

Changes to legislation: Police Reform Act 2002, Part 1 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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 1

HANDLING OF COMPLAINTS

Duties to preserve evidence relating to complaints

- 1 (1) Where a complaint is made about the conduct of a chief officer, it shall be the duty of the [^{F1}local policing body] maintaining his force to secure that all such steps as are appropriate for the purposes of Part 2 of this Act are taken, both initially and from time to time after that, for obtaining and preserving evidence relating to the conduct complained of.
- (2) Where—
- (a) a complaint is made to a chief officer about the conduct of a person under his direction and control, or
 - (b) a chief officer becomes aware that a complaint about the conduct of a person under his direction or control has been made to the [^{F2}Director General] or to a [^{F3}local policing body],
- the chief officer shall take all such steps as appear to him to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving evidence relating to the conduct complained of.
- (3) The chief officer's duty under sub-paragraph (2) must be performed as soon as practicable after the complaint is made or, as the case may be, he becomes aware of it.
- (4) After that, he shall be under a duty, until he is satisfied that it is no longer necessary to do so, to continue to take the steps from time to time appearing to him to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving evidence relating to the conduct complained of.

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- (5) It shall be the duty of a [^{F4}local policing body] to comply with all such directions as may be given to it by the [^{F2}Director General] in relation to the performance of its duty under sub-paragraph (1).
- (6) It shall be the duty of a chief officer to take all such specific steps for obtaining or preserving evidence relating to ^{F5}... the subject-matter of a complaint as he may be directed to take for the purposes of this paragraph by the [^{F6}local policing body] maintaining his force or by the [^{F2}Director General].

Textual Amendments

- F1** Words in Sch. 3 para. 1(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(2\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F2** 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)
- F3** Words in Sch. 3 para. 1(2)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(2\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F4** Words in Sch. 3 para. 1(5) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(2\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F5** Words in Sch. 3 para. 1(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. 4 para. 7\(2\)](#); S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F6** Words in Sch. 3 para. 1(6) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(2\)\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

- C1** Sch. 3 para. 1 applied (with modifications) (1.4.2006) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\), reg. 3\(5\)\(6\)](#), Sch. 3

Commencement Information

- I1** Sch. 3 para. 1 wholly in force at 1.4.2004; Sch. 3 para. 1 not in force at Royal Assent see s. 108(2); Sch. 3 para. 1 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306, art. 4\(e\)](#); Sch. 3 para. 1 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913, art. 2\(d\)](#)

Initial handling and recording of complaints

- 2 [^{F7}(1) Where a complaint is made to the [^{F2}Director General], [^{F8}the Director General] shall give notification of the complaint to the appropriate authority.
- (1A) But the [^{F2}Director General] need not give that notification if the [^{F2}Director General] considers that there are exceptional circumstances that justify its not being given.]
- (2) Where a complaint is made to a [^{F9}local policing body], it shall—
- (a) determine whether or not it is itself the appropriate authority; and
 - (b) if it determines that it is not, give notification of the complaint to the person who is.
- (3) Where a complaint is made to a chief officer, he shall—
- (a) determine whether or not he is himself the appropriate authority; and

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- (b) if he determines that he is not, give notification of the complaint to the person who is.

^{F10}(4)

- (5) Where the [^{F2}Director General], a [^{F11}local policing body] or a chief officer gives notification of a complaint under any of sub-paragraphs (1) to (3) ^{F12}..., the person who gave the notification ^{F13}... shall notify the complainant—

- (a) that the notification has been given and of what it contained; or

^{F14}(b)

- (6) Where—

- (a) a [^{F15}local policing body] determines, in the case of any complaint made to [^{F16}the body], that it is itself the appropriate authority,
 - (b) a chief officer determines, in the case of any complaint made to that chief officer, that he is himself the appropriate authority, or
 - (c) a complaint is notified to a [^{F17}local policing body] or chief officer under this paragraph,

[^{F18}the body] or chief officer shall [^{F19}contact the complainant and seek the complainant's views on how the complaint should be handled].

