



# Police Reform Act 2002

## 2002 CHAPTER 30

### PART 2

#### COMPLAINTS AND MISCONDUCT

##### Modifications etc. (not altering text)

- C1** Pt. 2 power to apply amend or modify conferred (31.10.2011) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), **Sch. 7 para. 7(1)**; S.I. 2011/2515, art. 2(d)
- C2** Pt. 2 applied (with modifications) (22.11.2012) by [The Police \(Complaints and Misconduct\) Regulations 2012](#) (S.I. 2012/1204), regs. 1(1), **35(1)** (with reg. 35(2))
- C3** Pt. 2 applied (with modifications) (22.11.2012) by [The Police \(Complaints and Misconduct\) Regulations 2012](#) (S.I. 2012/1204), regs. 1(1), **27**
- C4** Pt. 2 applied (with modifications) (9.8.2013) by [The Police \(Complaints and Misconduct\)\(Old Cases\) Regulations 2013](#) (S.I. 2013/1778), regs. 1(1), **2**
- C5** Pt. 2 modified (8.4.2015) by [The Independent Police Complaints Commission \(Complaints and Misconduct\) \(Contractors\) Regulations 2015](#) (S.I. 2015/431), regs. 1, 4, **Sch.**
- C6** Pt. 2: power to amend conferred (E.W.) (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by 2009 c. 20, s. **107EE(4)** (as inserted by [Policing and Crime Act 2017](#) (c. 3), ss. **8(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(a))
- C7** Pt. 2: power to amend conferred (E.W.) (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by 2004 c. 21, s. **4K(2)(4)** (as inserted by [Policing and Crime Act 2017](#) (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 5**; S.I. 2017/399, reg. 2, **Sch. para. 38**)
- C8** Pt. 2 modified (15.12.2017) by S.I. 2012/1204, Sch. Pt. 1 (as inserted by [The Police \(Conduct, Complaints and Misconduct and Appeal Tribunal\) \(Amendment\) Regulations 2017](#) (S.I. 2017/1134), reg. 1(1), **Sch. 2** (with reg. 2))
- C9** Pt. 2 applied (with application in accordance with reg. 1(3) of the amending S.I.) by [The Police \(Complaints and Misconduct\) Regulations 2020](#) (S.I. 2020/2), regs. 1(1), **43(3)**
- C10** Pt. 2 applied (with modifications) (with application in accordance with reg. 1(3) of the amending S.I.) by [The Police \(Complaints and Misconduct\) Regulations 2020](#) (S.I. 2020/2), regs. 1(1), **52**
- C11** Pt. 2 applied (with modifications) (with application in accordance with reg. 1(3) of the amending S.I.) by [The Police \(Complaints and Misconduct\) Regulations 2020](#) (S.I. 2020/2), regs. 1(1), 42(1), **Sch. 2**
- C12** Pt. 2 applied (with modifications) (with application in accordance with reg. 1(3) of the amending S.I.) by [The Police \(Complaints and Misconduct\) Regulations 2020](#) (S.I. 2020/2), regs. 1(1), **43(1)(2)**

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- C13** Pt. 2 applied (with modifications) (with application in accordance with reg. 1(3) of the amending S.I.) by [The Police \(Complaints and Misconduct\) Regulations 2020 \(S.I. 2020/2\)](#), regs. 1(1), **42(2)**
- C14** Pt. 2: power to amend conferred (E.W.) (26.12.2023) by [Levelling Up and Regeneration Act 2023 \(c. 55\)](#), **ss. 38, 255(2)(c)** (with s. 247)
- C15** Pt. 2 (ss. 9-29) applied (with modifications) (1.4.2004) by [The Police \(Complaints and Misconduct\) Regulations 2004 \(S.I. 2004/643\)](#), **regs. 21, 29, 30**
- C16** Pt. 2 (ss. 9-29) applied (1.4.2004) by [The Police \(Complaints and Misconduct\) Regulations 2004 \(S.I. 2004/643\)](#), **reg. 28**
- C17** Pt. 2 (ss. 9-29) excluded (1.4.2004) by [The Independent Police Complaints Commission \(Transitional Provisions\) Order 2004 \(S.I. 2004/671\)](#), **arts. 2(2), 3**
- C18** Pt. 2 (ss. 9-29) excluded (E.W.) (28.12.2005) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), regs. 3(7), **8, 9**
- C19** Pt. 2 (ss. 9-29): power to apply conferred (7.4.2005 at 5.45 p.m.) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), **ss. 28(2)(a), 53**; S.I. 2005/1126, **art. 2**

### *[<sup>F1</sup>The Independent Office for Police Conduct]*

#### Textual Amendments

- F1** S. 9 cross-heading substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 16**; S.I. 2017/1249, **reg. 2** (with **reg. 3**)

## 9 *[<sup>F2</sup>The Independent Office for Police Conduct]*

*[<sup>F3</sup>(1) The body corporate previously known as the Independent Police Complaints Commission—*

- (a) is to continue to exist, and
- (b) is to be known instead as the Independent Office for Police Conduct.]

*[<sup>F4</sup>(2) The Office is to consist of—*

- (a) a Director General appointed by Her Majesty, and
- (b) at least six other members.

*(2A) The other members must consist of—*

- (a) persons appointed as non-executive members (see paragraph 1A of Schedule 2), and
- (b) persons appointed as employee members (see paragraph 1B of that Schedule), but the powers of appointment under those paragraphs must be exercised so as to secure that a majority of members of the Office (including the Director General) are non-executive members.]

*(3) A person shall not be appointed as the [<sup>F5</sup>Director General]<sup>F6</sup>... 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 [<sup>F7</sup>or 41A] is or has been in force;

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- [<sup>F8</sup>(da) he <sup>F9</sup>... has been the chairman or a member of, or a member of the staff of, the Serious Organised Crime Agency;]
- [<sup>F10</sup>(db) he <sup>F11</sup>... has been—
- (i) the chairman or chief executive of, or
  - (ii) another member of, or
  - (iii) another member of the staff of,
- the National Policing Improvement Agency;]
- [<sup>F12</sup>(dc) the person is, or has been, a National Crime Agency officer;]
- (e) he <sup>F13</sup>... 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) [<sup>F14</sup>Neither the Office nor the Director General shall—
- (a) be regarded as the servant or agent of the Crown; or
  - (b) enjoy any status, privilege or immunity of the Crown;
- and the [<sup>F15</sup>Office'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 [<sup>F16</sup>Office]) shall have effect.
- (7) The Police Complaints Authority shall cease to exist on such day as the Secretary of State may by order appoint.

#### Textual Amendments

- F2** S. 9 heading substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 33(3)**, 183(1)(5)(e); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F3** S. 9(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 33(4)**, 183(1)(5)(e); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F4** S. 9(2)(2A) substituted for s. 9(2) (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 33(5)**, 183(1)(5)(e); S.I. 2017/399, [reg. 2](#), **Sch. para. 6**; S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F5** Words in s. 9(3) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 33(6)(a)**, 183(1)(5)(e); S.I. 2017/399, [reg. 2](#), **Sch. para. 6**; S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F6** Words in s. 9(3) omitted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 33(6)(b)**, 183(1)(5)(e); S.I. 2017/399, [reg. 2](#), **Sch. para. 6**; S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F7** Words in s. 9(3)(d) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), **ss. 52, 53**, **Sch. 14 para. 40**; S.I. 2007/709, **art. 3(p)** (subject to **arts. 6, 7**)
- F8** S. 9(3)(da) inserted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), **ss. 55, 178**, **Sch. 2 para. 2(a)**; S.I. 2006/378, **art. 4(1)**, **Sch. para. 8** (subject to **art. 4(2)-(7)**)

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- F9** Words in s. 9(3)(da) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 153(1)(a)**; S.I. 2013/1682, art. 3(v)
- F10** S. 9(3)(db) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 81**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)
- F11** Words in s. 9(3)(db) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 153(1)(b)**; S.I. 2013/1682, art. 3(v)
- F12** S. 9(3)(dc) inserted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 153(1)(c)**; S.I. 2013/1682, art. 3(v)
- F13** Words in s. 9(3)(e) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 2(b), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))
- F14** Words in s. 9(5) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. **33(7)(a)**, 183(1)(5)(e); S.I. 2017/1249, **reg. 2** (with reg. 3)
- F15** Word in s. 9(5) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. **33(7)(b)**, 183(1)(5)(e); S.I. 2017/1249, **reg. 2** (with reg. 3)
- F16** Word in s. 9(6) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. **33(8)**, 183(1)(5)(e); S.I. 2017/1249, **reg. 2** (with reg. 3)

#### Modifications etc. (not altering text)

- C20** S. 9 applied (with modifications) (E.W.) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1
- C21** S. 9 applied (with modifications) (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 4**
- C22** S. 9 applied (with modifications) (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 4**
- C23** S. 9 applied (with modifications) (5.8.2010) by The Revenue and Customs (Complaints and Misconduct) Regulations 2010 (S.I. 2010/1813), **reg. 5** (with reg. 11)
- C24** S. 9 applied (with modifications) (7.10.2013) by The National Crime Agency (Complaints and Misconduct) Regulations 2013 (S.I. 2013/2325), regs. 1(1), **5**
- C25** S. 9 applied (with modifications) (30.4.2017) by The Gangmasters and Labour Abuse Authority (Complaints and Misconduct) Regulations 2017 (S.I. 2017/521), regs. 1, **5**

#### Commencement Information

- II** S. 9 wholly in force at 1.4.2003; s. 9 not in force at Royal Assent, see s. 108(2); s. 9(2)-(4)(6) in force for certain purposes at 1.10.2002 by S.I. 2002/2306, {art. 2(b)(i)}; s. 9 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(a)**

## 10 General functions of the <sup>F17</sup>Director General]

- (1) The functions of the <sup>F17</sup>Director General] shall be—
- to secure the maintenance by the <sup>F17</sup>Director General]<sup>F18</sup>..., and by <sup>F19</sup>local policing bodies] and chief officers, of suitable arrangements with respect to the matters mentioned in subsection (2);
  - to keep under review all arrangements maintained with respect to those matters;
  - 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;

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- (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 [F17Director General] of [F20the Director General's] other functions, to be necessary or desirable; F21 . . .
- (f) to such extent as [F22the Director General] may be required to do so by regulations made by the Secretary of State, to carry out functions in relation to F23 . . . bodies of constables maintained otherwise than by [F24local policing bodies] which broadly correspond to those conferred on the [F17Director General] in relation to police forces by the preceding paragraphs of this subsection[F25, F26 . . .
- (g) to carry out functions in relation to the [F27National Crime Agency] which correspond to those conferred on the [F17Director General] in relation to police forces by paragraph (e) of this subsection[F28; and
- F29 (ga) to carry out such corresponding functions in relation to officers of the Gangmasters and Labour Abuse Authority in their capacity as labour abuse prevention officers (see section 114B of the Police and Criminal Evidence Act 1984 (PACE powers for labour abuse prevention officers)))[F30; and
- (gb) to carry out such corresponding functions in relation to officers of the Food Standards Agency acting in the exercise of functions conferred on them by virtue of—
  - (i) section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers), or
  - (ii) section 39A of the Criminal Justice and Public Order Act 1994 (powers for food crime officers: inferences from silence).]
- F31(h) . . . . .]

(2) Those matters are—

- (a) the handling of complaints [F32(within the meaning given by section 12)][F33or other concerns raised by virtue of Part 2B (whistle-blowing)];
- (b) the recording of matters from which it appears that there may have been conduct by [F34persons serving with the police] which constitutes or involves the commission of a criminal offence or behaviour justifying disciplinary proceedings;
- [F35(ba) the recording of matters from which it appears that a person has died or suffered serious injury during, or following, contact with a person serving with the police;]
- (c) the manner in which any such complaints [F36or other concerns] or any such matters as are mentioned in paragraph (b) [F37or (ba)] are investigated or otherwise handled and dealt with.

(3) The [F17Director General] shall also have the functions which are conferred on [F38the Director General] by—

- (a) F39 . . . . .
- (b) any agreement or order under section 26 of this Act (other bodies of constables);
- [F40(bc) any regulations under section 26C of this Act (the National Crime Agency);]

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- [<sup>F41</sup>(bd) any regulations under section 26D of this Act (labour abuse prevention officers);]
  - [<sup>F42</sup>(be) any regulations under section 26E of this Act (food crime officers);]
  - (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 <sup>F43</sup> . . . any body of constables maintained otherwise than by a [<sup>F44</sup>local policing body].
- [<sup>F45</sup>(3A) The [<sup>F17</sup>Director General] also has any functions conferred on [<sup>F46</sup>the Director General] by regulations under section 29C of this Act (regulations about super-complaints).]
- [<sup>F47</sup>(3B) The [<sup>F17</sup>Director General] also has the functions which are conferred on [<sup>F48</sup>the Director General] by Part 2B (whistle-blowing).]
- (4) It shall be the duty of the [<sup>F17</sup>Director General]—
- (a) to exercise the powers and perform the duties conferred on [<sup>F49</sup>the Director General] by the following provisions of this Part in the manner that [<sup>F49</sup>the Director General] considers best calculated for the purpose of securing the proper carrying out of [<sup>F50</sup>the Director General's] 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 [<sup>F17</sup>Director General] has functions.
- (5) It shall also be the duty of the [<sup>F17</sup>Director General]—
- (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 [<sup>F17</sup>Director General] 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 [<sup>F17</sup>Director General] to be appropriate, for facilitating the carrying out by those inspectors of their functions.
- [<sup>F51</sup>(5A) In carrying out functions the Director General must have regard to any advice provided to the Director General by the Office (see section 10A(1)(c)).]
- (6) Subject to the other provisions of this Part, the [<sup>F17</sup>Director General] may do anything which appears to [<sup>F52</sup>the Director General] to be calculated to facilitate, or is incidental or conducive to, the carrying out of [<sup>F53</sup>the Director General's] functions.
- (7) The [<sup>F54</sup>Office] 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) [<sup>F55</sup>the Director General's] function under subsection (1)(e), <sup>F56</sup> . . .
  - (b) any corresponding function conferred on [<sup>F57</sup>the Director General] by virtue of subsection (1)(f), [<sup>F58</sup>or
  - (c) [<sup>F55</sup>the Director General's] function under subsection (1)(g) [<sup>F59</sup>or (h)],]
- impose any such charge on that person for anything done by the [<sup>F17</sup>Director General] for the purposes of, or in connection with, the carrying out of that function as [<sup>F57</sup>the Director General] thinks fit.
- <sup>F60</sup>(8) . . . . .



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F61(9) . . . . .

