SCHEDULES

SCHEDULE 3

HANDLING OF COMPLAINTS AND CONDUCT MATTERS ETC.

Modifications etc. (not altering text)

C1 Sch. 3 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))

C1 Sch. 3 applied (with modifications) by 1984 c. 55, **ss. 56A-56C** (as inserted (6.4.2023 for specified purposes) by Building Safety Act 2022 (c. 30), **ss. 53(1)**, 170(4)(c); S.I. 2023/362, **reg. 3(1)(v)**)

PART 3

INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS

[[F1]Procedure where conduct matter is revealed during investigation of DSI matter

Textual Amendments

F1 Sch. 3 para. 21A inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 20**; S.I. 2005/1521, **art. 3(1)(w)**

21A (1) If during the course of an investigation of a DSI matter it appears to a person appointed under paragraph 18 [F2]... that there is an indication that a person serving with the police ("the person whose conduct is in question") may have—

(a) committed a criminal offence, or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings,

he shall make a submission to that effect to the **[**[F3]Director General**]**.

(2) If, after considering a submission under sub-paragraph (1), the **[**[F3]Director General**]** determines that there is such an indication, **[**[F4]the Director General**]** shall—

(a) notify the appropriate authority in relation to the DSI matter and (if different) the appropriate authority in relation to the person whose conduct is in question of **[**[F5]the Director General's**]** determination; and

(b) send to it (or each of them) a copy of the submission under sub-paragraph (1).

[If during the course of an investigation of a DSI matter being carried out by a person [F6](2A) appointed under paragraph 18 the **[**[F3]Director General**]** determines (without there having been a submission under sub-paragraph (1)) that there is an indication that

Changes to legislation: *There are currently no known outstanding effects for the Police Reform Act 2002, Paragraph 21A. (See end of Document for details)*

a person serving with the police ("the person whose conduct is in question") may have—

(a) committed a criminal offence, or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings,

[[F4]the Director General**]** shall notify the appropriate authority in relation to the DSI matter and (if different) the appropriate authority in relation to the person whose conduct is in question of **[**[F5]the Director General's**]** determination.**]**

[[F7](2B) If during the course of an investigation of a DSI matter being carried out by a person designated under paragraph 19 the Director General determines that there is an indication that a person serving with the police ("the person whose conduct is in question") may have—

(a) committed a criminal offence, or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings,

the Director General must proceed under sub-paragraph (2C).

(2C) The Director General must—

(a) prepare a record of the determination,

(b) notify the appropriate authority in relation to the DSI matter and (if different) the appropriate authority in relation to the person whose conduct is in question of the determination, and

(c) send to it (or each of them) a copy of the record of the determination prepared under paragraph (a).**]**

(3) If during the course of an investigation of a DSI matter it appears to a person appointed under paragraph 16 [F8]... that there is an indication that a person serving with the police ("the person whose conduct is in question") may have—

(a) committed a criminal offence, or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings,

he shall make a submission to that effect to the appropriate authority in relation to the DSI matter.

(4) If, after considering a submission under sub-paragraph (3), the appropriate authority determines that there is such an indication, it shall—

(a) if it is not the appropriate authority in relation to the person whose conduct is in question, notify that other authority of its determination and send to that authority a copy of the submission under sub-paragraph (3); and

(b) notify the **[**[F3]Director General**]** of its determination and send to it a copy of the submission under sub-paragraph (3).

(5) Where the appropriate authority in relation to the person whose conduct is in question—

(a) is notified of a determination by the **[**[F3]Director General**]** under sub-paragraph (2) **[**[F9]or (2A)**]**,

[[F10](aa) is notified of a determination by the Director General under sub-paragraph (2C),**]**

(b) (in a case where it is also the appropriate authority in relation to the DSI matter) makes a determination under sub-paragraph (4), or

(c) (in a case where it is not the appropriate authority in relation to the DSI matter) is notified by that other authority of a determination by it under sub-paragraph (4),

[F11] it shall record the matter under paragraph 11 as a conduct matter . . . .

[Where a DSI matter is recorded under paragraph 11 as a conduct matter by virtue [F12](6) of sub-paragraph (5)—

(a) the person investigating the DSI matter shall (subject to any determination made by the **[**[F3]Director General**]** under paragraph **[**[F13]15(5A) or (5B)**]**) continue the investigation as if appointed or designated to investigate the conduct matter, and

(b) the other provisions of this Schedule shall apply in relation to that matter accordingly.**]]**

Textual Amendments

F2 Words in Sch. 3 para. 21A(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. 56(13)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)

F3 Words in Sch. 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. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

F4 Words in Sch. 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. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

F5 Words in Sch. 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. 56(5)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

F6 Sch. 3 para. 21A(2A) 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. 25(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

F7 Sch. 3 para. 21A(2B)(2C) 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. 56(13)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)

F8 Words in Sch. 3 para. 21A(3) 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(h)(iv)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

F9 Words in Sch. 3 para. 21A(5)(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. 25(3)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

F10 Sch. 3 para. 21A(5)(aa) 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. 56(13)(c)**; S.I. 2017/1249, reg. 2 (with reg. 3)

F11 Words in Sch. 3 para. 21A(5) repealed (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 149, 153, Sch. 23 para. 11(2), **Sch. 28 Pt. 8** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(k)(ii)** (subject to art. 3)

F12 Sch. 3 para. 21A(6) inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 11(3)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F13 Word in Sch. 3 para. 21A(6)(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. 5 para. 47(h)(v)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

C1 Sch. 3 para. 21A applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Changes to legislation:
There are currently no known outstanding effects for the Police Reform Act 2002, Paragraph 21A.