

SCHEDULES

SCHEDULE 14

POLICE: COMPLAINTS

Power to discontinue an investigation

- 13 (1) Schedule 3 (handling of complaints and conduct matters) is amended in accordance with this paragraph.
- (2) In the italic heading that precedes paragraph 21 (power of the Commission to discontinue an investigation), omit “*of the Commission*”.
- (3) Paragraph 21 is amended in accordance with the following provisions of this paragraph.
- (4) For sub-paragraph (1) substitute—
- “(1) The Commission may by order require the discontinuance of the investigation of a complaint or matter if (whether on the application of the appropriate authority or otherwise) it appears to the Commission that—
- (a) the complaint or matter is of a description specified in regulations made by the Secretary of State for the purposes of this paragraph, and
- (b) discontinuance of the investigation is within the Commission’s power.
- (1A) The appropriate authority that is investigating a complaint or matter may discontinue the investigation if it appears to that authority that—
- (a) the complaint or matter is of a description specified in regulations made by the Secretary of State for the purposes of this paragraph, and
- (b) discontinuance of the investigation is not within the Commission’s power.
- (1B) For the purposes of this paragraph—
- (a) discontinuance of the investigation of a complaint is within the Commission’s power if—
- (i) the investigation is being undertaken by the appropriate authority on its own behalf and the complaint is one required to be referred to the Commission under paragraph 4; or
- (ii) the investigation is under the supervision or management of the Commission;
- (b) discontinuance of the investigation of a matter other than a complaint is within the Commission’s power if the investigation is under the supervision or management of the Commission.”.

Status: This is the original version (as it was originally enacted).

(5) After sub-paragraph (3) insert—

“(3A) Where the appropriate authority discontinues an investigation under sub-paragraph (1A), the appropriate authority shall give notification of the discontinuance—

- (a) to every person entitled to be kept properly informed in relation to the investigation under section 21; and
- (b) in a case where the investigation that is discontinued is an investigation of a complaint, to the complainant.”.

(6) In sub-paragraph (4), for “in accordance with this paragraph” substitute “in accordance with an order under sub-paragraph (1)”.

(7) After sub-paragraph (5) insert—

“(6) Where an investigation of a complaint, recordable conduct matter or DSI matter is discontinued in accordance with sub-paragraph (1A)—

- (a) the appropriate authority may take any such steps of a description specified in regulations made by the Secretary of State as he or it considers appropriate for purposes connected with the discontinuance of the investigation; and
- (b) subject to the preceding paragraphs, neither the appropriate authority nor the Commission shall take any further action in accordance with the provisions of this Schedule in relation to that complaint or matter.”.