### Textual Amendments

- F17** Words in s. 10 substituted in part (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 34(2)**, 183(1)(5)(e); S.I. 2017/1249, reg. 2 (with reg. 3)
- F18** Word in s. 10(1)(a) omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 17(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F19** Words in s. 10(1)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 278(2)**; S.I. 2011/3019, art. 3, Sch. 1
- F20** Words in s. 10(1)(e) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 17(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F21** Word in s. 10(1)(e) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 55, 174, 178, Sch. 2 para. 3(2)(a), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))
- F22** Words in s. 10(1)(f) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 17(4)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F23** Words in s. 10(1)(f) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 55, 174, 178, Sch. 2 para. 3(2)(b), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))
- F24** Words in s. 10(1)(f) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 278(2)**; S.I. 2011/3019, art. 3, Sch. 1
- F25** S. 10(1)(g) and preceding word inserted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 55, 178, **Sch. 2 para. 3(2)(c)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))
- F26** Word in s. 10(1) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, **art. 3(q)** (subject to arts. 6, 7)
- F27** Words in s. 10(1)(g) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 6 para. 9(2)(a)**; S.I. 2013/1682, art. 3(q)
- F28** S. 10(1)(h) and preceding word inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 1, 53, **Sch. 1 para. 82(2)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)
- F29** S. 10(1)(ga) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 3 para. 11(a)**; S.I. 2016/603, reg. 3(u)
- F30** S. 10(1)(gb) and word inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 54(4)(a)(i)**, 208(5)(f) (with s. 54(5)-(10))
- F31** S. 10(1)(h) omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 6 para. 9(2)(b)**; S.I. 2013/1682, art. 3(q)
- F32** Words in s. 10(2)(a) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(5)(e), **Sch. 4 para. 2(a)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F33** Words in s. 10(2)(a) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 34(3)(a)**, 183(1)(5)(e)
- F34** Words in s. 10(2)(b) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(5)(e), **Sch. 4 para. 2(b)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F35** S. 10(2)(ba) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, **Sch. 12 para. 2(2)**; S.I. 2005/1521, **art. 3(1)(w)**
- F36** Words in s. 10(2)(c) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 34(3)(b)**, 183(1)(5)(e)

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- F37** Words in s. 10(2)(c) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 2(3)**; S.I. 2005/1521, **art. 3(1)(w)**
- F38** Words in s. 10(3) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(5)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F39** S. 10(3)(a) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 3(3)(a), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))
- F40** S. 10(3)(bc) substituted for s. 10(3)(ba)(bb) (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 9(3)**; S.I. 2013/1682, art. 3(q)
- F41** S. 10(3)(bd) inserted (12.7.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 3 para. 11(b)**; S.I. 2016/603, reg. 3(u)
- F42** S. 10(3)(be) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), **ss. 54(4)(a)(ii)**, 208(5)(f) (with s. 54(5)-(10))
- F43** Words in s. 10(3)(d) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 3(3)(c), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))
- F44** Words in s. 10(3)(d) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 278(3)**; S.I. 2011/3019, art. 3, Sch. 1
- F45** S. 10(3A) inserted (31.1.2017 for specified purposes, 16.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 27(2)**, 183(1)(5)(e); S.I. 2018/456, reg. 3(c)
- F46** Words in s. 10(3A) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(6)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F47** S. 10(3B) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 28(3)**, 183(1)(5)(e)
- F48** Words in s. 10(3B) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(7)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F49** Words in s. 10(4)(a) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(8)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F50** Words in s. 10(4)(a) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(8)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F51** S. 10(5A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 34(4)**, 183(1)(5)(e); S.I. 2017/1249, reg. 2 (with reg. 3)
- F52** Words in s. 10(6) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(9)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F53** Words in s. 10(6) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(9)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F54** Word in s. 10(7) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 34(5)**, 183(1)(5)(e); S.I. 2017/1249, reg. 2 (with reg. 3)
- F55** Words in s. 10(7) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(10)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F56** Word in s. 10(7)(a) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 3(4), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))



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- F57** Words in s. 10(7) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 17(10)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F58** S. 10(7)(c) and preceding word inserted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 55, 178, **Sch. 2 para. 3(4)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))
- F59** Words in s. 10(7)(c) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 1, 53, **Sch. 1 para. 82(4)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)
- F60** S. 10(8) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 14 para. 6(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F61** S. 10(9) omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 6 para. 9(4)**; S.I. 2013/1682, art. 3(q)

**Modifications etc. (not altering text)**

- C26** S. 10 applied (with modifications) (E.W.) (28.12.2005) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), **reg. 3(2)(6)**, Sch. 1
- C27** S. 10(7) applied (with modifications) (16.1.2012) by [The Elected Local Policing Bodies \(Complaints and Misconduct\) Regulations 2012 \(S.I. 2012/62\)](#), regs. 1, **3(5)** (with reg. 3(6))

**[<sup>F62</sup>10A General functions of the Office**

- (1) The functions of the Office are—
- (a) to secure that the Office has in place appropriate arrangements for good governance and financial management,
  - (b) to determine and promote the strategic aims and values of the Office,
  - (c) to provide support and advice to the Director General in the carrying out of the Director General's functions, and
  - (d) to monitor and review the carrying out of such functions.
- (2) The Office also has such other functions as are conferred on it by any other enactment (whenever passed or made).
- (3) The Office is to perform its functions for the general purpose of improving the way in which the Director General's functions are carried out (including by encouraging the efficient and effective use of resources in the carrying out of those functions).
- (4) In carrying out its functions the Office must in particular have regard to public confidence in the existence of suitable arrangements with respect to the matters mentioned in section 10(2) and with the operation of the arrangements that are in fact maintained with respect to those matters.
- (5) The Office may do anything which appears to it to be calculated to facilitate, or is incidental or conducive to, the carrying out of its functions.

**Textual Amendments**

- F62** Ss. 10A-10D inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 34(6)**, 183(1)(5)(e); S.I. 2017/1249, reg. 2 (with reg. 3)

**10B Efficiency etc in exercise of functions**

The Director General and the Office must carry out their functions efficiently and effectively.

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#### Textual Amendments

**F62** Ss. 10A-10D inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 34(6), 183(1)(5)(e); S.I. 2017/1249, reg. 2 (with reg. 3)

### 10C Strategy for exercise of functions

- (1) The Director General and the Office must jointly—
  - (a) prepare a strategy for the carrying out of their functions, and
  - (b) review the strategy (and revise it as appropriate) at least once every 12 months.
- (2) The strategy must set out how the Director General and the Office propose to carry out their functions in the relevant period.
- (3) The strategy must also include a plan for the use during the relevant period of resources for the carrying out of functions of the Director General and the Office.
- (4) The Director General and the Office must each give effect to the strategy in carrying out their functions.
- (5) The Director General and the Office must jointly publish a strategy (or revised strategy) prepared under this section (stating the time from which it takes effect).
- (6) In this section “relevant period”, in relation to a strategy, means the period of time that is covered by the strategy.

#### Textual Amendments

**F62** Ss. 10A-10D inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 34(6), 183(1)(5)(e); S.I. 2017/1249, reg. 2 (with reg. 3)

### 10D Code of practice

- (1) The Director General and the Office must jointly prepare a code of practice dealing with the relationship between the Director General and the Office.
- (2) In doing so, they must (in particular) seek to reflect the principle that the Director General is to act independently when making decisions in connection with the carrying out of the Director General's functions.
- (3) The code must include provision as to the following—
  - (a) how the strategy required by section 10C is to be prepared, reviewed and revised;
  - (b) the matters to be covered by the strategy and the periods to be covered by it from time to time;
  - (c) how the carrying out of functions by the Director General is to be monitored and reviewed by other members of the Office;
  - (d) the giving of advice to the Director General by other members of the Office in connection with the carrying out of functions by the Director General;
  - (e) the keeping of written records of instances where the Director General has not followed advice given by other members of the Office and the reasons for not doing so;

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- (f) how non-executive members of the Office are to give practical effect to the requirement imposed by subsection (2).
- (4) The Code may include whatever other provision the Director General and the Office think appropriate.
- (5) The Director General and the Office must jointly review the code regularly and revise it as appropriate.
- (6) The Director General and the Office must each comply with the code.
- (7) The Director General and the Office must jointly publish a code (or revised code) prepared under this section (stating the time from which it takes effect).]

#### Textual Amendments

**F62** Ss. 10A-10D inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 34(6), 183(1)(5)(e); S.I. 2017/1249, reg. 2 (with reg. 3)

## 11 Reports to the Secretary of State

- (1) As soon as practicable after the end of each of [<sup>F63</sup>the Office's] financial years, the [<sup>F64</sup>Director General and the Office must jointly] make a report to the Secretary of State on the carrying out of [<sup>F65</sup>their] functions during that year.
- [<sup>F66</sup>(2) The Secretary of State may also require reports to be made (at any time)—
  - (a) by the Director General about the carrying out of the Director General's functions,
  - (b) by the Office about the carrying out of the Office's functions, or
  - (c) jointly by the Director General and the Office about the carrying out of their functions.]
- [<sup>F67</sup>(2A) The Director General may, from time to time, make such other reports to the Secretary of State as the Director General considers appropriate for drawing the Secretary of State's attention to matters which—
  - (a) have come to the Director General's notice, and
  - (b) are matters which the Director General considers should be drawn to the attention of the Secretary of State by reason of their gravity or of other exceptional circumstances.]
- (3) The [<sup>F68</sup>Office] 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 [<sup>F69</sup>Office'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.
- [<sup>F70</sup>(3A) The Director General and the Office may jointly make reports under subsections (2A) and (3).]
- (4) The [<sup>F71</sup>Director General] shall prepare such reports containing advice and recommendations as [<sup>F72</sup>the Director General] thinks appropriate for the purpose of carrying out—
  - (a) [<sup>F73</sup>the Director General's] function under subsection (1)(e) of section 10; or

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- (b) any corresponding function conferred on [F72the Director General] 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 [F74Office] shall send a copy of every annual report under subsection (1)—
  - (a) to every [F75local policing body];
  - F76(b) .....
  - F77(c) .....
  - (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[F78; and
  - F79(e) .....]
  - [F80(f) to the National Crime Agency.]
- [F81(6A) The Director General must send a copy of every report under subsection (2A) —
  - (a) to any local policing body that appears to the Director General to be concerned, and
  - (b) to the chief officer of police of any police force that appears to the Director General to be concerned.]
- (7) The [F82Office] shall send a copy of every report under subsection (3)—
  - (a) to any [F83local policing body] that appears to the [F82Office] to be concerned; and
  - (b) to the chief officer of police of any police force that appears to it to be concerned.
- [F84(8) Where a report under subsection [F85(2A) or] (3) relates to the [F86National Crime Agency], the [F87Director General or the Office (as the case may be)] shall send a copy of that report to the Agency.]
- (9) Where a report under subsection [F88(2A) or] (3) relates to a body of constables maintained by an authority other than a [F89local policing body], the [F90Director General or the Office (as the case may be)] 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.
- F91(9A) .....
- (10) The [F92Director General] shall send a copy of every report under subsection (4)to—
  - (a) the Secretary of State;
  - (b) every [F93local policing body];
  - (c) every chief officer;
  - F94(d) .....
  - F95(e) .....
  - (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; F96. . .

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- (g) every person who has the direction and control of such a body of constables<sup>[F97; F98 ...</sup>
  - <sup>F99</sup>(h) .....<sup>[F100; and</sup>
  - (i) the National Crime Agency.]
- (11) The <sup>[F101]</sup>Director General shall send a copy of every report made or prepared by <sup>[F102]</sup>the Director General under subsection <sup>[F103]</sup>(2A) 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 <sup>[F101]</sup>Director General otherwise to have a particular interest in its contents,
- as the <sup>[F101]</sup>Director General thinks fit.
- <sup>[F104]</sup>(12) The Office must send a copy of every report made or prepared by it under subsection (3) 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 Office otherwise to have a particular interest in its contents,
- as the Office thinks fit.
- (13) Where a report under subsection (2A) or (3) is prepared jointly by virtue of subsection (3A), a duty under this section to send a copy of the report to any person is met if either the Director General or the Office sends a copy to that person.]

#### Textual Amendments

- F63** Words in s. 11(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(2)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F64** Words in s. 11(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(2)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F65** Word in s. 11(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(2)(c)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F66** S. 11(2) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F67** S. 11(2A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(4)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F68** Word in s. 11(3) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(5)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F69** Word in s. 11(3) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(5)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F70** S. 11(3A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(6)**; S.I. 2017/1249, reg. 2 (with reg. 3)



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- F71** Words in s. 11(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(7)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F72** Words in s. 11(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(7)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F73** Words in s. 11(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(7)(c)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F74** Word in s. 11(6) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(8)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F75** Words in s. 11(6)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 279**; S.I. 2011/3019, art. 3, Sch. 1
- F76** S. 11(6)(b) omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 6 para. 10(2)(a)**; S.I. 2013/1682, art. 3(q)
- F77** S. 11(6)(c) omitted (1.4.2006) by virtue of [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 55, 178, **Sch. 2 para. 4(2)**; S.I. 2006/378, art. 4(1), **Sch. para. 8** (subject to art. 4(2)-(7))
- F78** S. 11(6)(e) and preceding word inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 1, 53, **Sch. 1 para. 83(2)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)
- F79** S. 11(6)(e) omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 6 para. 10(2)(a)**; S.I. 2013/1682, art. 3(q)
- F80** S. 11(6)(f) inserted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 6 para. 10(2)(b)**; S.I. 2013/1682, art. 3(q)
- F81** S. 11(6A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(9)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F82** Word in s. 11(7) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(10)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F83** Words in s. 11(7)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 279**; S.I. 2011/3019, art. 3, Sch. 1
- F84** S. 11(8) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 55, 178, **Sch. 2 para. 4(3)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))
- F85** Words in s. 11(8) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(11)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F86** Words in s. 11(8) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 6 para. 10(3)**; S.I. 2013/1682, art. 3(q)
- F87** Words in s. 11(8) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(11)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F88** Words in s. 11(9) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(12)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F89** Words in s. 11(9) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 279**; S.I. 2011/3019, art. 3, Sch. 1
- F90** Words in s. 11(9) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(12)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F91** S. 11(9A) omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 6 para. 10(4)**; S.I. 2013/1682, art. 3(q)

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- F92** Words in s. 11(10) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(13)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F93** Words in s. 11(10)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 279**; S.I. 2011/3019, art. 3, Sch. 1
- F94** S. 11(10)(d) omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 6 para. 10(5)(a)**; S.I. 2013/1682, art. 3(q)
- F95** S. 11(10)(e) omitted (1.4.2006) by virtue of [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 55, 178, **Sch. 2 para. 4(4)**; S.I. 2006/378, art. 4(1), **Sch. para. 8** (subject to art. 4(2)-(7))
- F96** Words in s. 11(6)(10) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, art. 3(q) (subject to arts. 6, 7)
- F97** S. 11(10)(h) and preceding word inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 1, 53, **Sch. 1 para. 83(4)**; S.I. 2007/709, art. 3(a) (subject to arts. 6, 7)
- F98** Word in s. 11(10)(g) omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 6 para. 10(5)(b)**; S.I. 2013/1682, art. 3(q)
- F99** S. 11(10)(h) omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 6 para. 10(5)(a)**; S.I. 2013/1682, art. 3(q)
- F100** S. 11(10)(i) and preceding word inserted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 6 para. 10(5)(c)**; S.I. 2013/1682, art. 3(q)
- F101** Words in s. 11(11) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(14)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F102** Words in s. 11(11) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(14)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F103** Word in s. 11(11) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(14)(c)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F104** S. 11(12)(13) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 18(15)**; S.I. 2017/1249, reg. 2 (with reg. 3)

#### Modifications etc. (not altering text)

- C28** S. 11 applied (with modifications) (E.W.) (28.12.2005) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), **reg. 3(2)(6)**, Sch. 1

### Application of Part 2

## 12 Complaints, matters and persons to which Part 2 applies

[<sup>F105</sup>(1) In this Part references to a complaint are references (subject to the following provisions of this section) to any expression of dissatisfaction with a police force which is expressed (whether in writing or otherwise) by or on behalf of a member of the public.

(1A) But an expression of dissatisfaction is a complaint for the purposes of this Part—

- (a) where it relates to conduct of a person serving with the police, only if the person in question is a person falling within subsection (1B);
- (b) in any other case, only if the person in question has been adversely affected by the matter about which dissatisfaction is expressed.

(1B) In relation to an expression of dissatisfaction that relates to conduct of a person serving with the police, a person falls within this subsection if the person is—

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- (a) a person who claims to be the person in relation to whom the conduct took place;
  - (b) a person not falling within paragraph (a) who claims to have been adversely affected by the conduct; or
  - (c) a person who claims to have witnessed the conduct.]
- (2) In this Part “conduct matter” means (subject to the following provisions of this section, [F106section 28A and any regulations made under it,]F107... and any regulations made by virtue of section 23(2)(d)) any matter which is not and has not been the subject of a complaint but in the case of which there is an indication (whether from the circumstances or otherwise) that a person serving with the police may have—
  - (a) committed a criminal offence; or
  - (b) behaved in a manner which would justify the bringing of disciplinary proceedings.
- [F108(2A) In this Part “death or serious injury matter” (or “DSI matter” for short) means [F109(subject to section 28A and any regulations made under it)] any circumstances (other than those which are or have been the subject of a complaint or which amount to a conduct matter)—
  - (a) in or in consequence of which a person has died or has sustained serious injury; and
  - (b) in relation to which the requirements of either subsection (2B) or subsection (2C) are satisfied.
- (2B) The requirements of this subsection are that at the time of the death or serious injury the person—
  - (a) had been arrested by a person serving with the police and had not been released from that arrest; or
  - (b) was otherwise detained in the custody of a person serving with the police.
- (2C) The requirements of this subsection are that—
  - (a) at or before the time of the death or serious injury the person had contact (of whatever kind, and whether direct or indirect) with a person serving with the police who was acting in the execution of his duties; and
  - (b) there is an indication that the contact may have caused (whether directly or indirectly) or contributed to the death or serious injury.
- (2D) In subsection (2A) the reference to a person includes a person serving with the police, but in relation to such a person “contact” in subsection (2C) does not include contact that he has whilst acting in the execution of his duties.]
- (3) The complaints that are complaints for the purposes of this Part by virtue of [F110subsection (1B)(b)] do not, except in a case falling within subsection (4), include any [F111where the person in question] claims to have been adversely affected as a consequence only of having seen or heard the conduct, or any of the alleged effects of the conduct.
- (4) A case falls within this subsection if—
  - (a) it was only because the person in question was physically present, or sufficiently nearby, when the conduct took place or the effects occurred that he was able to see or hear the conduct or its effects; or

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- (b) the adverse effect is attributable to, or was aggravated by, the fact that the person in relation to whom the conduct took place was already known to the person claiming to have suffered the adverse effect.

