.