- ^{F20}(6A) A local policing body or chief officer that is subject to the duty in sub-paragraph (6) in relation to a complaint must record the complaint if—

- (a) at any time the complainant indicates a wish for the complaint to be recorded, or
 - (b) the local policing body or chief officer determines that the complaint is to be handled in accordance with this Schedule.

- (6B) The local policing body or chief officer must determine that a complaint is to be handled in accordance with this Schedule if—

- (a) the complaint is one alleging that the conduct or other matter complained of has resulted in death or serious injury,
 - (b) the complaint is one alleging that there has been conduct by a person serving with the police which (if proved) might constitute the commission of a criminal offence or justify the bringing of disciplinary proceedings,
 - (c) the conduct or other matter complained of (if proved) might have involved the infringement of a person's rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998), or
 - (d) the complaint is of a description specified for the purposes of paragraph 4(1) (b) in regulations made by the Secretary of State.

- (6C) Where a local policing body or chief officer determines (for the purposes of sub-paragraph (6A)) that a complaint is to be handled otherwise than in accordance with this Schedule, the local policing body or chief officer must handle the complaint in such other manner as the local policing body or chief officer considers appropriate with a view to resolving the complaint to the complainant's satisfaction.

(The duty in this sub-paragraph ceases to apply if the complaint is recorded in accordance with sub-paragraph (6A)(a).)

- (6D) Where a local policing body or chief officer records a complaint under sub-paragraph (6A), or determines that a complaint is to be handled otherwise than in

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accordance with this Schedule, the local policing body or chief officer must notify the complainant of the recording of the complaint or (as the case may be) of the determination.]

[^{F21}(7) Nothing in this paragraph shall require the taking of any action in relation to a complaint if the complaint has been withdrawn.]

^{F22}(8)

[^{F23}(9) If a local policing body or chief officer decides that it or (as the case may be) he is not required to comply with any of sub-paragraphs (2), (3) and (6) to (6C) on the basis of a determination that what purports to be a complaint is not a complaint, the local policing body or chief officer must notify the complainant of the determination and the grounds on which it was made.

(10) If a local policing body or chief officer determines that part of what has been received (whether directly or by virtue of a notification under this paragraph) is a complaint and part is not, the local policing body or chief officer must proceed under this paragraph as if those two parts had been separately received.]

Textual Amendments

- F2** 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](#))
- F7** [Sch. 3 para. 2\(1\) \(1A\)](#) substituted for [Sch. 3 para. 2\(1\)](#) (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. 8\(2\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#); S.I. 2012/2892, art. 2(g) (with art. 6)
- F8** 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](#))
- F9** Words in [Sch. 3 para. 2\(2\)](#) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 16 para. 300\(3\)\(a\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#)
- F10** [Sch. 3 para. 2\(4\)](#) 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. 8\(3\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#); S.I. 2012/2892, art. 2(g) (with art. 6)
- F11** Words in [Sch. 3 para. 2\(5\)](#) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 16 para. 300\(3\)\(a\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#)
- F12** Words in [Sch. 3 para. 2\(5\)](#) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 14 para. 8\(4\)\(a\)\(i\)](#); S.I. 2012/2892, art. 2(g) (with art. 6)
- F13** Words in [Sch. 3 para. 2\(5\)](#) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 14 para. 8\(4\)\(a\)\(ii\)](#); S.I. 2012/2892, art. 2(g) (with art. 6)
- F14** [Sch. 3 para. 2\(5\)\(b\)](#) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 14 para. 8\(4\)\(b\)](#); S.I. 2012/2892, art. 2(g) (with art. 6)
- F15** Words in [Sch. 3 para. 2\(6\)\(a\)](#) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 16 para. 300\(3\)\(b\)\(i\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#)
- F16** Words in [Sch. 3 para. 2\(6\)\(a\)](#) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 16 para. 300\(3\)\(b\)\(ii\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#)
- F17** Words in [Sch. 3 para. 2\(6\)\(c\)](#) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 16 para. 300\(3\)\(c\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#)
- F18** Words in [Sch. 3 para. 2\(6\)](#) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 16 para. 300\(3\)\(d\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#)