[<sup>F112</sup>(4A) In this section, “the person in question” means the person expressing dissatisfaction or the person on whose behalf dissatisfaction is being expressed.]

- (5) For the purposes of this section a person shall be taken to have witnessed conduct if, and only if—

- (a) he acquired his knowledge of that conduct in a manner which would make him a competent witness capable of giving admissible evidence of that conduct in criminal proceedings; or
- (b) he has in his possession or under his control anything which would in any such proceedings constitute admissible evidence of that conduct.

- (6) [<sup>F113</sup>For the purposes of this Part a person is not to be taken to have authorised another person to make a complaint on his behalf unless—]

- (a) that other person is for the time being designated for the purposes of this Part by the [<sup>F114</sup>Director General] as a person through whom complaints may be made, or he is of a description of persons so designated; or
- (b) the other person has been given, and is able to produce, the written consent to his so acting of the person on whose behalf he acts.

- (7) For the purposes of this Part, a person is serving with the police if—

- (a) he is a member of a police force;
- [<sup>F115</sup>(aa) he is a civilian employee of a police force;]
- (b) he is an employee of [<sup>F116</sup>the Common Council of the City of London] who is under the direction and control of a chief officer; <sup>F117</sup>...
- (c) he is a special constable who is under the direction and control of a chief officer [<sup>F118</sup>; or
- (d) he is a person designated as a community support volunteer or a policing support volunteer under section 38.]

- [<sup>F119</sup>(8) The Secretary of State may make regulations providing that, for the purposes of this Part and of any regulations made under this Part—

- (a) a contractor,
  - (b) a sub-contractor of a contractor, or
  - (c) an employee of a contractor or a sub-contractor,
- is to be treated as a person serving with the police.]

- [<sup>F119</sup>(9) Regulations under subsection (8) may make modifications to this Part, and to any regulations made under this Part, in its application to those persons.]

- [<sup>F119</sup>(10) In subsection (8) “contractor” means a person who has entered into a contract with a local policing body or a chief officer to provide services to a chief officer.]

#### Textual Amendments

**F105** S. 12(1)-(1B) substituted for s. 12(1) (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 14(2), 183(5)(e); S.I. 2020/5, reg. 2(b) (with art. 3(1)(2)(4))

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- F106** Words in s. 12(2) inserted (19.12.2012) by [Police \(Complaints and Conduct\) Act 2012 \(c. 22\)](#), **ss. 2(3)(a)**, 3(3)
- F107** Words in s. 12(2) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 14 para. 8(6)(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F108** S. 12(2A)-(2D) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, **Sch. 12 para. 3**; S.I. 2005/1521, **art. 3(1)(w)**
- F109** Words in s. 12(2A) inserted (19.12.2012) by [Police \(Complaints and Conduct\) Act 2012 \(c. 22\)](#), **ss. 2(3)(b)**, 3(3)
- F110** Words in s. 12(3) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 14(3)(a)**, 183(5)(e); S.I. 2020/5, reg. 2(b) (with art. 3(1)(2)(4))
- F111** Words in s. 12(3) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 14(3)(b)**, 183(5)(e); S.I. 2020/5, reg. 2(b) (with art. 3(1)(2)(4))
- F112** S. 12(4A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 14(4)**, 183(5)(e); S.I. 2020/5, reg. 2(b) (with art. 3(1)(2)(4))
- F113** Words in s. 12(6) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 14(5)**, 183(5)(e); S.I. 2020/5, reg. 2(b) (with art. 3(1)(2)(4))
- F114** Words in s. 12(6)(a) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 19**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F115** S. 12(7)(aa) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 280(a)**; S.I. 2011/3019, art. 3, **Sch. 1**
- F116** Words in s. 12(7)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 280(b)**; S.I. 2011/3019, art. 3, **Sch. 1**
- F117** Word in s. 12(7)(b) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 41(1)(a)**, 183(1)(5)(e); S.I. 2017/1139, reg. 2(g) (as amended by S.I. 2017/1162, **reg. 2**)
- F118** S. 12(7)(d) and word inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 41(1)(b)**, 183(1)(5)(e); S.I. 2017/1139, reg. 2(g) (as amended by S.I. 2017/1162, **reg. 2**)
- F119** S. 12(8)-(10) inserted (8.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 135**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 5(a) (with art. 7)

#### Modifications etc. (not altering text)

- C29** S. 12 applied (with modifications) (28.12.2005) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), **reg. 3(2)(6)**, **Sch. 1**

*Handling of complaints [<sup>F120</sup>, conduct matters and DSI matters] etc.*

#### Textual Amendments

- F120** Words in s. 13 cross-heading substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, **Sch. 12 para. 4(a)**; S.I. 2005/1521, **art. 3(1)(w)**

### 13 Handling of complaints [<sup>F121</sup>, conduct matters and DSI matters] etc.

Schedule 3 (which makes provision for the handling of complaints [<sup>F122</sup>, conduct matters and DSI matters] and for the carrying out of investigations) shall have effect

<sup>F123</sup> ....



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#### Textual Amendments

- F121** Words in s. 13 heading substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 4\(b\)](#); [S.I. 2005/1521](#), [art. 3\(1\)\(w\)](#)
- F122** Words in s. 13 substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 4\(c\)](#); [S.I. 2005/1521](#), [art. 3\(1\)\(w\)](#)
- F123** Words in s. 13 omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 14 para. 6\(b\)](#); [S.I. 2012/2892](#), [art. 2\(g\)](#) (with [art. 6](#))

#### Modifications etc. (not altering text)

- C30** S. 13 applied (with modifications) (28.12.2005) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(2\)\(6\)](#), [Sch. 1](#)

#### Commencement Information

- I2** S. 13 wholly in force at 1.4.2004; s. 13 not in force at Royal Assent; see s. 108(2); s. 13 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), arts. {2(b)(iii)}, 4(e); s. 13 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(a\)](#)

### [<sup>F124</sup>13A Local policing bodies: functions in relation to complaints

- (1) The local policing body that maintains a police force may give notice to the chief officer of the police force that it (rather than the chief officer) is to exercise the functions conferred on the chief officer by the provisions specified in subsection (2) or subsections (2) and (3).
- (2) The provisions specified in this subsection are—
  - (a) paragraph 2(6) to (6D) of Schedule 3, and
  - (b) paragraph 2(9) and (10) of Schedule 3 in so far as relating to a determination made for the purposes of paragraph 2(6) to (6C) of that Schedule.
- (3) The provisions specified in this subsection are—
  - (a) section 20, and
  - (b) section 21 in so far as that section relates to complaints.
- (4) In relation to any complaint in respect of which the chief officer is the appropriate authority that is made on or after the day on which a notice under subsection (1) is given—
  - (a) the functions of the chief officer to which the notice relates become functions of the local policing body,
  - (b) references to the chief officer, including in the chief officer's capacity as an appropriate authority, in the provisions specified in subsection (2) or (as the case may be) subsections (2) and (3) are to be read as references to the local policing body, and
  - (c) for the purpose of paragraph 6(1) of Schedule 3, the complaint is to be treated as having been recorded by the chief officer.
- (5) Where the notice under subsection (1) relates to the functions conferred on the chief officer by the provisions specified in subsections (2) and (3), subsection (4)(b) does not apply to the references to an appropriate authority in sections 20(2)(a) and (3A)(a) and 21(7)(a) and (8A)(a).

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- (6) The Secretary of State may by regulations make provision in connection with the giving of notices under subsection (1) and their withdrawal.
- (7) Regulations under subsection (6) may (amongst other things) make provision about—
  - (a) the steps that a local policing body must take before giving a notice;
  - (b) the circumstances in which a notice may be withdrawn.]

#### Textual Amendments

**F124** S. 13A inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 13, 183(1)(5)(e); S.I. 2020/5, reg. 2(a) (with art. 3(1)(2)(4))

### [<sup>F125</sup>13B Power of the [<sup>F126</sup>Director General] to require re-investigation

- (1) This section applies where—
  - (a) a report on an investigation of a complaint, recordable conduct matter or DSI matter carried out under the direction of the [<sup>F127</sup>Director General] has been submitted to [<sup>F128</sup>the Director General] under paragraph 22(3) or 24A of Schedule 3, or
  - (b) a report on an investigation of a complaint, recordable conduct matter or DSI matter carried out by a person designated by the [<sup>F127</sup>Director General] has been submitted to [<sup>F128</sup>the Director General][<sup>F129</sup>(or, in the case of an investigation carried out under paragraph 19 of Schedule 3 by the Director General personally, is otherwise completed by the Director General)] under paragraph 22(5) or 24A of Schedule 3.
- (2) The [<sup>F127</sup>Director General] may at any time determine that the complaint, recordable conduct matter or DSI matter is to be re-investigated if [<sup>F130</sup>the Director General] is satisfied that there are compelling reasons for doing so.
- (3) Where the [<sup>F127</sup>Director General] makes a determination under subsection (2), [<sup>F131</sup>the Director General] must determine that the re-investigation is to take the form of an investigation by the [<sup>F127</sup>Director General] unless subsection (4) applies, in which case the [<sup>F127</sup>Director General] must determine that the re-investigation is to take the form described in that subsection.
- (4) This subsection applies where the [<sup>F127</sup>Director General] determines that it would be more appropriate for the re-investigation to take the form of an investigation by the appropriate authority under the direction of the [<sup>F127</sup>Director General].
- (5) Where—
  - (a) the [<sup>F127</sup>Director General] determines under subsection (3) or (7) that a re-investigation is to take the form of an investigation by the [<sup>F127</sup>Director General], and
  - (b) at any time after that the [<sup>F127</sup>Director General] determines that subsection (4) applies in relation to the re-investigation,
 the [<sup>F127</sup>Director General] may make a further determination under this section (to replace the earlier one) that the re-investigation is instead to take the form of an investigation by the appropriate authority under the direction of the [<sup>F127</sup>Director General].

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- (6) Where the [<sup>F127</sup>Director General] determines under subsection (3) or (5) that a re-investigation is to take the form of an investigation by the appropriate authority under the direction of the [<sup>F127</sup>Director General], the [<sup>F127</sup>Director General] must keep under review whether subsection (4) continues to apply in relation to the re-investigation.
- (7) If, on such a review, the [<sup>F127</sup>Director General] Director General determines that subsection (4) no longer applies in relation to a re-investigation, the [<sup>F127</sup>Director General] must make a further determination under this section (to replace the earlier one) that the re-investigation is instead to take the form of an investigation by the [<sup>F127</sup>Director General].
- (8) Sub-paragraphs (6) and (7) of paragraph 15 of Schedule 3 shall apply in relation to a further determination under subsection (5) or (7) as they apply in the case of a further determination under sub-paragraph (5A) or (5B) of that paragraph.
- (9) The other provisions of Schedule 3 shall apply in relation to any re-investigation in pursuance of a determination under this section as they apply in relation to any investigation in pursuance of a determination under paragraph 15.
- (10) The [<sup>F127</sup>Director General] shall notify the appropriate authority of any determination that [<sup>F132</sup>the Director General] makes under this section and of [<sup>F133</sup>the Director General's] reasons for making the determination.
- (11) The [<sup>F127</sup>Director General] shall also notify the following of any determination that [<sup>F134</sup>the Director General] makes under this section and of [<sup>F135</sup>the Director General's] reasons for making the determination—
  - (a) every person entitled to be kept properly informed in relation to the complaint, recordable conduct matter or DSI matter (as the case may be) under section 21;
  - (b) where the determination is made in relation to a complaint, the complainant;
  - (c) the person to whose conduct the re-investigation will relate.
- (12) The duty imposed by subsection (11) on the [<sup>F127</sup>Director General] shall have effect subject to such exceptions as may be provided for by regulations made by the Secretary of State.
- (13) Subsections (6) to (8) of section 20 apply for the purposes of subsection (12) as they apply for the purposes of that section.
- (14) In relation to a matter that was formerly a DSI matter but was recorded as a conduct matter in pursuance of paragraph 21A(5) of Schedule 3, the reference in subsection (10) to the appropriate authority is a reference to the appropriate authority in relation to the person whose conduct was in question.
- (15) The reference to a report in subsection (1) includes a report on a re-investigation by virtue of this section or paragraph 25 of Schedule 3.]

#### Textual Amendments

- F125** S. 13B inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 18(1), 183(1)(5)(e); S.I. 2020/5, reg. 2(f) (with art. 3(4))
- F126** Words in s. 13B heading substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 20(2); S.I. 2017/1249, reg. 2 (with reg. 3)

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- F127** Words in s. 13B substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 20(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F128** Words in s. 13B(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 20(3)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F129** Words in s. 13B(1)(b) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 20(3)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F130** Words in s. 13B(2) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 20(4)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F131** Words in s. 13B(3) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 20(5)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F132** Words in s. 13B(10) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 20(6)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F133** Words in s. 13B(10) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 20(6)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F134** Words in s. 13B(11) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 20(7)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F135** Words in s. 13B(11) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 20(7)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)

## **<sup>F136</sup>14 Direction and control matters**

.....

### **Textual Amendments**

- F136** S. 14 omitted (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 14 para. 4**; S.I. 2011/3019, art. 3, **Sch. 1** (with art. 8(1)(2)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3)); S.I. 2012/2892, art. 2(g) (with art. 6)

### *Co-operation, assistance and information*

## **15 General duties of [<sup>F137</sup>local policing bodies], chief officers and inspectors**

- (1) It shall be the duty of—
- (a) every [<sup>F138</sup>local policing body] maintaining a police force,
  - (b) the chief officer of police of every police force, and
  - (c) every inspector of constabulary carrying out any of his functions in relation to a police force,
- to ensure that it or he is kept informed, in relation to that force, about all matters falling within subsection (2).

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[<sup>F139</sup>(1A) It shall be the duty of the [<sup>F140</sup>National Crime Agency] to ensure that it is kept informed, in relation to the Agency, about all matters falling within subsection (2).]

<sup>F141</sup>(1B) .....

(2) Those matters are—

- (a) matters with respect to which any provision of this Part has effect;
- (b) anything which is done under or for the purposes of any such provision; and
- (c) any obligations to act or refrain from acting that have arisen by or under this Part but have not yet been complied with, or have been contravened.

[<sup>F142</sup>(2A) Subsection (2B) applies in a case where it appears to a local policing body that—

- (a) an obligation to act or refrain from acting has arisen by or under this Part,
- (b) that obligation is an obligation of the chief officer of police of the police force which is maintained by the local policing body, and
- (c) the chief officer has not yet complied with that obligation, or has contravened it.

(2B) The local policing body may direct the chief officer to take such steps as the local policing body thinks appropriate.

(2C) The chief officer must comply with any direction given under subsection (2B).]

(3) Where—

- (a) a [<sup>F143</sup>local policing body] maintaining any police force requires the chief officer of that force or of any other force to provide a member of his force for appointment under paragraph 16<sup>F144</sup> ... or 18 of Schedule 3,
- (b) the chief officer of police of any police force requires the chief officer of police of any other police force to provide a member of that other force for appointment under any of those paragraphs, or

[<sup>F145</sup>(c) a [<sup>F146</sup>local policing body] or chief officer requires the Director General of the [<sup>F147</sup>National Crime Agency] to provide a [<sup>F148</sup>National Crime Agency officer] for appointment under any of those paragraphs,]

it shall be the duty of the chief officer [<sup>F149</sup>to whom the requirement is addressed or of the Director General][<sup>F150</sup>of the Agency] to comply with it.

