

SCHEDULES

SCHEDULE 14

POLICE: COMPLAINTS

Rights of appeal

17 (1) Paragraph 7 (dispensation by the Commission from requirements of Schedule 3 to 2002 Act) is amended in accordance with this paragraph.

(2) After sub-paragraph (7) insert—

“(8) The complainant shall have a right of appeal to the relevant appeal body against any decision by the appropriate authority under this paragraph to handle the complaint otherwise than in accordance with this Schedule or to take no action in relation to it.

(9) But the complainant has no right of appeal in either of the following cases.

(10) The first case is where the appeal relates to a decision for which the Commission has given permission under this paragraph.

(11) The second case is where the complaint relates to a direction and control matter.

(12) On an appeal under this paragraph, subject to sub-paragraphs (13) and (14), the relevant appeal body shall—

(a) determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and

(b) if the relevant appeal body finds in the complainant’s favour, give such directions as the relevant appeal body thinks appropriate to the local policing body or chief officer as to the action to be taken for handling the complaint in accordance with this Schedule or handling it otherwise than in accordance with this Schedule;

and it shall be the duty of a local policing body or chief officer to comply with any directions given under paragraph (b).

(13) Sub-paragraph (12) does not apply in a case where a particular chief officer of police is—

(a) the person in respect of whose decision the appeal is made under this paragraph, and

(b) the relevant appeal body in relation to the appeal.

(14) In such a case—

(a) the appeal shall determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and

Status: This is the original version (as it was originally enacted).

- (b) if the appeal finds in the complainant's favour, the chief officer of police must take such action as the chief officer thinks appropriate for handling the complaint in accordance with this Schedule or handling it otherwise than in accordance with this Schedule.”.