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- F19** Words in Sch. 3 para. 2(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. 2(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F20** Sch. 3 para. 2(6A)-(6D) 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. 2(3)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F21** Sch. 3 para. 2(7) 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. 2(4)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F22** Sch. 3 para. 2(8) 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. 2(5)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F23** Sch. 3 para. 2(9)(10) 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. 2(6)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

- C2** Sch. 3 para. 2 applied (with modifications) (1.4.2006) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(5)(6)**, Sch. 3

Commencement Information

- I2** Sch. 3 para. 2 wholly in force at 1.4.2004; Sch. 3 para. 2 not in force at Royal Assent see s. 108(2); Sch. 3 para. 2 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 2 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

F24 ...

Textual Amendments

- F24** Sch. 3 para. 3 and cross-heading 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. 3**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

F24₃

Reference of complaints to the [F2Director General]

- 4 (1) It shall be the duty of the appropriate authority to refer a complaint to the [F2Director General] if—
- (a) the complaint is one alleging that the conduct [F25or other matter] complained of has resulted in death or serious injury;
 - (b) the complaint is of a description specified for the purposes of this subparagraph in regulations made by the Secretary of State; or
 - (c) the [F2Director General] notifies the appropriate authority that [F8the Director General] requires the complaint in question to be referred to the [F2Director General] for [F26the Director General's] consideration.

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- (2) In a case where there is no obligation under sub-paragraph (1) to make a reference, the appropriate authority may refer a complaint to the [F²Director General] if that authority considers that it would be appropriate to do so by reason of—
 - (a) the gravity of the subject-matter of the complaint; or
 - (b) any exceptional circumstances.
- (3) In a case in which a reference under sub-paragraph (1) or (2) is neither made nor required to be made, a [F²⁷local policing body] may refer a complaint to the [F²Director General] if—
 - (a) it is one in relation to which the chief officer of police of the police force maintained by [F²⁸that body] is the appropriate authority; and
 - (b) the [F²⁷local policing body] considers that it would be appropriate to do so by reason of—
 - (i) the gravity of the subject-matter of the complaint; or
 - (ii) any exceptional circumstances.
- (4) Where there is an obligation under this paragraph to refer a complaint to the [F²Director General], it must be so referred within such period as may be provided for by regulations made by the Secretary of State.
- (5) Subject to sub-paragraph (7), the following powers—
 - (a) the power of the [F²Director General] by virtue of sub-paragraph (1)(c) to require a complaint to be referred to [F⁸the Director General], and
 - (b) the power of a [F²⁹local policing body] or chief officer to refer a complaint to the [F²Director General] under sub-paragraph (2) or (3),
 shall each be exercisable at any time irrespective of whether the complaint is already being investigated by any person or has already been considered by the [F²Director General].
- [F³⁰(5A) The power of an appropriate authority to refer a complaint to the [F²Director General] under sub-paragraph (2) is also exercisable after a complaint has been handled in accordance with this Schedule if a recommendation is made under paragraph 6A(6)(a) or 25(4E)(b) (recommendation on a review).]
- (6) A [F³¹local policing body] or chief officer which refers a complaint to the [F²Director General] under this paragraph shall give a notification of the making of the reference—
 - (a) to the complainant, and
 - (b) except in a case where it appears to [F³²that body] or chief officer that to do so might prejudice [F³³an investigation of the complaint (whether an existing investigation or a possible future one)], to the person complained against [F³⁴(if any)].
- [F³⁵(6A) A local policing body which refers a complaint to the [F²Director General] under sub-paragraph (3) shall also give a notification of the making of the reference to the appropriate authority.]
- (7) A complaint that has already been referred to the [F³⁶Director General] under this paragraph on a previous occasion [F³⁷, or that has been treated as having been so referred by virtue of paragraph 4A]—

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- (a) shall not be required to be referred again under this paragraph unless the [F2Director General] so directs; and
- (b) shall not be referred in exercise of any power conferred by this paragraph unless the [F2Director General] consents.