(4) It shall be the duty of—

- (a) every [<sup>F151</sup>local policing body] maintaining a police force,
- (b) the chief officer of police of every police force, [<sup>F152</sup> and]

[<sup>F153</sup>(c) the [<sup>F154</sup>National Crime Agency],]

to provide the [<sup>F155</sup>Director General] and every member of the [<sup>F156</sup>Office's] staff with all such assistance as the [<sup>F155</sup>Director General] or that member of staff may reasonably require for the purposes of, or in connection with, the carrying out of any investigation by the [<sup>F155</sup>Director General] under this Part [<sup>F157</sup>or any review under paragraph 25 of Schedule 3].

(5) It shall be the duty of—

- (a) every [<sup>F158</sup>local policing body] maintaining a police force,
- (b) the chief officer of every police force, [<sup>F159</sup>and]

[<sup>F160</sup>(c) the [<sup>F161</sup>National Crime Agency],]



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to ensure that a person appointed under paragraph 16<sup>F162</sup>... or 18 of Schedule 3 to carry out an investigation is given all such assistance and co-operation in the carrying out of that investigation as that person may reasonably require

- (6) The duties imposed by subsections (4) and (5) on a [<sup>F163</sup>local policing body] maintaining a police force and on the chief officer of such a force and on [<sup>F164</sup>the [<sup>F165</sup>National Crime Agency]] have effect—

- (a) irrespective of whether the investigation [<sup>F166</sup>or review (as the case may be)] relates to the conduct of a person who is or has been a member of that force or [<sup>F167</sup>a [<sup>F168</sup>a National Crime Agency officer]]; <sup>F169</sup>...
- (b) [<sup>F170</sup>in the case of an investigation,] irrespective of who has the person appointed to carry out the investigation under his direction and control; [<sup>F171</sup>and
- (c) in the case of a review applied for under paragraph 25(1B) of Schedule 3 in respect of an investigation, irrespective of who had the person appointed to carry out the investigation under his direction and control;]

but a chief officer of a third force may be required to give assistance and co-operation under subsection (5) only with the approval of the chief officer of the force to which the person who requires it belongs <sup>F172</sup>...

- (7) In subsection (6) “third force”, in relation to an investigation, means a police force other than—

- (a) the force to which the person carrying out the investigation belongs; or
- (b) the force to which the person whose conduct is under investigation belonged at the time of the conduct;

[<sup>F173</sup> and where the person whose conduct is under investigation was a [<sup>F174</sup>National Crime Agency officer] at the time of the conduct, “third force” means any police force other than the force to which the person carrying out the investigation belongs.]

- [<sup>F175</sup>(8) Where the person who requires assistance and co-operation under subsection (5) is a [<sup>F176</sup>National Crime Agency officer], a chief officer of a third force may be required to give that assistance and co-operation only with the approval of the Director General of the Agency.

<sup>F177</sup>(8A) .....

- [<sup>F178</sup>(8B) In subsections (8) and (8A) “third force”, in relation to an investigation, means any police force other than the force to which the person whose conduct is under investigation belonged at the time of the conduct.]

- (9) Where—

- (a) the person carrying out an investigation is not a [<sup>F179</sup>National Crime Agency officer]; and
- (b) the person whose conduct is under investigation was not a [<sup>F180</sup>National Crime Agency officer] at the time of the conduct,

[<sup>F181</sup>the Agency may be required to give assistance and co-operation under subsection (5) only with the approval of the relevant directing officer.]]

- [<sup>F182</sup>(10) In subsection (9) “the relevant directing officer”—

- (a) in a case where the person who requires assistance and co-operation belongs to a police force, means the chief officer of that force; <sup>F183</sup>...

<sup>F184</sup>(b) .....]

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### Textual Amendments

- F137** Words in s. 15 title substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 281\(2\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F138** Words in s. 15(1)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 281\(3\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F139** S. 15(1A) inserted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 55, 178, Sch. 2 para. 5\(2\)](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. para. 8 (subject to art. 4(2)-(7))
- F140** Words in s. 15(1A) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 6 para. 11\(2\)](#); S.I. 2013/1682, art. 3(q)
- F141** S. 15(1B) omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 6 para. 11\(3\)](#); S.I. 2013/1682, art. 3(q)
- F142** S. 15(2A)-(2C) inserted (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 14 para. 7](#); S.I. 2011/3019, art. 3, Sch. 1; S.I. 2012/2892, art. 2(g) (with art. 6)
- F143** Words in s. 15(3)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 281\(3\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F144** Word in s. 15(3)(a) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 5 para. 47\(a\)\(i\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F145** S. 15(3)(c) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 55, 178, Sch. 2 para. 5\(3\)\(a\)](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. para. 8 (subject to art. 4(2)-(7))
- F146** Words in s. 15(3)(c) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 281\(4\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F147** Words in s. 15(3)(c) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 6 para. 11\(4\)\(a\)](#); S.I. 2013/1682, art. 3(q)
- F148** Words in s. 15(3)(c) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 6 para. 11\(4\)\(b\)](#); S.I. 2013/1682, art. 3(q)
- F149** Words in s. 15(3) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 55, 178, Sch. 2 para. 5\(3\)\(b\)](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. para. 8 (subject to art. 4(2)-(7))
- F150** Words in s. 15(3) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 21\(2\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F151** Words in s. 15(4)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 281\(5\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F152** Word in s. 15(4)(b) inserted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 55, 178, Sch. 2 para. 5\(4\)](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. para. 8 (subject to art. 4(2)-(7))
- F153** S. 15(4)(c) substituted for s. 15(4)(c)(d) (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 55, 178, Sch. 2 para. 5\(4\)](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. para. 8 (subject to art. 4(2)-(7))
- F154** Words in s. 15(4)(c) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 6 para. 11\(5\)](#); S.I. 2013/1682, art. 3(q)
- F155** Words in s. 15(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 21\(3\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F156** Word in s. 15(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 21\(3\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F157** Words in s. 15(4) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 5 para. 42\(a\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F158** Words in s. 15(5)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 281\(5\)](#); S.I. 2011/3019, art. 3, Sch. 1

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- F159** Word in s. 15(5)(b) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(5)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))
- F160** S. 15(5)(c) substituted for s. 15(5)(c)(d) (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(5)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))
- F161** Words in s. 15(5)(c) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(5)**; S.I. 2013/1682, art. 3(q)
- F162** Word in s. 15(5) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(a)(ii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F163** Words in s. 15(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 281(5)**; S.I. 2011/3019, art. 3, Sch. 1
- F164** Words in s. 15(6) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(6)(a)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))
- F165** Words in s. 15(6) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(6)(a)**; S.I. 2013/1682, art. 3(q)
- F166** Words in s. 15(6)(a) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 42(b)(i)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F167** Words in s. 15(6)(a) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(6)(b)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))
- F168** Words in s. 15(6)(a) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(6)(b)**; S.I. 2013/1682, art. 3(q)
- F169** Word in s. 15(6)(a) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 42(b)(ii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F170** Words in s. 15(6)(b) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 42(b)(iii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F171** S. 15(6)(c) and word inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 42(b)(iv)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F172** Words in s. 15(6) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, **Sch. 2 para. 5(6)(c)**, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))
- F173** Words in s. 15(7) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(7)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))
- F174** Words in s. 15(7) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(7)**; S.I. 2013/1682, art. 3(q)
- F175** S. 15(8)(9) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(8)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))
- F176** Words in s. 15(8) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(8)**; S.I. 2013/1682, art. 3(q)
- F177** S. 15(8A) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(9)**; S.I. 2013/1682, art. 3(q)
- F178** S. 15(8A)(8B) substituted for words in s. 15(8) (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 84(3)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)
- F179** Words in s. 15(9)(a) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(10)(a)**; S.I. 2013/1682, art. 3(q)
- F180** Words in s. 15(9)(b) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(10)(b)**; S.I. 2013/1682, art. 3(q)
- F181** Words in s. 15(9) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 84(4)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

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- F182** S. 15(10) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 84(5)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)
- F183** Word in s. 15(10)(a) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(11)**; S.I. 2013/1682, **art. 3(q)**
- F184** S. 15(10)(b) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(11)**; S.I. 2013/1682, **art. 3(q)**

**Modifications etc. (not altering text)**

- C31** S. 15 applied (with modifications) (E.W.) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

## 16 Payment for assistance with investigations

(1) This section applies where—

- (a) one police force is required to provide assistance to another in connection with an investigation under this Part; or
- (b) a police force is required to provide assistance <sup>F185</sup>to the <sup>F186</sup>Director General] in connection with an investigation under this Part or a review under paragraph 25 of Schedule 3].

(2) For the purposes of this section—

- (a) assistance is required to be provided by one police force to another in connection with an investigation under this Part if the chief officer of the first force (“the assisting force”) complies with a requirement under section 15 (3) or (5) that is made in connection with
  - <sup>F187</sup>(ai) an investigation of a complaint where the complainant expressed dissatisfaction with the other force,]
  - <sup>F188</sup>(i) an investigation <sup>F189</sup>of a recordable conduct matter] relating to the conduct of a person who, at the time of the conduct, was a member of the other force, or
  - (ii) an investigation of a DSI matter in relation to which the relevant officer was, at the time of the death or serious injury, a member of the other force; and]
- (b) assistance is required to be provided <sup>F190</sup>by a police force (“the assisting force”) to the <sup>F186</sup>Director General] in connection with an investigation under this Part or a review under paragraph 25 of Schedule 3] if the chief officer of that force complies with a requirement under section 15(4) that is made in connection with
  - <sup>F191</sup>(ai) an investigation of a complaint where the complainant expressed dissatisfaction with a force other than that force,]
  - <sup>F192</sup>(i) an investigation <sup>F193</sup>of a recordable conduct matter] relating to the conduct of a person who, at the time of the conduct, was not a member of that force, <sup>F194</sup>...]
  - (ii) an investigation of a DSI matter in relation to which the relevant officer was, at the time of the death or serious injury, not a member of that force]]<sup>F195</sup>, or
  - (iii) a review under paragraph 25 of Schedule 3 of the outcome of a complaint where the complainant expressed dissatisfaction with a force other than that force.]

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- (3) Where the assistance is required to be provided by one police force to another, the [F196]local policing body] maintaining that other police force shall pay to the [F196]local policing body] maintaining the assisting force such contribution (if any) towards the costs of the assistance—
- (a) as may be agreed between them; or
  - (b) in the absence of an agreement, as may be determined in accordance with any arrangements which—
    - (i) have been agreed to by [F197]local policing bodies] generally; and
    - (ii) are for the time being in force with respect to the making of contributions towards the costs of assistance provided, in connection with investigations under this Part, by one police force to another; or
  - (c) in the absence of any such arrangements, as may be determined by the Secretary of State.
- (4) Where the assistance is required to be provided by a police force to the [F186]Director General], [F198]Office] shall pay to the [F199]local policing body] maintaining the assisting force such contribution (if any) towards the costs of the assistance—
- (a) as may be agreed between the [F186]Director General] and [F200]that body]; or
  - (b) in the absence of an agreement, as may be determined in accordance with any arrangements which—
    - (i) have been agreed to by [F201]local policing bodies] generally and by the [F186]Director General]; and
    - (ii) are for the time being in force with respect to the making of contributions towards the costs of assistance provided, in connection with investigations under this Part, to the [F186]Director General]; or
  - (c) in the absence of any such arrangements, as may be determined by the Secretary of State.
- [F202](5) In this section (subject to subsection (6))—
- (a) references to a police force and to a [F203]local policing body] maintaining a police force include references to the [F204]National Crime Agency]; and
  - (b) in relation to that Agency, references to the chief officer are references to the Director General [F205]of that Agency].
- (6) This section shall have effect in relation to cases in which assistance is required to be provided by the [F206]National Crime Agency] as if—
- (a) the reference in subsection (3)(b) to [F207]local policing bodies] generally included a reference to the Agency; and
  - (b) the reference in subsection (4)(b) to [F207]local policing bodies] generally were a reference to the Agency.]
- (7) This section is without prejudice to the application of section 24 of the 1996 Act (assistance given voluntarily by one force to another) in a case in which assistance is provided, otherwise than in pursuance of any duty imposed by section 15 of this Act, in connection with an investigation under this Part.

#### Textual Amendments

**F185** Words in s. 16(1)(b) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 43\(a\)](#); S.I. 2020/5, [reg. 2\(n\)](#) (with [art. 3\(1\)\(2\)\(4\)](#))



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- F186** Words in s. 16 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 22(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F187** S. 16(2)(a)(ai) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 3(2)(a)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F188** S. 16(2)(a)(i)(ii) substituted for words (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 5(2)**; S.I. 2005/1521, art. 3(1)(w)
- F189** Words in s. 16(2)(a)(i) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 3(2)(b)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F190** Words in s. 16(2)(b) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 43(b)(i)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F191** S. 16(2)(b)(ai) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 3(3)(a)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F192** S. 16(2)(b)(i)(ii) substituted for words (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 5(3)**; S.I. 2005/1521, art. 3(1)(w)
- F193** Words in s. 16(2)(b)(i) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 3(3)(b)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F194** Word in s. 16(2)(b)(i) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 43(b)(ii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F195** S. 16(2)(b)(iii) and word inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 43(b)(iii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F196** Words in s. 16(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(2)(a)**; S.I. 2011/3019, art. 3, Sch. 1
- F197** Words in s. 16(3)(b)(i) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(2)(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F198** Word in s. 16(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 22(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F199** Words in s. 16(4) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(3)(a)**; S.I. 2011/3019, art. 3, Sch. 1
- F200** Words in s. 16(4)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(3)(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F201** Words in s. 16(4)(b)(i) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(3)(c)**; S.I. 2011/3019, art. 3, Sch. 1
- F202** S. 16(5)(6) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 6**; S.I. 2006/378, art. 4(1), Sch. para. 8 (subject to art. 4(2)-(7))
- F203** Words in s. 16(5) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(4)**; S.I. 2011/3019, art. 3, Sch. 1
- F204** Words in s. 16(5)(a) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 12(2)**; S.I. 2013/1682, art. 3(q)
- F205** Words in s. 16(5)(b) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 22(4)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F206** Words in s. 16(6) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 12(3)**; S.I. 2013/1682, art. 3(q)

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**F207** Words in s. 16(6) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 282\(5\)](#); S.I. 2011/3019, art. 3, Sch. 1

#### Modifications etc. (not altering text)

**C32** S. 16 applied (with modifications) (E.W.) (28.12.2005) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(2\)\(6\)](#), Sch. 1

### <sup>F208</sup>16A Investigations: National Policing Improvement Agency involvement

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#### Textual Amendments

**F208** S. 16A omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 6 para. 13](#); S.I. 2013/1682, art. 3(q)

### 17 Provision of information to the [<sup>F209</sup>Director General]

- (1) It shall be the duty of—
  - (a) every [<sup>F210</sup>local policing body], and
  - (b) every chief officer,
 at such times, in such circumstances and in accordance with such other requirements as may be set out in regulations made by the Secretary of State, to provide the [<sup>F209</sup>Director General] with all such information and documents as may be specified or described in regulations so made.
- (2) It shall also be the duty of every [<sup>F211</sup>local policing body] and of every chief officer—
  - (a) to provide the [<sup>F209</sup>Director General] with all such other information and documents specified or described in a notification given by the [<sup>F209</sup>Director General] to [<sup>F212</sup>that body] or chief officer, and
  - (b) to produce or deliver up to the [<sup>F209</sup>Director General] all such evidence and other things so specified or described,
 as appear to the [<sup>F209</sup>Director General] to be required by [<sup>F213</sup>the Director General] for the purposes of the carrying out of any of [<sup>F214</sup>the Director General's] functions.
- (3) Anything falling to be provided, produced or delivered up by any person in pursuance of a requirement imposed under subsection (2) must be provided, produced or delivered up in such form, in such manner and within such period as may be specified in—
  - (a) the notification imposing the requirement; or
  - (b) in any subsequent notification given by the [<sup>F209</sup>Director General] to that person for the purposes of this subsection.
- (4) Nothing in this section shall require a [<sup>F215</sup>local policing body] or chief officer—
  - (a) to provide the [<sup>F209</sup>Director General] with any information or document, or to produce or deliver up any other thing, before the earliest time at which it is practicable for [<sup>F216</sup>that body] or chief officer to do so; or
  - (b) to provide, produce or deliver up anything at all in a case in which it never becomes practicable for [<sup>F216</sup>that body] or chief officer to do so.

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- (5) A requirement imposed by any regulations or notification under this section may authorise or require information or documents to which it relates to be provided to the [F209Director General] electronically.

