

SCHEDULES

SCHEDULE 5

COMPLAINTS, CONDUCT MATTERS AND DSI MATTERS: PROCEDURE

PART 5

RECOMMENDATIONS BY THE COMMISSION AND LOCAL POLICING BODIES

45 In Part 3 of Schedule 3 to the Police Reform Act 2002, after paragraph 28 insert—

“Recommendations by the Commission or a local policing body

- 28ZA (1) A recommendation under this paragraph (for the purposes of paragraphs 6A, 23, 24 and 25) is a recommendation of a kind described in regulations made by the Secretary of State which is made with a view to remedying the dissatisfaction expressed by the complainant concerned.
- (2) A recommendation of a kind described in regulations under subsection (1) may (amongst other things) be a recommendation that compensation be paid.
- (3) The reference in subsection (1) to the complainant concerned—
- (a) in relation to a recommendation made by virtue of paragraph 6A(5)(b) or (6)(c), is a reference to the complainant who applied under paragraph 6A(2) for the review;
 - (b) in relation to a recommendation made by virtue of paragraph 23(5F) or 24(6A), is a reference to the complainant whose complaint, having been investigated, resulted in the submission of the report under paragraph 22;
 - (c) in relation to a recommendation made by virtue of paragraph 25(4C)(d) or (4E)(d), is a reference to the complainant who applied under paragraph 25(1B) for the review.
- (4) The Secretary of State may by regulations make further provision about recommendations under this paragraph.
- (5) The regulations may (amongst other things)—
- (a) specify the persons to whom recommendations under this paragraph may be made;
 - (b) authorise the person making a recommendation under this paragraph (whether the Commission or a local policing body) to require a response to the recommendation;
 - (c) require the person making a recommendation under this paragraph to send a copy of the recommendation, and any response to it, to any prescribed person or person of a prescribed description.”

Status: This is the original version (as it was originally enacted).

46 In consequence of the insertion of paragraph 28ZA, in paragraph 28A of Schedule 3 to the Police Reform Act 2002, after sub-paragraph (3) insert—

“(3A) Where this paragraph applies—

- (a) by virtue of sub-paragraph (1)(a) or (b) and the report is a report of an investigation of a complaint, or
- (b) by virtue of sub-paragraph (2),

a recommendation made under sub-paragraph (3) may not be a recommendation of a kind described in regulations made under paragraph 28ZA(1).”