F38(8)

[F39(9) The appropriate authority must record any complaint that is referred to the [F2Director General] under this paragraph that has not already been recorded.]

Textual Amendments

- F8** 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)
- F25** Words in Sch. 3 para. 4(1)(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. 4 para. 7(3)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F26** 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)
- F27** Words in Sch. 3 para. 4(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(5)(a)(i)**; S.I. 2011/3019, art. 3, Sch. 1
- F28** Words in Sch. 3 para. 4(3)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(5)(a)(ii)**; S.I. 2011/3019, art. 3, Sch. 1
- F29** Words in Sch. 3 para. 4(5)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(5)(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F30** Sch. 3 para. 4(5A) 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. 30**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F31** Words in Sch. 3 para. 4(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(5)(c)(i)**; S.I. 2011/3019, art. 3, Sch. 1
- F32** Words in Sch. 3 para. 4(6)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(5)(c)(ii)**; S.I. 2011/3019, art. 3, Sch. 1
- F33** Words in Sch. 3 para. 4(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. 4(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F34** Words in Sch. 3 para. 4(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. 4 para. 7(4)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F35** Sch. 3 para. 4(6A) 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. 4(3)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F36** 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(3)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F37** Words in Sch. 3 para. 4(7) 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. 17(2)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(e) (with art. 3(1)(2)(4))
- F38** Sch. 3 para. 4(8) 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. 4(4)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

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F39 Sch. 3 para. 4(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), s. 183(1)(5)(e), **Sch. 5 para. 4(5)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

C3 Sch. 3 para. 4 applied (with modifications) (1.4.2006) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(5)(6)**, Sch. 3

Commencement Information

I3 Sch. 3 para. 4 wholly in force at 1.4.2004; Sch. 3 para. 4 not in force at Royal Assent see s. 108(2); Sch. 3 para. 4 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 4 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

[^{F40}Power of [^{F2}Director General] to treat complaint as having been referred

Textual Amendments

F40 Sch. 3 para. 4A and cross-heading 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. 17(3)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(e) (with art. 3(1)(2)(4))

- 4A (1) The [^{F2}Director General] may treat a complaint that comes to [^{F26}the Director General's] attention otherwise than by having been referred to [^{F8}the Director General] under paragraph 4 as having been so referred.
- (2) Where the [^{F2}Director General] treats a complaint as having been referred to [^{F8}the Director General]—
- (a) paragraphs 2 and 4 do not apply, or cease to apply, in relation to the complaint except to the extent provided for by paragraph 4(7), and
 - (b) paragraphs 5, 6, 6A, 15 and 25 apply in relation to the complaint as if it had been referred to the [^{F2}Director General] by the appropriate authority under paragraph 4.
- (3) The [^{F2}Director General] must notify the following that [^{F8}the Director General] is treating a complaint as having been referred to [^{F8}the Director General]—
- (a) the appropriate authority;
 - (b) the complainant;
 - (c) except in a case where it appears to the [^{F2}Director General] that to do so might prejudice an investigation of the complaint (whether an existing investigation or a possible future one), the person complained against (if any).
- (4) Where an appropriate authority receives a notification under sub-paragraph (3) in respect of a complaint and the complaint has not yet been recorded, the appropriate authority must record the complaint.]