F217(6) .....

#### Textual Amendments

- F209** Words in s. 17 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 23\(2\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F210** Words in s. 17(1)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 284\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F211** Words in s. 17(2) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 284\(b\)\(i\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F212** Words in s. 17(2)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 284\(b\)\(ii\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F213** Words in s. 17(2) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 23\(3\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F214** Words in s. 17(2) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 23\(3\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F215** Words in s. 17(4) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 284\(c\)\(i\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F216** Words in s. 17(4)(a)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 284\(c\)\(ii\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F217** S. 17(6) omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 6 para. 14](#); S.I. 2013/1682, art. 3(q)

#### Modifications etc. (not altering text)

- C33** S. 17 applied (with modifications) (28.12.2005) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(2\)\(6\)](#), Sch. 1

#### Commencement Information

- I3** S. 17 wholly in force at 1.4.2004; s. 17 not in force at Royal Assent, see s. 108(2); s. 17(1)(5) in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(a\)](#); s. 17 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(a\)](#)

## 18 Inspections of police premises on behalf of the [F218Director General]

(1) Where—

(a) the [F218Director General] requires—

- (i) a [F219local policing body] maintaining any police force, or  
(ii) the chief officer of police of any such force,

to allow a person nominated for the purpose by the [F218Director General] to have access to any premises occupied for the purposes of that force and to documents and other things on those premises, and

(b) the requirement is imposed for any of the purposes mentioned in subsection (2),

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it shall be the duty of [<sup>F220</sup>the body] or, as the case may be, of the chief officer to secure that the required access is allowed to the nominated person.

(2) Those purposes are—

- (a) the purposes of any examination by the [<sup>F218</sup>Director General] of the efficiency and effectiveness of the arrangements made by the force in question for handling complaints or dealing with recordable conduct matters [<sup>F221</sup>or DSI matters];
- (b) the purposes of any investigation by the [<sup>F218</sup>Director General] under this Part or of any investigation carried out under [<sup>F222</sup>the Director General's]<sup>F223</sup>... [<sup>F224</sup>direction].
- [<sup>F225</sup>(c) the purposes of any review by the [<sup>F218</sup>Director General] under paragraph 25 of Schedule 3.]

(3) A requirement imposed under this section for the purposes mentioned in subsection (2)

- (a) must be notified to [<sup>F226</sup>the body] or chief officer at least 48 hours before the time at which access is required.

(4) Where—

- (a) a requirement imposed under this section for the purposes mentioned in subsection (2)(a) requires access to any premises, document or thing to be allowed to any person, but
- (b) there are reasonable grounds for not allowing that person to have the required access at the time at which he seeks to have it,

the obligation to secure that the required access is allowed shall have effect as an obligation to secure that the access is allowed to that person at the earliest practicable time after there cease to be any such grounds as that person may specify.

(5) The provisions of this section are in addition to, and without prejudice to—

- (a) the rights of entry, search and seizure that are or may be conferred on—
  - (i) a person designated for the purposes of paragraph 19 of Schedule 3, or
  - (ii) any person who otherwise acts on behalf of the [<sup>F218</sup>Director General], in his capacity as a constable or as a person with the powers and privileges of a constable; or
- (b) the obligations of [<sup>F227</sup>local policing bodies] and chief officers under sections 15 and 17.

#### Textual Amendments

**F218** Words in s. 18 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 24(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)

**F219** Words in s. 18(1)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 285(a)(ii)**; S.I. 2011/3019, art. 3, Sch. 1

**F220** Words in s. 18(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 285(a)(i)**; S.I. 2011/3019, art. 3, Sch. 1

**F221** Words in s. 18(2)(a) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 6**; S.I. 2005/1521, art. 3(1)(w)

**F222** Words in s. 18(2)(b) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 24(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)

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- F223** Words in s. 18(2)(b) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(b)(i)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F224** Word in s. 18(2)(b) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(b)(ii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F225** S. 18(2)(c) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 44**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F226** Words in s. 18(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 285(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F227** Words in s. 18(5)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 285(c)**; S.I. 2011/3019, art. 3, Sch. 1

**Modifications etc. (not altering text)**

- C34** S. 18 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

**19 Use of investigatory powers by or on behalf of the <sup>F228</sup>Director General]**

- (1) The Secretary of State may by order make such provision as he thinks appropriate for the purpose of authorising—
- (a) the use of directed and intrusive surveillance, and
  - (b) the conduct and use of covert human intelligence sources,
- for the purposes of, or for purposes connected with, the carrying out of the <sup>F229</sup>Director General's] functions.
- (2) An order under this section may, for the purposes of or in connection with any such provision as is mentioned in subsection (1), provide for—
- (a) Parts 2 and 4 the Regulation of Investigatory Powers Act 2000 (c. 23) (surveillance and covert human intelligence sources and scrutiny of investigatory powers), and
  - (b) Part 3 of the 1997 Act (authorisations in respect of property),
- to have effect with such modifications as may be specified in the order.
- (3) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by this section unless a draft of that order has been laid before Parliament and approved by a resolution of each House.
- (4) Expressions used in this section and in Part 2 of the Regulation of Investigatory Powers Act 2000 have the same meanings in this section as in that Part.
- <sup>F230</sup>(5) But the reference in subsection (1)(b) to the conduct of covert human intelligence sources does not include conduct which may be authorised under section 29B of that Act (criminal conduct authorisations).]

**Textual Amendments**

- F228** Words in s. 19 heading substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 25(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)

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- F229** Words in s. 19(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 25(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F230** S. 19(5) inserted (10.8.2021 for specified purposes, 15.9.2021 for specified purposes, 30.9.2021 in so far as not already in force) by [Covert Human Intelligence Sources \(Criminal Conduct\) Act 2021 \(c. 4\)](#), s. 9(2), **Sch. para. 10**; S.I. 2021/605, reg. 2(a)(b)(c)

#### Modifications etc. (not altering text)

- C35** S. 19 applied (with modifications) (28.12.2005) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), **reg. 3(2)(6)**, Sch. 1
- C36** S. 19 applied (with modifications) (5.8.2009) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2009 \(S.I. 2009/2133\)](#), **reg. 4**
- C37** S. 19 applied (with modifications) (7.4.2010) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2010 \(S.I. 2010/782\)](#), **reg. 4**
- C38** S. 19 applied (with modifications) (5.8.2010) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2010 \(S.I. 2010/1813\)](#), **reg. 5** (with reg. 11)
- C39** S. 19 applied (with modifications) (7.10.2013) by [The National Crime Agency \(Complaints and Misconduct\) Regulations 2013 \(S.I. 2013/2325\)](#), regs. 1(1), **5**
- C40** S. 19 applied (with modifications) (30.4.2017) by [The Gangmasters and Labour Abuse Authority \(Complaints and Misconduct\) Regulations 2017 \(S.I. 2017/521\)](#), regs. 1, **5**

## 20 Duty to keep the complainant informed

- (1) In any case in which there is an investigation of a complaint in accordance with the provisions of Schedule 3—
- by the [<sup>F231</sup>Director General], or
  - under [<sup>F232</sup>the Director General's][<sup>F233</sup>direction],

it shall be the duty of the [<sup>F231</sup>Director General] to provide the complainant with all such information as will keep him properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in subsection (4).

- (2) In any case in which there is an investigation of a complaint in accordance with the provisions of Schedule 3—

- by the appropriate authority on its own behalf, <sup>F234</sup>...

<sup>F235</sup>(b) .....

it shall be the duty of the appropriate authority to provide the complainant with all such information as will keep him properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in subsection (4).

- (3) Where subsection (2) applies, it shall be the duty of the [<sup>F231</sup>Director General] to give the appropriate authority all such directions as [<sup>F236</sup>the Director General] considers appropriate for securing that that authority complies with its duty under that subsection; and it shall be the duty of the appropriate authority to comply with any direction given to it under this subsection.

[<sup>F237</sup>(3A) In any case in which a complaint is being handled—

- in accordance with paragraph 6(2A) of Schedule 3 otherwise than by the appropriate authority making arrangements for the complaint to be investigated by the authority on its own behalf, or
- otherwise than in accordance with Schedule 3 (as to which see paragraph 2(6C) of that Schedule),



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it shall be the duty of the appropriate authority to provide the complainant with all such information as will keep him properly informed, while the complaint is being handled and subsequently, of all the matters mentioned in subsection (4).]

- [<sup>F238</sup>(4) The matters of which the complainant must be kept properly informed are—
- (a) the progress of the handling of the complaint;
  - (b) the outcome of the handling of the complaint;
  - (c) any right to apply for a review conferred on the complainant by paragraph 6A or 25 of Schedule 3 (as the case may be);
  - (d) such other matters as may be specified in regulations made by the Secretary of State.
- (4A) The generality of subsection (4)(a) and (b) is not affected by any requirement to notify the complainant that is imposed by any other provision of this Part.]
- (5) The duties imposed by this section on the [<sup>F231</sup>Director General] and the appropriate authority in relation to any complaint shall be performed in such manner, and shall have effect subject to such exceptions, as may be provided for by regulations made by the Secretary of State.
- (6) The Secretary of State shall not by regulations provide for any exceptions from the duties imposed by this section except so far as he considers it necessary to do so for the purpose of—
- (a) preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in, any actual or prospective criminal proceedings;
  - (b) preventing the disclosure of information in any circumstances in which it has been determined in accordance with the regulations that its non-disclosure—
    - (i) is in the interests of national security;
    - (ii) is for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders;
    - (iii) is required on proportionality grounds; or
    - (iv) is otherwise necessary in the public interest.
- (7) The non-disclosure of information is required on proportionality grounds if its disclosure would cause, directly or indirectly, an adverse effect which would be disproportionate to the benefits arising from its disclosure.
- (8) Regulations under this section may include provision framed by reference to the opinion of, or a determination by, the [<sup>F231</sup>Director General] or any [<sup>F239</sup>local policing body] or chief officer.
- [<sup>F240</sup>(8A) In any case in which there is an investigation of a complaint, the [<sup>F231</sup>Director General] or the appropriate authority may comply with [<sup>F241</sup>their] duty under subsection (1) or (2) (as the case may be) so far as relating to the findings of a report submitted [<sup>F242</sup>(or finalised)] under provision made by virtue of paragraph 20A(4)(b) of Schedule 3, or a report of the investigation submitted [<sup>F243</sup>(or completed)] under paragraph 22 of Schedule 3, by sending the complainant a copy of the report.
- (8B) Subsection (8A) applies notwithstanding any obligation of secrecy imposed by any rule of law or otherwise but is subject to—
- (a) regulations made under subsection (5), and
  - (b) section 21A.]

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- (9) It shall be the duty of a person appointed to carry out an investigation under this Part [F244, or who is otherwise involved in the handling of a complaint under this Part.] to provide the [F231Director General] or, as the case may be, the appropriate authority with all such information as the [F231Director General] or that authority may reasonably require for the purpose of performing [F245their] duty under this section.

### Textual Amendments

- F231** Words in s. 20 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 26\(2\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F232** Words in s. 20(1)(b) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 26\(3\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F233** Word in s. 20(1)(b) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(c\)\(i\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F234** Word in s. 20(2)(a) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(c\)\(ii\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F235** S. 20(2)(b) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(c\)\(ii\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F236** Words in s. 20(3) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 26\(4\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F237** S. 20(3A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 15\(2\)](#), 183(1)(5)(e)(5)(e); S.I. 2020/5, reg. 2(c) (with art. 3(1)(2)(4))
- F238** S. 20(4)(4A) substituted for s. 20(4) (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 15\(3\)](#), 183(1)(5)(e); S.I. 2020/5, reg. 2(c) (with art. 3(1)(2)(4))
- F239** Words in s. 20(8) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 286](#); S.I. 2011/3019, art. 3, Sch. 1
- F240** S. 20(8A)(8B) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 15\(4\)](#), 183(1)(5)(e); S.I. 2020/5, reg. 2(c) (with art. 3(1)(2)(4))
- F241** Word in s. 20(8A) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 26\(5\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F242** Words in s. 20(8A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 26\(5\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F243** Words in s. 20(8A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 26\(5\)\(c\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F244** Words in s. 20(9) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 15\(5\)](#), 183(1)(5)(e); S.I. 2020/5, [reg. 2\(c\)](#) (with art. 3(1)(2)(4))
- F245** Word in s. 20(9) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 26\(6\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

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#### Modifications etc. (not altering text)

- C41** S. 20 applied (with modifications) (28.12.2005) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(2\)\(6\)](#), Sch. 1

#### Commencement Information

- I4** S. 20 wholly in force at 1.4.2004; s. 20 not in force at Royal Assent, see s. 108(2); s. 20(5)-(8) in force for certain purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(b\)](#); s. 20 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(a\)](#)

## 21 Duty to provide information for other persons

- (1) A person has an interest in being kept properly informed about the handling of a complaint [<sup>F246</sup>, recordable conduct matter or DSI matter] if—
- (a) it appears to the [<sup>F247</sup>Director General] or to an appropriate authority that he is a person falling within subsection (2) [<sup>F248</sup>or (2A)]; and
  - (b) that person has indicated that he consents to the provision of information to him in accordance with this section and that consent has not been withdrawn.

- (2) A person falls within this subsection if [<sup>F249</sup>(in the case of a [<sup>F250</sup>complaint that relates to conduct of a person serving with the police or a] recordable conduct matter)]—
- (a) he is a relative of a person whose death is the alleged result from the conduct complained of or to which the recordable conduct matter relates;
  - (b) he is a relative of a person whose serious injury is the alleged result from that conduct and that person is incapable of making a complaint;
  - (c) he himself has suffered serious injury as the alleged result of that conduct.

[<sup>F251</sup>(2A) A person falls within this subsection if (in the case of a DSI matter)—

- (a) he is a relative of the person who has died;
  - (b) he is a relative of the person who has suffered serious injury and that person is incapable of making a complaint;
  - (c) he himself is the person who has suffered serious injury.]
- (3) A person who does not fall within subsection (2) [<sup>F252</sup>or (2A)] has an interest in being kept properly informed about the handling of a complaint [<sup>F253</sup>, recordable conduct matter or DSI matter] if—
- (a) the [<sup>F247</sup>Director General] or an appropriate authority considers that he has an interest in the handling of the complaint [<sup>F253</sup>, recordable conduct matter or DSI matter] which is sufficient to make it appropriate for information to be provided to him in accordance with this section; and
  - (b) he has indicated that he consents to the provision of information to him in accordance with this section.
- (4) In relation to a complaint, this section confers no rights on the complainant.
- (5) A person who has an interest in being kept properly informed about the handling of a complaint [<sup>F254</sup>, conduct matter or DSI matter] is referred to in this section as an “interested person”.
- (6) In any case in which there is an investigation of the complaint [<sup>F255</sup>, recordable conduct matter or DSI matter] in accordance with the provisions of Schedule 3—
- (a) by the [<sup>F247</sup>Director General], or

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- (b) under [<sup>F256</sup>the Director General's][<sup>F257</sup>direction],  
 it shall be the duty of the [<sup>F247</sup>Director General] to provide the interested person with all such information as will keep him properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in subsection (9).
- (7) In any case in which there is an investigation of the complaint [<sup>F255</sup>, recordable conduct matter or DSI matter] in accordance with the provisions of Schedule 3—
- (a) by the appropriate authority on its own behalf, <sup>F258</sup>...
- <sup>F259</sup>(b) .....  
 it shall be the duty of the appropriate authority to provide the interested person with all such information as will keep him properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in subsection (9).
- (8) Where subsection (7) applies, it shall be the duty of the [<sup>F247</sup>Director General] to give the appropriate authority all such directions as [<sup>F260</sup>the Director General] considers appropriate for securing that that authority complies with its duty under that subsection; and it shall be the duty of the appropriate authority to comply with any direction given to it under this subsection.
- [<sup>F261</sup>(8A) In any case in which—
- (a) the complaint is being handled in accordance with paragraph 6(2A) of Schedule 3 otherwise than by the appropriate authority making arrangements for the complaint to be investigated by the authority on its own behalf, or
- (b) the recordable conduct matter or DSI matter is being handled in a manner determined by the appropriate authority in accordance with paragraph 10(4D), 11(3E), 14(2) or 14D(2) of Schedule 3 otherwise than by the appropriate authority making arrangements for the matter to be investigated by the authority on its own behalf,
- it shall be the duty of the appropriate authority to provide the interested person with all such information as will keep him properly informed, while the complaint, recordable conduct matter or DSI matter is being handled and subsequently, of all the matters mentioned in subsection (9).]
- [<sup>F262</sup>(9) The matters of which the interested person must be kept properly informed are—
- (a) the progress of the handling of the complaint, recordable conduct matter or DSI matter;
- (b) the outcome of the handling of the complaint, recordable conduct matter or DSI matter;
- (c) such other matters as may be specified in regulations made by the Secretary of State.
- (9A) The generality of subsection (9)(a) and (b) is not affected by any requirement to notify an interested person that is imposed by any other provision of this Part.]
- (10) The duties imposed by this section on the [<sup>F247</sup>Director General] and the appropriate authority in relation to any complaint [<sup>F263</sup>, recordable conduct matter or DSI matter] shall be performed in such manner, and shall have effect subject to such exceptions, as may be provided for by regulations made by the Secretary of State.
- (11) Subsections (6) to (9) of section 20 apply for the purposes of this section as they apply for the purposes of that section.

