

SCHEDULE 1

Regulation 3(2)

MODIFICATION OF SECTIONS 9 TO 29 OF THE 2002 ACT

1. At the end of section 9(3) insert—
 - “(g) any person who holds or has held office or employment as a Commissioner or officer.”.
- 2.—(1) Section 10 shall be modified as follows.
 - (2) In subsection (1) after “the Commission” insert “, in relation to the Commissioners and officers,”.
 - (3) In subsection (1)(a) for “police authorities and chief officers” substitute “the Commissioners”.
 - (4) In subsection (1)(e) omit “and also of police practice in relation to other matters,”.
 - (5) Omit subsection (1)(f).
 - (6) In subsection (2)(a) for “persons serving with the police” substitute—
 - “Commissioners or officers which the appropriate authority—
 - (i) has a duty to refer to the Commission under paragraph 4(1) of Schedule 3 or,
 - (ii) may refer to the Commission under paragraph 4(2) or (3) of Schedule 3;”.
 - (7) In subsection (2)(b) for the words from “appears that” to the end substitute—
 - “appears that—
 - (i) there may have been conduct by such persons which constitutes or involves the commission of a criminal offence or behaviour justifying disciplinary proceedings, and
 - (ii) that conduct or behaviour is conduct or behaviour which the appropriate authority has a duty to refer to the Commission under paragraph 13(1) of Schedule 3 or may refer to the Commission under paragraph 13(2) or (3) of that Schedule.”.
 - (8) In subsection (2)(ba)(1) for “a person serving with the police” insert “an officer”.
 - (9) Omit subsection (3).
 - (10) In subsection (4)(a) for “subsections (1) and (3)” insert “subsection (1)”.
 - (11) In subsection (5)(a) after “functions” insert “in relation to the Commissioners and officers”.
 - (12) Omit subsections (7)(b) and (c).
 - (13) In subsection (8) for the words from “control of a police force” to the end substitute “control of Her Majesty’s Revenue and Customs by the Commissioners”.
- 3.—(1) Section 11 shall be modified as follows.
 - (2) In subsections (1), (2), (3), and (5) for “Secretary of State” insert “Chancellor of the Exchequer”.
 - (3) Omit subsection (4)(b).
 - (4) In subsection (6) for the words from “under subsection (1)” to the end substitute “under subsection (1) to the Commissioners”.
 - (5) In subsection (7) for the words from “under subsection (3)” to the end substitute “under subsection (3) to the Commissioners”.
 - (6) Omit subsections (8) and (9).
 - (7) In subsection (10) for paragraphs (a) to (g) substitute—

(1) Section 10(2)(ba) was inserted by the Serious Organised Crime and Police Act 2005 (c. 15), Schedule 12, paragraph 2(2).

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- “(a) the Chancellor of the Exchequer, and
- (b) the Commissioners.”.

(8) In the heading for “Reports to the Secretary of State” substitute “Reports to the Chancellor of the Exchequer”.

4.—(1) Section 12 shall be modified as follows.

(2) In subsections (1) and (2) for “a person serving with the police” substitute “a Commissioner or an officer”.

(3) In subsections (2B)(a), (2C)(a) and (2D)(2) for “a person serving with the police” (on each occasion the words occur) substitute “an officer”.

5.—(1) Section 14 shall be modified as follows.

(2) In subsection (1) for the words from “control of a police force” to the end substitute “control of Her Majesty’s Revenue and Customs by the Commissioners”.

(3) Omit subsections (2) and (3).

6.—(1) Section 15 shall be modified as follows.

(2) In subsection (1)—

- (a) for the words in paragraph (a) substitute “the Commissioners and ”;
- (b) omit paragraph (b);
- (c) for “it or he is” substitute “they are or he is” and for “that force” substitute “Her Majesty’s Revenue and Customs”.

(3) In subsection (3)—

- (a) for paragraph (a) substitute—
 - “(a) the Commission requires the chief officer of a police force to provide a member of his force for appointment under paragraph 17A or 18A of Schedule 3,”;
- (b) omit paragraphs (b) and (c);
- (c) omit “or Director General”.

(4) In subsection (4)—

- (a) omit paragraphs (c) and (d), and
- (b) after paragraph (d) insert—
 - “(e) the Commissioners,”.

(5) In subsection (5)—

- (a) omit paragraphs (c) and (d);
- (b) for “16, 17 or 18” substitute “17A or 18A”.

(6) After subsection (5) insert—

“(5A) It shall be the duty of the Head of the Home Civil Service, the Chairman and Commissioners to ensure that a person appointed under paragraph 16,17, 17A, 18 or 18A of Schedule 3 to carry out an investigation is given all such assistance and co-operation in the carrying out of that investigation as that person may reasonably require.”.

(7) Omit subsections (6) and (7).

(2) Sections 12(2B) to 12(2D) were inserted by paragraph 3 of Schedule 12 to [2005 c. 15](#).

7.—(1) Section 16 shall be modified as follows.

(2) In subsection (1)—

(a) in paragraph (a)—

(i) for “one” substitute “a”;

(ii) omit “to another”;

(iii) delete “or”;

(b) at the end of paragraph (b) insert “; or”;

(c) after paragraph (b) insert—

“(c) a police force provides assistance by agreement under paragraph 17A(2) or 18A(2) of Schedule 3.”.