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Textual Amendments

- F8** 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)
- F26** 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)

Duties of [F2Director General] on references under paragraph 4

- 5 (1) It shall be the duty of the [F2Director General] in the case of every complaint referred to [F8the Director General] by a [F41local policing body] or chief officer, to determine whether or not it is necessary for the complaint to be investigated.
- [F42(1A) The Secretary of State may by regulations provide that the [F2Director General] must determine that it is necessary for complaints referred to [F8the Director General] that relate to the conduct of a chief officer or the Deputy Commissioner of Police of the Metropolis to be investigated.
- (1B) Regulations under sub-paragraph (1A) may provide that the duty on the [F2Director General] applies only in relation to complaints relating to the conduct of a chief officer or the Deputy Commissioner of Police of the Metropolis that are of a description specified in the regulations.
- (1C) Regulations under sub-paragraph (1A) may also provide that, where the [F2Director General] is required by the regulations to determine that it is necessary for a complaint to be investigated, paragraph 15 is to apply in relation to the complaint as if sub-paragraphs (4)(a), (4A) and (5A)(b) were omitted.]
- (2) Where the [F2Director General] determines under this paragraph that it is not necessary for a complaint to be investigated [F43—
- (a) in a case where the complaint is already being investigated by the appropriate authority on its own behalf (and notwithstanding the [F36Director General's] determination), the [F2Director General] must refer the complaint back to the appropriate authority for the investigation to be completed, and
- (b) in any other case, the [F2Director General] may, if [F8the Director General] thinks fit, refer the complaint back to the appropriate authority to be dealt with by that authority in accordance with paragraph 6.]
- (3) Where the [F2Director General] refers a complaint back under sub-paragraph (2), [F8the Director General] shall give a notification of the making of the reference back—
- (a) to the complainant, and
- (b) except in a case where it appears to the [F2Director General] that to do so might prejudice [F44an investigation of the complaint (whether an existing investigation or a possible future one)], to the person complained against [F45(if any)].

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Textual Amendments

- F8** 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)
- F36** 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\(3\)](#) (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F41** Words in [Sch. 3](#) para. 5(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 16 para. 300\(6\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F42** [Sch. 3](#) para. 5(1A)–(1C) 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. 10\(2\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F43** Words in [Sch. 3](#) para. 5(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. 5 para. 10\(3\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F44** Words in [Sch. 3](#) para. 5(3)(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. 10\(4\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F45** Words in [Sch. 3](#) para. 5(3)(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. 4 para. 7\(5\)](#); S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

- C4** [Sch. 3](#) para. 5 applied (with modifications) (1.4.2006) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005](#) (S.I. 2005/3311), [reg. 3\(5\)\(6\)](#), [Sch. 3](#)

Commencement Information

- I4** [Sch. 3](#) para. 5 wholly in force at 1.4.2004; [Sch. 3](#) para. 5 not in force at Royal Assent see s. 108(2); [Sch. 3](#) para. 5 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); [Sch. 3](#) para. 5 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

Handling of complaints by the appropriate authority

- [^{F46} (1) This paragraph applies where a complaint has been recorded by the appropriate authority.
- (2) But this paragraph does not apply to a complaint if it is one that has been, or must be, referred to the [^{F2}Director General] under paragraph 4, unless the complaint is for the time being—
- (a) referred back to the authority under paragraph [^{F47}5(2)(b)], ^{F48}...
- ^{F49}(b)
- [^{F50}(2A) The appropriate authority must handle the complaint in such reasonable and proportionate manner as the authority determines.
- (2B) An appropriate authority may handle a complaint in accordance with subparagraph (2A) by (amongst other things)—
- (a) making arrangements for the complaint to be investigated by the authority on its own behalf;

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- (b) notifying the complainant that no further action is to be taken in relation to the complaint.
- (2C) The appropriate authority must comply with its duty under sub-paragraph (2A) by making arrangements for the complaint to be investigated by the authority on its own behalf if at any time it appears to the authority from the complaint, or from the authority's handling of the complaint to that point, that there is an indication that—
 - (a) a person serving with the police may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings, or
 - (b) there may have been the infringement of a person's rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998).
- (2D) The Secretary of State may by regulations provide for the duty in sub-paragraph (2C) to be subject to exceptions.
- (2E) A statement made by any person for the purposes of the handling of any complaint in accordance with sub-paragraph (2A) otherwise than by the appropriate authority making arrangements for the complaint to be investigated by the authority on its own behalf is not admissible in any subsequent criminal, civil or disciplinary proceedings except to the extent that it consists of an admission relating to a matter that has not been subjected to such handling.]