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- [<sup>F264</sup>(11A) In any case in which there is an investigation of a complaint, recordable conduct matter or DSI matter, the [<sup>F247</sup>Director General] or the appropriate authority may comply with [<sup>F265</sup>their] duty under subsection (6) or (7) (as the case may be) so far as relating to the findings of a report submitted [<sup>F266</sup>(or finalised)] under provision made by virtue of paragraph 20A(4)(b) of Schedule 3, or a report of the investigation submitted [<sup>F267</sup>(or completed)] under paragraph 22 or 24A of Schedule 3, by sending an interested person a copy of the report.
- (11B) Subsection (11A) applies notwithstanding any obligation of secrecy imposed by any rule of law or otherwise but is subject to—
- (a) regulations made under subsection (10), and
  - (b) section 21A.]
- (12) In this section “relative” means a person of a description prescribed in regulations made by the Secretary of State.

#### Textual Amendments

- F246** Words in s. 21(1) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(2)**; S.I. 2005/1521, **art. 3(1)(w)**
- F247** Words in s. 21 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 27(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F248** Words in s. 21(1)(a) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(3)**; S.I. 2005/1521, **art. 3(1)(w)**
- F249** Words in s. 21(2) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(4)**; S.I. 2005/1521, **art. 3(1)(w)**
- F250** Words in s. 21(2) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 4**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F251** S. 21(2A) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(5)**; S.I. 2005/1521, **art. 3(1)(w)**
- F252** Words in s. 21(3) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(6)(a)**; S.I. 2005/1521, **art. 3(1)(w)**
- F253** Words in s. 21(3) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(6)(b)**; S.I. 2005/1521, **art. 3(1)(w)**
- F254** Words in s. 21(5) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(7)**; S.I. 2005/1521, **art. 3(1)(w)**
- F255** Words in s. 21(6)(7) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(8)**; S.I. 2005/1521, **art. 3(1)(w)**
- F256** Words in s. 21(6)(b) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 27(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F257** Word in s. 21(6)(b) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(d)(i)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F258** Word in s. 21(7)(a) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(d)(ii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F259** S. 21(7)(b) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(d)(ii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

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- F260** Words in s. 21(8) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 27(4)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F261** S. 21(8A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), ss. 15(6), 183(1)(5)(e); S.I. 2020/5, reg. 2(c) (with art. 3(1)(2)(4))
- F262** S. 21(9)(9A) substituted for s. 21(9) (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), ss. 15(7), 183(1)(5)(e); S.I. 2020/5, reg. 2(c) (with art. 3(1)(2)(4))
- F263** Words in s. 21(10) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, **Sch. 12 para. 7(11)**; S.I. 2005/1521, art. 3(1)(w)
- F264** S. 21(11A)(11B) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), ss. 15(8), 183(1)(5)(e); S.I. 2020/5, reg. 2(c) (with art. 3(1)(2)(4))
- F265** Word in s. 21(11A) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 27(5)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F266** Words in s. 21(11A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 27(5)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F267** Words in s. 21(11A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 27(5)(c)**; S.I. 2017/1249, reg. 2 (with reg. 3)

#### Modifications etc. (not altering text)

- C42** S. 21 applied (with modifications) (28.12.2005) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), **reg. 3(2)(6)**, Sch. 1

#### Commencement Information

- I5** S. 21 wholly in force at 1.4.2004; s. 21 not in force at Royal Assent, see s. 108(2); s. 21(10)–(12) in force for certain purposes at 1.10.2002 by S.I. 2002/2306, {art. 4(c)}; s. 21 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), **art. 2(a)**

### [<sup>F268</sup>21A Restriction on disclosure of sensitive information

- (1) Where the [<sup>F269</sup>Director General] receives information within subsection (3), the [<sup>F269</sup>Director General] must not disclose (whether under section 11, 20 or 21 or otherwise) the information, or the fact that it has been received, unless the relevant authority consents to the disclosure.
- (2) Where a person appointed under paragraph 18 of Schedule 3 to investigate a complaint or matter (a “paragraph 18 investigator”) receives information within subsection (3), the paragraph 18 investigator must not disclose the information, or the fact that it has been received, to any person other than the [<sup>F269</sup>Director General] unless the relevant authority consents to the disclosure.
- (3) The information is—
  - (a) intelligence service information;
  - (b) protected information relating to a relevant warrant;
  - (c) information obtained from a government department which, at the time it is provided to the [<sup>F269</sup>Director General] or the paragraph 18 investigator, is identified by the department as information the disclosure of which may, in the opinion of the relevant authority—



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- (i) cause damage to national security, international relations or the economic interests of the United Kingdom or any part of the United Kingdom, or
  - (ii) jeopardise the safety of any person.
- (4) Where the [<sup>F269</sup>Director General] or a paragraph 18 investigator discloses to another person information within subsection (3), or the fact that the [<sup>F269</sup>Director General] or the paragraph 18 investigator has received it, the other person must not disclose that information or that fact unless the relevant authority consents to the disclosure.
- (5) In this section—
  - “government department” means a department of Her Majesty’s Government but does not include—
    - (a) the Security Service,
    - (b) the Secret Intelligence Service, or
    - (c) the Government Communications Headquarters (“GCHQ”);
  - “intelligence service information” means information that was obtained (directly or indirectly) from or that relates to—
    - (a) the Security Service,
    - (b) the Secret Intelligence Service,
    - (c) GCHQ, or
    - (d) any part of Her Majesty’s forces, or of the Ministry of Defence, which engages in intelligence activities;
  - “Minister of the Crown” includes the Treasury;
  - “paragraph 18 investigator” has the meaning given by subsection (2);
  - “protected information”, in relation to a relevant warrant, means information relating to any of the matters mentioned in section 57(4) of the Investigatory Powers Act 2016 in relation to the warrant;
  - “relevant authority” means—
    - (a) in the case of intelligence service information obtained (directly or indirectly) from or relating to the Security Service, the Director-General of the Security Service;
    - (b) in the case of intelligence service information obtained (directly or indirectly) from or relating to the Secret Intelligence Service, the Chief of the Secret Intelligence Service;
    - (c) in the case of intelligence service information obtained (directly or indirectly) from or relating to GCHQ, the Director of GCHQ;
    - (d) in the case of intelligence service information obtained (directly or indirectly) from or relating to Her Majesty’s forces or the Ministry of Defence, the Secretary of State;
    - (e) in the case of protected information relating to a relevant warrant, the person to whom the relevant warrant is or was addressed;
    - (f) in the case of information within subsection (3)(c)—
      - (i) the Secretary of State, or
      - (ii) the Minister of the Crown in charge of the government department from which the information was obtained (if that Minister is not a Secretary of State);
  - “relevant warrant” means—

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- (a) a warrant under Chapter 1 of Part 2 of the Investigatory Powers Act 2016, or
- (b) a warrant under Chapter 1 of Part 6 of that Act.

#### Textual Amendments

- F268** Ss. 21A, 21B inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 19(2), 183(1)(5)(e); S.I. 2020/5, reg. 2(g) (with art. 3(1)(2)(4))
- F269** Words in s. 21A substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 28; S.I. 2017/1249, reg. 2 (with reg. 3)

### 21B Provision of sensitive information to the [<sup>F270</sup>Director General] and certain investigators

- (1) A person who provides information that is intelligence service information or protected information relating to a relevant warrant to the [<sup>F270</sup>Director General] or a paragraph 18 investigator (whether under a provision of this Part or otherwise) must—
  - (a) make the [<sup>F270</sup>Director General] or the paragraph 18 investigator aware that the information is intelligence service information or (as the case may be) protected information relating to a relevant warrant, and
  - (b) provide the [<sup>F270</sup>Director General] or the paragraph 18 investigator with such additional information as will enable the [<sup>F270</sup>Director General] or the paragraph 18 investigator to identify the relevant authority in relation to the information.
- (2) In this section, “intelligence service information”, “protected information relating to a relevant warrant”, “paragraph 18 investigator” and “relevant authority” have the same meaning as in section 21A.]

#### Textual Amendments

- F268** Ss. 21A, 21B inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 19(2), 183(1)(5)(e); S.I. 2020/5, reg. 2(g) (with art. 3(1)(2)(4))
- F270** Words in s. 21B substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 29; S.I. 2017/1249, reg. 2 (with reg. 3)

### Guidance and regulations

### 22 Power of the [<sup>F271</sup>Director General] to issue guidance

- (1) The [<sup>F271</sup>Director General] may issue guidance—
  - (a) to [<sup>F272</sup>local policing bodies],
  - (b) to chief officers, and
  - (c) to persons who are serving with the police otherwise than as chief officers, concerning the exercise or performance, by the persons to whom the guidance is issued, of any of the powers or duties specified in subsection (2).
- (2) Those powers and duties are—

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- (a) those that are conferred or imposed by or under this Part; and
  - (b) those that are otherwise conferred or imposed but relate to—
    - (i) the handling of complaints;
    - (ii) the means by which recordable conduct matters [<sup>F273</sup>or DSI matters] are dealt with; or
    - (iii) the detection or deterrence of misconduct by persons serving with the police.
- (3) Before issuing any guidance under this section, the [<sup>F271</sup>Director General] shall consult with—
- [<sup>F274</sup>[<sup>F275</sup>(a) such persons as appear to the [<sup>F271</sup>Director General] to represent the views of police and crime commissioners;
- (aa) the Mayor's Office for Policing and Crime;
  - (ab) the Common Council;]
  - (b) [<sup>F276</sup>the National Police Chiefs' Council]; and]
  - (c) such other persons as [<sup>F277</sup>the Director General] thinks fit.
- (4) The approval of the Secretary of State shall be required for the issue by the [<sup>F271</sup>Director General] of any guidance under this section.
- (5) Without prejudice to the generality of the preceding provisions of this section, the guidance that may be issued under this section includes—
- (a) guidance about the handling of complaints which have not yet been recorded and about dealing with recordable conduct matters [<sup>F278</sup>or DSI matters] that have not been recorded;
  - (b) guidance about the procedure to be followed by the appropriate authority when recording a complaint or any recordable conduct matter [<sup>F279</sup>or DSI matter];
  - <sup>F280</sup>(c) .....
  - (d) guidance about how to protect the scene of an incident or alleged incident which—
    - (i) is or may become the subject-matter of a complaint; or
    - (ii) is or may involve a recordable conduct matter [<sup>F279</sup>or DSI matter];
  - (e) guidance about the circumstances in which it is appropriate (where it is lawful to do so)—
    - (i) to disclose to any person, or to publish, any information about an investigation of a complaint [<sup>F281</sup>, conduct matter or DSI matter]; or
    - (ii) to provide any person with, or to publish, any report or other document relating to such an investigation;
  - <sup>F282</sup>(f) .....
- (6) Nothing in this section shall authorise the issuing of any guidance about a particular case.
- (7) It shall be the duty of every person to whom any guidance under this section is issued to have regard to that guidance in exercising or performing the powers and duties to which the guidance relates.
- (8) A failure by a person to whom guidance under this section is issued to have regard to the guidance shall be admissible in evidence in any disciplinary proceedings or on any appeal from a decision taken in any such proceedings.

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### Textual Amendments

- F271** Words in s. 22 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 30\(2\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F272** Words in s. 22(1)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 287\(2\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F273** Words in s. 22(2)(b)(ii) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 8\(2\)](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)
- F274** S. 22(3)(a)(b) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 6, 53, [Sch. 4 para. 11](#); S.I. 2007/709, [art. 3\(d\)](#) (subject to [arts. 6, 7](#))
- F275** S. 22(3)(a)-(ab) substituted for s. 22(3)(a) (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 287\(3\)](#); S.I. 2011/3019, art. 3, Sch. 1 (with [Sch. 2 para. 65](#))
- F276** Words in s. 22(3)(b) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 14 paras. 6, 7\(e\)](#); S.I. 2017/399, reg. 2, [Sch. para. 41](#)
- F277** Words in s. 22(3)(c) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 30\(3\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F278** Words in s. 22(5)(a) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 8\(3\)\(a\)](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)
- F279** Words in s. 22(5)(b)(d)(ii) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 8\(3\)\(b\)](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)
- F280** S. 22(5)(c) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(e\)\(i\)](#); S.I. 2020/5, reg. 2(n) (with [art. 3\(1\)\(2\)\(4\)](#))
- F281** Words in s. 22(5)(e)(i) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 8\(3\)\(c\)](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)
- F282** S. 22(5)(f) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(e\)\(ii\)](#); S.I. 2020/5, reg. 2(n) (with [art. 3\(1\)\(2\)\(4\)](#))

### Modifications etc. (not altering text)

- C43** S. 22 applied (with modifications) (28.12.2005) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(2\)\(6\)](#), Sch. 1
- C44** S. 22 applied (with modifications) (5.8.2009) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2009 \(S.I. 2009/2133\)](#), [reg. 4](#)
- C45** S. 22 applied (with modifications) (7.4.2010) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2010 \(S.I. 2010/782\)](#), [reg. 4](#)
- C46** S. 22 applied (with modifications) (5.8.2010) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2010 \(S.I. 2010/1813\)](#), [reg. 5](#) (with reg. 11)
- C47** S. 22 applied (with modifications) (16.1.2012) by [The Elected Local Policing Bodies \(Complaints and Misconduct\) Regulations 2012 \(S.I. 2012/62\)](#), regs. 1, 4 (with reg. 3(6))
- C48** S. 22 applied (with modifications) (7.10.2013) by [The National Crime Agency \(Complaints and Misconduct\) Regulations 2013 \(S.I. 2013/2325\)](#), regs. 1(1), 5
- C49** S. 22 applied (with modifications) (30.4.2017) by [The Gangmasters and Labour Abuse Authority \(Complaints and Misconduct\) Regulations 2017 \(S.I. 2017/521\)](#), regs. 1, 5

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## 23 Regulations

- (1) The Secretary of State may make regulations as to the procedure to be followed under any provision of this Part.
- (2) Without prejudice to the generality of the power conferred by subsection (1) or of any other power to make regulations conferred by any provision of this Part, the Secretary of State may also by regulations provide—
  - (a) for the appropriate authority, in the case of a complaint [<sup>F283</sup>that relates to conduct of a person serving with the police], to be required, in accordance with procedures provided for in the regulations—
    - (i) to supply the person complained against with a copy of the complaint; and
    - (ii) to supply the complainant with a copy of the record made of that complaint;
  - (b) for the matters to be taken into account in making any determination as to which procedure to adopt for handling complaints and dealing with recordable conduct matters [<sup>F284</sup>and DSI matters];
  - (c) for any procedure for the purposes of this Part to be discontinued where—
    - (i) a complaint is withdrawn;
    - (ii) the complainant indicates that he does not wish any further steps to be taken; or
    - (iii) the whole or part of the investigation of the complaint has been postponed until the conclusion of criminal proceedings and the complainant fails to indicate after the conclusion of those proceedings that he wishes the investigation to be resumed;and for the manner in which any such withdrawal or indication is to be effected or given, and for the circumstances in which it is to be taken as effected or given;
  - (d) for requiring the subject-matter of a complaint that has been withdrawn to be treated for the purposes of this Part, in the cases and to the extent specified in the regulations, as a recordable conduct matter;
  - (e) for the manner in which any procedure for the purposes of this Part is to be discontinued in a case where it is discontinued in accordance with the regulations, and for the consequences of any such discontinuance;
  - (f) for the circumstances in which any investigation or other procedure under this Part may be or must be suspended to allow any other investigation or proceedings to continue, and for the consequences of such a suspension;
  - (g) for the regulation of the appointment of persons to carry out investigations under this Part or to assist with the carrying out of such investigations, for limiting the persons who may be appointed and for the regulation of the carrying out of any such investigation;
  - [<sup>F285</sup>(h) for combining into a single investigation the investigation of any complaint, conduct matter or DSI matter with the investigation or investigations of any one or more, or any combination, of the following—
    - (i) complaints (whether or not relating to the same conduct),
    - (ii) conduct matters, or
    - (iii) DSI matters,and for splitting a single investigation into two or more separate investigations;]

