



Police Reform Act 2002

2002 CHAPTER 30

PART 2

COMPLAINTS AND MISCONDUCT

Guidance and regulations

22 Power of the [F¹Director General] to issue guidance

- (1) The [F¹Director General] may issue guidance—
 - (a) to [F²local 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—
 - (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 [F³or 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 [F¹Director General] shall consult with—
 - [F⁴[F⁵(a) such persons as appear to the [F¹Director General] to represent the views of police and crime commissioners;
 - (aa) the Mayor's Office for Policing and Crime;
 - (ab) the Common Council;]
 - (b) [F⁶the National Police Chiefs' Council]; and]

Changes to legislation: Police Reform Act 2002, Section 22 is up to date with all changes known to be in force on or before 22 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

- (c) such other persons as [^{F7}the Director General] thinks fit.
- (4) The approval of the Secretary of State shall be required for the issue by the [^{F1}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 [^{F8}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 [^{F9}or DSI matter];
 - ^{F10}(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 [^{F9}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 [^{F11}, 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;
 - ^{F12}(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.

Textual Amendments	
F1	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)
F2	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
F3	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)
F4	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)
F5	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)

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- F6** 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**
- F7** 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)
- F8** 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)**
- F9** 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)**
- F10** 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))
- F11** 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)**
- F12** 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)

- C1** 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**)
- C2** 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)**
- C3** 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**
- C4** 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**
- C5** 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)**
- C6** 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)**
- C7** 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
- C8** S. 22 applied (with modifications) (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 4**
- C9** S. 22 applied (with modifications) (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 4**
- C10** 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)
- C11** 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))
- C12** 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**
- C13** 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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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\(2\)](#)