- F51(3)
- F51(4)
- F51(5)
- F51(6)
- F51(7)
- F51(8)
- F51(9)
- F51(10)
- F51(11)]

Textual Amendments

- F2** 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)
- F46** [Sch. 3 para. 6](#) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), [Sch. 14 para. 9\(1\)](#); S.I. 2012/2892, art. 2(g) (with art. 6)
- F47** Words in [Sch. 3 para. 6\(2\)\(a\)](#) 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. 5 para. 11](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F48** Word in [Sch. 3 para. 6\(2\)\(a\)](#) 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. 6\(2\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

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- F49** Sch. 3 para. 6(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. 6(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F50** Sch. 3 para. 6(2A)-(2E) 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. 6(3)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F51** Sch. 3 para. 6(3)-(11) 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. 6(4)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

[^{F52}Reviews relating to complaints dealt with other than by investigation]

Textual Amendments

- F52** Sch. 3 para. 6A and cross-heading 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. 31**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

- 6A (1) This paragraph applies where a complaint is handled by the appropriate authority in accordance with paragraph 6(2A) otherwise than by the authority making arrangements for the complaint to be investigated by the authority on its own behalf.
- (2) The complainant has the right to apply to the relevant review body for a review of the outcome of the complaint.
- (3) The relevant review body must notify the following of an application for a review under sub-paragraph (2)—
- (a) the appropriate authority,
 - (b) every person entitled to be kept properly informed in relation to the complaint under section 21, and
 - (c) the person complained against (if any).
- (4) On a review applied for under sub-paragraph (2), the relevant review body must determine whether the outcome is a reasonable and proportionate outcome.
- (5) Where the [^{F2}Director General] is the relevant review body and the [^{F2}Director General] finds that the outcome is not a reasonable and proportionate outcome, the [^{F2}Director General] may—
- (a) determine that it is necessary for the complaint to be investigated;
 - (b) make a recommendation under paragraph 28ZA.
- (6) Where a local policing body is the relevant review body and the local policing body finds that the outcome is not a reasonable and proportionate outcome, the local policing body may—
- (a) where the complaint has not previously been referred to the [^{F2}Director General] under paragraph 4, make a recommendation to the appropriate authority that it refer the complaint to the [^{F2}Director General] under sub-paragraph (2) of that paragraph;
 - (b) make a recommendation to the appropriate authority that it make arrangements for the complaint to be investigated by the authority on its own behalf;

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- (c) make a recommendation under paragraph 28ZA.
- (7) The Secretary of State may by regulations make further provision about recommendations under sub-paragraph (6)(a) or (b).
- (8) The regulations may (amongst other things) authorise the local policing body making the recommendation to require a response to the recommendation.
- (9) The relevant review body must give notification of the outcome of a review under this paragraph and of its reasons for the determination made under sub-paragraph (4)—
 - (a) to the appropriate authority,
 - (b) to the complainant,
 - (c) to every person entitled to be kept properly informed in relation to the complaint under section 21, and
 - (d) except in a case where it appears to the relevant review body that to do so might prejudice any investigation of the complaint, to the person complained against (if any).
- (10) In this paragraph references to the outcome of a complaint do not include the outcome of any criminal or disciplinary proceedings brought in relation to any matter which was the subject of the complaint.]

Textual Amendments
F2 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)

F53 ...

Textual Amendments
F53 [Sch. 3 para. 7](#) and cross-heading 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. 7](#); [S.I. 2020/5](#), reg. 2(n) (with art. 3(1)(2)(4))

F537

F54 ...

Textual Amendments
F54 [Sch. 3 para. 8](#) and cross-heading 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. 8](#); [S.I. 2020/5](#), reg. 2(n) (with art. 3(1)(2)(4))

F548

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F55 ...

Textual Amendments

F55 Sch. 3 para. 8A and cross-heading 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. 32; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

F558A

Changes to legislation:

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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\(2\)](#)