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- (i) for the procedure to be followed in cases in which the [<sup>F286</sup>Director General] relinquishes the <sup>F287</sup>...[<sup>F288</sup>direction] of any investigation and for the consequences of [<sup>F289</sup>the Director General] doing so;
- (j) for the manner in which any reference of a complaint [<sup>F290</sup>, conduct matter or DSI matter] to the [<sup>F286</sup>Director General] is to be made;
- (k) for applying the provisions of this Part with such modifications as the Secretary of State thinks fit in cases where a complaint or recordable conduct matter relates to the conduct of a person who has ceased to be a person serving with the police since the time of the conduct;
- (l) for applying the provisions of this Part with such modifications as the Secretary of State thinks fit in cases where a complaint or conduct matter relates to the conduct of a person—
  - (i) whose identity is unascertained at the time at which a complaint is made or a conduct matter is recorded;
  - (ii) whose identity is not ascertained during, or subsequent to, the investigation of a complaint or recordable conduct matter;
- <sup>F291</sup>(m) .....
- (n) for the records to be kept by [<sup>F292</sup>local policing bodies] and chief officers—
  - (i) with respect to complaints and purported complaints;
  - (ii) with respect to recordable conduct matters [<sup>F293</sup>or DSI matters]; and
  - (iii) with respect to the exercise and performance of their powers and duties under this Part;
- (o) for the [<sup>F286</sup>Director General] to be required to establish and maintain a register of such information provided to [<sup>F294</sup>the Director General or the Office] in accordance with this Part as may be of a description specified in the regulations and for regulating the extent to which information stored on that register may be published or otherwise disclosed to any person by the [<sup>F286</sup>Director General];
- (p) for chief officers to have power to delegate the exercise or performance of powers and duties conferred or imposed on them by or under this Part;
- <sup>F295</sup>(pa) for local policing bodies to have power to delegate the exercise or performance of powers and duties conferred or imposed on them by or under this Part (including powers and duties that are acquired by virtue of giving a notice under section 13A);]
- (q) for the manner in which any notification for the purposes of any provision of this Part is to be given and the time at which, or period within which, any such notification must be given.
- <sup>F296</sup>(r) for enabling representations on behalf of a person to whose conduct an investigation relates to be made to the [<sup>F286</sup>Director General] by a person who is not that person's legal representative but is of a description specified in the regulations.]

#### Textual Amendments

**F283** Words in s. 23(2)(a) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 4 para. 5](#); S.I. 2020/5, reg. 2(m) (with [art. 3\(1\)\(2\)\(4\)](#))

**F284** Words in s. 23(2)(b) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 9\(2\)](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)



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- F285** S. 23(2)(h) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 9(3)**; S.I. 2005/1521, **art. 3(1)(w)**
- F286** Words in s. 23 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 31(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F287** Words in s. 23(2)(i) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(f)(i)(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F288** Word in s. 23(2)(i) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(f)(i)(b)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F289** Words in s. 23(2)(i) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 31(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F290** Words in s. 23(2)(j) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 9(4)**; S.I. 2005/1521, **art. 3(1)(w)**
- F291** S. 23(2)(m) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(f)(ii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F292** Words in s. 23(2)(n) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 288**; S.I. 2011/3019, art. 3, Sch. 1
- F293** Words in s. 23(2)(n)(ii) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 9(5)**; S.I. 2005/1521, **art. 3(1)(w)**
- F294** Words in s. 23(2)(o) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 31(4)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F295** S. 23(2)(pa) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 23(1)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(j) (with art. 3(1)(2)(4))
- F296** S. 23(2)(r) inserted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 2**; S.I. 2008/2712, art. 2, **Sch. para. 17(a)** (subject to arts. 3, 4)

#### Modifications etc. (not altering text)

- C50** S. 23 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1
- C51** S. 23 applied (with modifications) (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 4**
- C52** S. 23 applied (with modifications) (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 4**
- C53** S. 23 applied (with modifications) (5.8.2010) by The Revenue and Customs (Complaints and Misconduct) Regulations 2010 (S.I. 2010/1813), **reg. 5** (with reg. 11)

## 24 Consultation on regulations

Before making any regulations under this Part, the Secretary of State shall consult with—

- [<sup>F297</sup>(a) the Office;  
(aa) the Director General;]  
[<sup>F298</sup>[<sup>F299</sup>(b) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;  
(ba) the Mayor's Office for Policing and Crime;  
(bb) the Common Council;]

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- (c) [F300the National Police Chiefs' Council]; and]
- (d) such other persons as he thinks fit.

**Textual Amendments**

**F297** S. 24(a)(aa) substituted for s. 24(a) (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 32](#); S.I. 2017/1249, reg. 2 (with reg. 3)

**F298** S. 24(b)(c) substituted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 6, 53, [Sch. 4 para. 12](#); S.I. 2007/709, [art. 3\(d\)](#) (subject to arts. 6, 7)

**F299** S. 24(b)-(bb) substituted for s. 24(b) (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 289](#); S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 66)

**F300** Words in s. 24(c) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), Sch. 14 paras. 6, 7(e); S.I. 2017/399, reg. 2, [Sch. para. 41](#)

**Modifications etc. (not altering text)**

**C54** S. 24 applied (with modifications) (28.12.2005) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(2\)\(6\)](#), Sch. 1

**C55** S. 24 applied (with modifications) (5.8.2009) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2009 \(S.I. 2009/2133\)](#), [reg. 4](#)

**C56** S. 24 applied (with modifications) (7.4.2010) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2010 \(S.I. 2010/782\)](#), [reg. 4](#)

**C57** S. 24 applied (with modifications) (5.8.2010) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2010 \(S.I. 2010/1813\)](#), [reg. 5](#) (with reg. 11)

**C58** S. 24 applied (with modifications) (7.10.2013) by [The National Crime Agency \(Complaints and Misconduct\) Regulations 2013 \(S.I. 2013/2325\)](#), regs. 1(1), 5

**C59** S. 24 applied (with modifications) (30.4.2017) by [The Gangmasters and Labour Abuse Authority \(Complaints and Misconduct\) Regulations 2017 \(S.I. 2017/521\)](#), regs. 1, 5

**Commencement Information**

**I6** S. 24 wholly in force at 15.11.2003; s. 24 not in force at Royal Assent, see s. 108(2); s. 24 in force except for paragraph (a) at 1.10.2002 by [S.I. 2002/2306](#), {art. 2(b)(vi)}; s. 24 in force in so far as not already in force at 15.11.2003 by [S.I. 2003/2593](#), [art. 2\(a\)](#)

Conduct of persons in other forms of police service

25 NCIS and NCS

F301 .....

**Textual Amendments**

**F301** S. 25 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 55, 174, 178, [Sch. 2 para. 7](#), [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

26 Forces maintained otherwise than by [F302local policing bodies]

- (1) Notwithstanding any provision made by or under any enactment passed or made before this Act—

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- (a) the [<sup>F303</sup>Director General], and
- (b) an authority other than a [<sup>F304</sup>local policing body] which maintains a body of constables,

shall each have power to enter into an agreement with the other for the establishment and maintenance in relation to that body of constables of procedures corresponding or similar to any of those provided for by or under this Part.

- (2) If it appears to the Secretary of State appropriate to do so in relation to any body of constables maintained otherwise than by a [<sup>F305</sup>local policing body] to establish any such corresponding or similar procedures, he may by order—
  - (a) provide for the establishment and maintenance of such procedures in relation to that body of constables; and
  - (b) in a case in which procedures in relation to that body of constables have effect by virtue of subsection (9) or have previously been established by virtue of this section—
    - (i) provide for those procedures to be superseded by the provision made by the order; and
    - (ii) make transitional provision in connection with the replacement of the superseded procedures.
- (3) It shall be the duty of the Secretary of State to secure that procedures are established and maintained under subsection (2) in relation to each of the following—
  - (a) the Ministry of Defence Police; and
  - (b) the British Transport Police Force.
- (4) An agreement under this section shall not be made, varied or terminated except with the approval of the Secretary of State.
- (5) An agreement or order under this section in relation to any body of constables may contain provision for enabling the [<sup>F303</sup>Director General] to bring and conduct, or otherwise participate or intervene in, any proceedings which are identified by the agreement or order as disciplinary proceedings in relation to members of that body of constables.
- (6) An agreement or order under this section in relation to any body of constables may provide for the application of procedures in relation to persons who are not themselves constables but are employed for the purposes of that body of constables and in relation to the conduct of such persons, as well as in relation to members of that body of constables and their conduct.
- (7) Before making an order under this section the Secretary of State shall consult with both—
  - (a) the [<sup>F303</sup>Director General]; and
  - (b) the authority maintaining the body of constables to whom the order relates.
- (8) Procedures established in accordance with any agreement or order under this section shall have no effect in relation to anything done outside England and Wales by any constable or any person employed for the purposes of a body of constables.
- (9) Where, immediately before the coming into force of this section, any procedures have effect in relation to any body of constables by virtue of—
  - (a) section 78 of the 1996 Act (which made provisions similar to that made by this section), or

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- (b) paragraph 13 of Schedule 8 to that Act (transitional provisions),  
those procedures shall continue to have effect thereafter (notwithstanding the repeal by this Act of Chapter 1 of Part 4 of the 1996 Act and of that paragraph) until superseded by procedures established by virtue of any agreement or order under this section.
- (10) Subsection (9) has effect subject to the provisions of any order made under section 28.

**Textual Amendments**

**F302** Words in s. 26 title substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 290\(2\)](#); S.I. 2011/3019, art. 3, Sch. 1

**F303** Words in s. 26 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 33](#); S.I. 2017/1249, reg. 2 (with reg. 3)

**F304** Words in s. 26(1)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 290\(3\)](#); S.I. 2011/3019, art. 3, Sch. 1

**F305** Words in s. 26(2) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 290\(3\)](#); S.I. 2011/3019, art. 3, Sch. 1

**Modifications etc. (not altering text)**

**C60** S. 26 amended (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. 73, 120, [Sch. 5 para. 4](#) (with s. 72); S.I. 2004/1572, art. 3(jjj)

**C61** S. 26 applied (with modifications) (28.12.2005) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(2\)\(6\)](#), Sch. 1

<sup>F306</sup>**26A Serious Organised Crime Agency**

.....

**Textual Amendments**

**F306** S. 26A omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 6 para. 15](#); S.I. 2013/1682, art. 3(q)

<sup>F307</sup>**26B National Policing Improvement Agency**

.....

**Textual Amendments**

**F307** S. 26B omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 6 para. 15](#); S.I. 2013/1682, art. 3(q)

<sup>F308</sup>**26BA College of Policing**

- (1) The [<sup>F309</sup>Director General] and the College of Policing must enter into an agreement for the establishment, in relation to members of the College's staff, of procedures corresponding or similar to those provided for by or under this Part.
- (2) An agreement under this section—

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- (a) must not be made or varied except with the approval of the Secretary of State; and
- (b) must not be terminated unless—
  - (i) it is replaced by another such agreement, and
  - (ii) the Secretary of State approves.
- (3) An agreement under this section may contain provision for enabling the [F309]Director General] to bring and conduct, or otherwise participate or intervene in, any proceedings that are identified by the agreement as disciplinary hearings in relation to members of the College's staff.
- (4) Procedures established in accordance with an agreement under this section shall have no effect in relation to anything done outside England and Wales by any member of the College's staff.]

#### Textual Amendments

**F308** S. 26BA inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 130, 185(1)** (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/949, art. 3, Sch. para. 10

**F309** Words in s. 26BA substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 34**; S.I. 2017/1249, reg. 2 (with reg. 3)

### [F310]26C The National Crime Agency

- (1) The Secretary of State must make regulations conferring functions on the [F311]Director General] in relation to the exercise of functions by the Director General [F312]of the National Crime Agency] and other National Crime Agency officers.
- (2) Regulations under this section may, in particular—
  - (a) apply (with or without modifications), or make provision similar to, any provision of or made under this Part of this Act;
  - (b) make provision for payment by the National Crime Agency to, or in respect of, the [F313]the Office or in respect of its Director General].
- (3) Regulations under this section must relate only to the exercise of functions in, or in relation to, England and Wales.
- (4) The [F314]Director General] and the Parliamentary Commissioner for Administration may jointly investigate a matter in relation to which—
  - (a) the [F314]Director General] has functions by virtue of this section, and
  - (b) the Parliamentary Commissioner for Administration has functions by virtue of the Parliamentary Commissioner Act 1967.
- (5) A National Crime Agency officer may disclose information to the [F315]Director General], or to a person acting on the [F316]Director General's] behalf, for the purposes of the exercise by the [F317]Director General], or by any person acting on the [F316]Director General's] behalf, of an NCA complaints function.
- (6) The [F318]Director General] and the Parliamentary Commissioner for Administration may disclose information to each other for the purposes of the exercise of a function—
  - (a) by virtue of this section, or

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- (b) under the Parliamentary Commissioner Act 1967.
- (7) Regulations under this section may, in particular, make—
- (a) further provision about the disclosure of information under subsection (5) or (6);
  - (b) provision about the further disclosure of information that has been so disclosed;
- including provision which applies (with or without modifications), or is similar to, any provision of Schedule 7 to the Crime and Courts Act 2013.
- (8) Except as provided for in regulations under this section, that Schedule to that Act does not apply to—
- (a) the disclosure of information under subsection (5) or (6), or
  - (b) the further disclosure of information so disclosed.
- (9) In this section “NCA complaints function” means a function in relation to the exercise of functions by the Director General [<sup>F319</sup>of the National Crime Agency] or any other National Crime Agency officer.]

#### Textual Amendments

- F310** S. 26C inserted (8.5.2013 for specified purposes, 7.10.2013 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 11\(6\)](#), [61\(2\)](#); [S.I. 2013/1042](#), [art. 2\(d\)](#); [S.I. 2013/1682](#), [art. 3\(p\)](#)
- F311** Words in s. 26C(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 35\(2\)\(a\)](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))
- F312** Words in s. 26C(1) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 35\(2\)\(b\)](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))
- F313** Words in s. 26C(2) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 35\(3\)](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))
- F314** Words in s. 26C(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 35\(4\)](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))
- F315** Words in s. 26C(5) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 35\(5\)\(a\)](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))
- F316** Words in s. 26C(5) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 35\(5\)\(b\)](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))
- F317** Words in s. 26C(5) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 35\(5\)\(c\)](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))
- F318** Words in s. 26C(6) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 35\(6\)](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))
- F319** Words in s. 26C(9) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 35\(7\)](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))



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## **[<sup>F320</sup>26D Labour abuse prevention officers**

- (1) The Secretary of State may make regulations conferring functions on the [<sup>F321</sup>Director General] in relation to the exercise of functions by officers of the Gangmasters and Labour Abuse Authority (the “Authority”) in their capacity as labour abuse prevention officers (see section 114B of the Police and Criminal Evidence Act 1984 (PACE powers for labour abuse prevention officers)).
- (2) Regulations under this section may, in particular—
  - (a) apply (with or without modifications), or make provision similar to, any provision of or made under this Part;
  - (b) make provision for payment by the Authority to, or in respect of, the [<sup>F322</sup>Office or in respect of the Director General].
- (3) The [<sup>F321</sup>Director General] and the Parliamentary Commissioner for Administration may jointly investigate a matter in relation to which—
  - (a) the [<sup>F321</sup>Director General] has functions by virtue of this section, and
  - (b) the Parliamentary Commissioner for Administration has functions by virtue of the Parliamentary Commissioner Act 1967.
- (4) An officer of the Authority may disclose information to the [<sup>F321</sup>Director General], or to a person acting on the [<sup>F323</sup>Director General's] behalf, for the purposes of the exercise by the [<sup>F321</sup>Director General], or by any person acting on the [<sup>F323</sup>Director General's] behalf, of an Authority complaints function.
- (5) The [<sup>F321</sup>Director General] and the Parliamentary Commissioner for Administration may disclose information to each other for the purposes of the exercise of a function—
  - (a) by virtue of this section, or
  - (b) under the Parliamentary Commissioner Act 1967.
- (6) Regulations under this section may, in particular, make—
  - (a) further provision about the disclosure of information under subsection (4) or (5);
  - (b) provision about the further disclosure of information that has been so disclosed.
- (7) In this section “Authority complaints function” means a function in relation to the exercise of functions by officers of the Authority.]

