

Status: Point in time view as at 01/12/2008.

Changes to legislation: Criminal Justice and Immigration Act 2008, Paragraph 13 is up to date with all changes known to be in force on or before 06 January 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)

SCHEDULES

SCHEDULE 23

INVESTIGATION OF COMPLAINTS OF POLICE MISCONDUCT ETC.

- 13 (1) Paragraph 23 (action by Commission in response to investigation report) is amended as follows.
- (2) In sub-paragraph (2) (action to be taken on receipt of report)—
- (a) for paragraph (b) substitute—
- “(b) shall determine whether the conditions set out in sub-paragraphs (2A) and (2B) are satisfied in respect of the report;”;
- (b) in paragraph (c), for “the report does so indicate” substitute “ those conditions are so satisfied ”;
- (c) in paragraph (d), after “appropriate authority” insert “ and the persons mentioned in sub-paragraph (5) ”.
- (3) After sub-paragraph (2) insert—
- “(2A) The first condition is that the report indicates that a criminal offence may have been committed by a person to whose conduct the investigation related.
- (2B) The second condition is that—
- (a) the circumstances are such that, in the opinion of the Commission, it is appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions, or
- (b) any matters dealt with in the report fall within any prescribed category of matters.”
- (4) In sub-paragraph (5) (persons to be notified) for “Those” substitute “ The ”.
- (5) For sub-paragraphs (6) and (7) substitute—
- “(6) On receipt of the report, the Commission shall also notify the appropriate authority that it must—
- (a) in accordance with regulations under section 50 or 51 of the 1996 Act, determine—
- (i) whether any person to whose conduct the investigation related has a case to answer in respect of misconduct or gross misconduct or has no case to answer, and
- (ii) what action (if any) the authority is required to, or will in its discretion, take in respect of the matters dealt with in the report, and
- (b) determine what other action (if any) the authority will in its discretion take in respect of those matters.”

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- (7) On receipt of a notification under sub-paragraph (6) the appropriate authority shall make those determinations and submit a memorandum to the Commission which—
- (a) sets out the determinations the authority has made, and
 - (b) if the appropriate authority has decided in relation to any person to whose conduct the investigation related that disciplinary proceedings should not be brought against that person, sets out its reasons for so deciding.”
- (6) In sub-paragraph (8)(a) (action by Commission on receipt of memorandum) for “is proposing to take the action” substitute “ has made the determinations under sub-paragraph (6)(a) ”.

Commencement Information

II Sch. 23 para. 13 in force at 1.12.2008 by S.I. 2008/2993, art. 2(1)(i)(i) (with art. 3)

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