### **Textual Amendments**

- F320** S. 26D inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 3 para. 12](#); S.I. 2016/603, reg. 3(u)
- F321** Words in s. 26D substituted in part (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 36\(2\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F322** Words in s. 26D(2)(b) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 36\(3\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F323** Words in s. 26D(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 36\(4\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

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## **[<sup>F324</sup>26E Food crime officers**

- (1) The Secretary of State may make regulations conferring functions on the Director General in relation to officers of the Food Standards Agency (the “Agency”) acting in the exercise of functions conferred on them by virtue of—
  - (a) section 114C of the Police and Criminal Evidence Act 1984 (PACE powers for food crime officers), or
  - (b) section 39A of the Criminal Justice and Public Order Act 1994 (powers for food crime officers: inferences from silence).
- (2) Regulations under this section may, in particular—
  - (a) apply (with or without modifications), or make provision similar to, any provision of or made under this Part;
  - (b) make provision for payment by the Agency to, or in respect of, the Office or in respect of the Director General.
- (3) The Director General and the Parliamentary Commissioner for Administration may jointly investigate a matter in relation to which—
  - (a) the Director General has functions by virtue of this section, and
  - (b) the Parliamentary Commissioner for Administration has functions by virtue of the Parliamentary Commissioner Act 1967.
- (4) An officer of the Agency may disclose information to the Director General or to a person acting on the Director General’s behalf, for the purposes of the exercise by the Director General or by any person acting on the Director General’s behalf, of an Agency complaints function.
- (5) The Director General and the Parliamentary Commissioner for Administration may disclose information to each other for the purposes of the exercise of a function—
  - (a) by virtue of this section, or
  - (b) under the Parliamentary Commissioner Act 1967.
- (6) Regulations under this section may, in particular, make—
  - (a) further provision about the disclosure of information under subsection (4) or (5);
  - (b) provision about the further disclosure of information that has been so disclosed.
- (7) A disclosure of information authorised by this section does not breach—
  - (a) any obligation of confidence owed by the person making the disclosure, or
  - (b) any other restriction on the disclosure of information (however imposed).
- (8) But this section does not authorise a disclosure of information that—
  - (a) would contravene the data protection legislation (but in determining whether a disclosure would do so, the power conferred by this section is to be taken into account), or
  - (b) is prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016.
- (9) In this section—
 

“Agency complaints function” means a function in relation to the exercise of functions by officers of the Agency;

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“data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).]

#### Textual Amendments

**F324** S. 26E inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 54(4)(b), 208(5)(f) (with s. 54(5)-(10))

## 27 Conduct of the [<sup>F325</sup>Office's] staff

- (1) The Secretary of State shall by regulations make provision for the manner in which the following cases are to be handled or dealt with—
  - (a) cases in which allegations of misconduct are made against members of the [<sup>F325</sup>Office's] staff; and
  - (b) cases in which there is otherwise an indication that there may have been misconduct by a member of the [<sup>F325</sup>Office's] staff.
- (2) Regulations under this section may apply, with such modifications as the Secretary of State thinks fit, any provision made by or under this Part.
- (3) Regulations under this section may provide for it to be the duty of any person on whom functions are conferred by the regulations to have regard, in the carrying out of those functions, to any guidance given by such persons and in such manner as may be specified in the regulations.
- (4) Before making any regulations under this section the Secretary of State shall consult with the [<sup>F326</sup>Office and the Director General].

#### Textual Amendments

- F325** Words in s. 27 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 37(2); S.I. 2017/1249, reg. 2 (with reg. 3)
- F326** Words in s. 27(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 37(3); S.I. 2017/1249, reg. 2 (with reg. 3)

#### Modifications etc. (not altering text)

- C62** S. 27 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), reg. 3(2)(6), Sch. 1
- C63** S. 27 applied (with modifications) (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), reg. 4
- C64** S. 27 applied (with modifications) (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), reg. 4
- C65** S. 27 applied (with modifications) (5.8.2010) by The Revenue and Customs (Complaints and Misconduct) Regulations 2010 (S.I. 2010/1813), reg. 5 (with reg. 11)
- C66** S. 27 applied (with modifications) (7.10.2013) by The National Crime Agency (Complaints and Misconduct) Regulations 2013 (S.I. 2013/2325), regs. 1(1), 5

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### Transitional provisions

## <sup>F327</sup>28 Transitional arrangements connected with establishing the Commission etc.

.....

### Textual Amendments

**F327** S. 28 omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 38(1)** (with **Sch. 9 para. 38(2)**); S.I. 2017/1249, reg. 2 (with reg. 3)

## <sup>F328</sup>28A Application of Part 2 to old cases

- (1) The [<sup>F329</sup>Director General] may, if [<sup>F330</sup>the Director General] considers that there are exceptional circumstances—
  - (a) direct that a relevant transitional provision does not apply in relation to a pre-commencement matter, and
  - (b) direct the appropriate authority to record the matter under this Part.
- (2) A “pre-commencement matter” means a matter which—
  - (a) is a complaint or a conduct matter,
  - (b) relates to conduct which took place, or circumstances which occurred, before 1 April 2004, and
  - (c) (apart from this section) is prevented by a relevant transitional provision from being recorded under this Part as a complaint or a conduct matter.
- (3) “Relevant transitional provision” means article 2, 3 or 4 of the Independent Police Complaints Commission (Transitional Provisions) Order 2004 (S.I. 2004/671).
- (4) The [<sup>F329</sup>Director General] may, if [<sup>F331</sup>the Director General] considers that there are exceptional circumstances, direct that a matter to which subsection (5) applies should be treated as a conduct matter or a DSI matter.
- (5) This subsection applies to a matter which—
  - (a) relates to conduct which took place, or circumstances which occurred, before 1 April 2004,
  - (b) has been the subject of a relevant complaint, and
  - (c) would be a conduct matter or a DSI matter if it had not been the subject of a relevant complaint.
- (6) “Relevant complaint” means—
  - (a) a complaint made before 1 April 2004, or
  - (b) a complaint made on or after that date to which a relevant transitional provision applied.
- (7) Where under subsection (1)(a) the [<sup>F329</sup>Director General] directs that a relevant transitional provision does not apply in relation to a pre-commencement matter, that provision does not apply in relation to that matter.
- (8) The appropriate authority must comply with a direction under subsection (1)(b).

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- (9) Where under subsection (4) the [<sup>F329</sup>Director General] directs that a matter should be treated as a conduct matter or a DSI matter, the matter is (subject to any regulations under subsection (10)) to be treated as a conduct matter or a DSI matter for the purposes of this Part (including subsections (1) and (2)) and any provision made under it.
- (10) The Secretary of State may by regulations provide for this Part or any provision made under it to apply with such modifications as the Secretary of State thinks fit to a matter in relation to which the [<sup>F329</sup>Director General] has made a direction under subsection (1) or (4).]

#### Textual Amendments

- F328** S. 28A inserted (19.12.2012) by [Police \(Complaints and Conduct\) Act 2012 \(c. 22\)](#), **ss. 2(2), 3(3)**
- F329** Words in s. 28A substituted in part (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 39(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F330** Words in s. 28A(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 39(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F331** Words in s. 28A(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 39(4)**; S.I. 2017/1249, reg. 2 (with reg. 3)

### Interpretation of Part 2

## 29 Interpretation of Part 2

- (1) In this Part—
- [<sup>F332</sup>“the appropriate authority”—
- (a) in relation to a person serving with the police or in relation to any complaint, conduct matter or investigation relating to the conduct of such a person, means—
- (i) if that person is [<sup>F333</sup>the chief officer or an acting chief officer, the local policing body] for the area of the police force of which he is a member; and
- (ii) if he is not [<sup>F334</sup>the chief officer or an acting chief officer], the chief officer under whose direction and control he is; <sup>F335</sup>...
- (aa) [<sup>F336</sup>in relation to any other complaint, means the chief officer of the police force with which dissatisfaction is expressed by the complainant; and]
- (b) in relation to a death or serious injury matter, means—
- (i) if the relevant officer is [<sup>F337</sup>the chief officer or an acting chief officer, the local policing body] for the area of the police force of which he is a member; and
- (ii) if he is not [<sup>F338</sup>the chief officer or an acting chief officer], the chief officer under whose direction and control he is;]
- [<sup>F339</sup>and, for the purposes of this definition, “acting chief officer” means a person exercising or performing functions of a chief

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constable in accordance with section 41 of the Police Reform and Social Responsibility Act 2011; a person exercising powers or duties of the Commissioner of Police of the Metropolis in accordance with section 44 or 45(4) of that Act; or a person exercising duties of the Commissioner of Police for the City of London in accordance with section 25 of the City of London Police Act 1839;]

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

<sup>F340</sup>

...

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

“complaint” has the meaning given by section 12;

“conduct” includes acts, omissions<sup>[F341]</sup>, statements and decisions] (whether actual, alleged or inferred);

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

<sup>[F342]</sup>“death or serious injury matter” and “DSI matter” have the meaning given by section 12;]

<sup>[F343]</sup>“the Director General” means (unless otherwise specified) the Director General of the Office;]

“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;

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

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

<sup>F344</sup>

...

<sup>[F345]</sup>“the Office” means the Independent Office for Police Conduct;]

“person complained against”, in relation to a complaint <sup>[F346]</sup>that relates to conduct of a person serving with the police], 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 <sup>[F347]</sup>, 11 or 13A] of Schedule 3 or has been so recorded; or

(aa) <sup>[F348]</sup>a conduct matter that is required to be recorded by the appropriate authority under section 28A(8) or has been so recorded;]

(b) <sup>F349</sup>

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

(a) <sup>[F350]</sup>if that authority is a local policing body, the police force which the body is responsible for maintaining; and]

(b) if that authority is the chief officer of police of a police force, his force;

<sup>F351</sup>

.....

“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;



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“serving with the police”, in relation to any person, shall be construed in accordance with section [F352]12(7) to (10)] .

[F353](1A) In this Part “the relevant officer”, in relation to a DSI matter, means the person serving with the police (within the meaning of section [F354]12(7) to (10)) —

- (a) who arrested the person who has died or suffered serious injury,
- (b) in whose custody that person was at the time of the death or serious injury, or
- (c) with whom that person had the contact in question;

and where there is more than one such person it means, subject to subsection (1B), the one who so dealt with him last before the death or serious injury occurred.

(1B) Where it cannot be determined which of two or more persons serving with the police dealt with a person last before a death or serious injury occurred, the relevant officer is the most senior of them.]

(2) References in this Part, in relation to anything which is or purports to be a complaint, to the complainant are references—

- [F355](a) to the person by whom the complaint or purported complaint was made, or
- (b) in a case where the complaint or purported complaint was made on behalf of someone else, to the person on whose behalf it 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;

[F356](ca) a National Crime Agency officer; or]

- (d) a person engaged on relevant service, within the meaning of section 97(1)(a) [F357]... or (d) of the 1996 Act [F358](temporary service of various kinds)].

(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).

[F359](4A) In this Part references, in relation to anything purporting to be a complaint other than a complaint about any conduct, to a member of the public include references to any person falling within subsection (3)(a) to (d) other than a person who is—

- (a) a member of the police force with which dissatisfaction is expressed,
- (b) a civilian employee of that police force,

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- (c) a special constable who is under the direction and control of the chief officer of that police force, or
  - (d) where dissatisfaction is expressed with the City of London police force, an employee of the Common Council of the City of London who is under the direction and control of the chief officer of that force.]
- (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, <sup>F360</sup>... under the [<sup>F361</sup>direction] of the [<sup>F362</sup>Director General] or by the [<sup>F362</sup>Director General]<sup>F363</sup>... shall be construed as references to its investigation in accordance with paragraph 16, <sup>F364</sup>... 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.
- [<sup>F365</sup>(8) References in sections 26, 26BA and 26C to England and Wales include the sea and other waters within the seaward limits of the territorial sea adjacent to England and Wales.]

#### Textual Amendments

- F332** S. 29(1): definition of "the appropriate authority" substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, **Sch. 12 para. 10(2)(a)**; S.I. 2005/1521, **art. 3(1)(w)**
- F333** Words in s. 29(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 291(a)(i)**; S.I. 2011/3019, art. 3, Sch. 1 (with art. 8(1)(4)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3))
- F334** Words in s. 29(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 291(a)(ii)**; S.I. 2011/3019, art. 3, Sch. 1 (with art. 8(1)(4)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3))
- F335** Word in s. 29(1) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 4 para. 6(2)(a)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F336** Words in s. 29(1) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 4 para. 6(2)(b)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F337** Words in s. 29(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 291(a)(iii)**; S.I. 2011/3019, art. 3, Sch. 1 (with art. 8(1)(4)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3))
- F338** Words in s. 29(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 291(a)(iv)**; S.I. 2011/3019, art. 3, Sch. 1 (with art. 8(1)(4)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3))
- F339** Words in s. 29(1) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 291(a)(v)**; S.I. 2011/3019, art. 3, Sch. 1 (with art. 8(1)(4)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3))
- F340** Words in s. 29(1) omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 40(2)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F341** Words in s. 29(1) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 14 para. 5(1)**; S.I. 2012/2892, art. 2(g) (with art. 6)

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- F342** S. 29(1): definition of "death or serious injury matter" and "DSI matter" inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, **Sch. 12 para. 10(2)(b)**; S.I. 2005/1521, **art. 3(1)(w)**
- F343** Words in s. 29(1) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 40(2)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F344** Words in s. 29(1) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 5 para. 47(g)(i)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F345** Words in s. 29(1) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 40(2)(c)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F346** Words in s. 29(1) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 4 para. 6(3)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F347** Words in s. 29(1) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 17(10)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(e) (with art. 3(1)(2)(4))
- F348** Words in s. 29(1)(aa) inserted (19.12.2012) by [Police \(Complaints and Conduct\) Act 2012 \(c. 22\)](#), **ss. 2(4)**, 3(3)
- F349** Words in s. 29(1) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 14 para. 8(6)(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F350** Words in s. 29(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 291(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F351** Words in s. 29(1) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 291(c)**; S.I. 2012/2892, art. 2(i)
- F352** Words in s. 29(1) substituted (1.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 93(2)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(c)(i)
- F353** S. 29(1A)(1B) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, **Sch. 12 para. 10(3)**; S.I. 2005/1521, **art. 3(1)(w)**
- F354** Words in s. 29(1A) substituted (1.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), **Sch. 11 para. 93(3)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(c)(i)
- F355** S. 29(2)(a)(b) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 4 para. 6(4)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F356** S. 29(3)(ca) substituted for s. 29(3)(b)(c) (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 6 para. 16**; S.I. 2013/1682, art. 3(q)
- F357** Word in s. 29(3)(d) repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, **art. 3(q)** (subject to arts. 6, 7)
- F358** Words in s. 29(3)(d) substituted (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 55, 178, **Sch. 2 para. 9(b)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))
- F359** S. 29(4A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 4 para. 6(5)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F360** Words in s. 29(6) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 5 para. 47(g)(ii)(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F361** Word in s. 29(6) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 5 para. 47(g)(ii)(b)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F362** Words in s. 29(6) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 40(3)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)

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- F363** Word in s. 29(6) omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 40\(3\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F364** Word in s. 29(6) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(g\)\(ii\)\(c\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F365** S. 29(8) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 21\(1\)](#), 183(1)(5)(e); S.I. 2020/5, reg. 2(h) (with art. 3(1)(2))

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**Modifications etc. (not altering text)**

- C67** S. 29 applied (with modifications) (E.W.) (28.12.2005) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(2\)\(6\)](#), Sch. 1

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 26F inserted by [2023 c. 41 Sch. 13 para. 6](#)
- s. 28A(6A)(6B) inserted by [2023 c. 41 s. 45\(2\)](#)