(3) In subsection (2)(3)—

(a) in paragraph (a) for—

(i) “one police force to another” substitute “a police force”;

(ii) “the first force (“the assisting force”)” substitute “that force”;

(iii) in sub-paragraph (i) for “a member of the other force” substitute “a Commissioner or an officer”;

(iv) in sub-paragraph (ii) for “a member of the other force” substitute “an officer”;

(b) in paragraph (b)—

(i) omit “(the assisting force)”;

(ii) in sub-paragraph (i) for “not a member of that force” substitute “a Commissioner or an officer”;

(iii) in sub-paragraph (ii) for “not a member of that force” substitute “an officer”.

(4) In subsection (3)—

(a) for “one police force to another” substitute “a police force”;

(b) for “police authority maintaining that other police force” substitute “appropriate authority”;

(c) for “the assisting force” substitute “that force”;

(d) omit “(if any)”;

(e) in paragraph (b)(i) after “generally” insert “and the Commissioners”, and

(f) in paragraph (b)(ii) omit “by one police force to another”.

(5) After subsection (3) there shall be inserted—

“(3A) Subsection (3) shall have effect in relation to assistance which a police force provides by agreement under paragraph 17A (2) or 18A (2) of Schedule 3 as if the reference in that subsection to required to be provided were a reference to provided by agreement under paragraph 17A(2) or 18A(2) of Schedule 3.”.

(6) Omit subsections (5), (6) and (7).

8.—(1) Section 17 shall be modified as follows.

(2) From the beginning of subsection (1) to the end of paragraph (b) of that subsection substitute “It shall be the duty of the Commissioners”.

(3) In subsection (2)—

(3) Section 16(2) was amended by paragraph 5 of Schedule 12 to 2005 c. 15.

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- (a) for the words “every police authority and of every chief officer” substitute “the Commissioners”, and
 - (b) in paragraph (a) for the words “that authority and or chief officer” substitute “the Commissioners”.
- (4) In subsection (4)—
- (a) for the words “a police authority or chief officer” substitute “the Commissioners”, and
 - (b) in paragraph (a) for the words “that authority and or chief officer” substitute “the Commissioners”.
- 9.—**(1) Section 18 shall be modified as follows.
- (2) In subsection (1)(a)—
- (a) for paragraphs (i) and (ii) substitute “the Commissioners”; and
 - (b) for “that force” substitute “Her Majesty’s Revenue and Customs”.
- (3) In subsection (1) for “the authority or, as the case may be, of the chief officer” substitute “the Commissioners”.
- (4) In subsection (2)(a)(4) for “the force in question” substitute “the Commissioners”.
- (5) In subsection (3) for “the authority or chief officer” substitute “the Commissioners”.
- (6) In subsection (5)(b) for “police authorities and chief officers” substitute “the Commissioners”.
- (7) In the heading to the section for “police premises” substitute “Her Majesty’s Revenue and Customs premises”.
- 10.—**(1) Section 22 shall be modified as follows.
- (2) In subsection (1) for the words from “guidance” to the end of paragraph (c) substitute “guidance to the Commissioners and officers”.
- (3) In subsection (3)—
- (a) for paragraph (a) substitute—
“(a) the Commissioners and”;
 - (b) omit paragraph (b).
- (4) In subsection (4) for “the Secretary of State” substitute “the Chancellor of the Exchequer”.
- (5) Omit subsection (5)(c).
- 11.** Omit sections 25 and 26.
- 12.—**(1) Section 29 shall be modified as follows.
- (2) In subsection (1)(5)—
- (a) for the definition of “the appropriate authority” substitute the following definition—
““the appropriate authority”—
 - (a) in relation to the Chairman, the Deputy Chairman, a Commissioner or an officer or in relation to any complaint, matter or investigation relating to the conduct of such a person, means—
 - (i) if that person is the Chairman or Deputy Chairman, the Head of the Home Civil Service,

(4) Section 18(2) was amended by paragraph 6 of Schedule 12 to 2005 c. 15.

(5) Section 29(1) was amended by paragraph 10 of Schedule 12 to 2005 c. 15.

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- (ii) if that person is a Commissioner, the Chairman, or
- (iii) if that person is an officer, the Commissioners” and
- (b) in relation to a death or serious injury matter and the relevant officer, means the Commissioners.”;
- (b) after the definition of “the appropriate authority” insert—
 - ““the Chairman” means the chairman of the Commissioners”;
- (c) after the definition of “the Commission” insert—
 - ““the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;”;
- (d) after the definition of “conduct matter” insert—
 - ““the Deputy Chairman” means the Deputy Chairman of the Commissioners”;
- (e) for the definition of “disciplinary proceedings” substitute—
 - ““disciplinary proceedings” means any proceedings or management process during which the conduct of the Chairman, Deputy Chairman, a Commissioner or an officer is considered in order to determine whether a sanction or punitive measure should be imposed against him in relation to that conduct;”;
- (f) after the definition of “local resolution” insert the following definition—
 - ““officers” means officers of Revenue and Customs;”, and
- (g) omit the definitions of “local resolution” “relevant force”, and “senior officer”.
- (3) In subsection (1A)(6) for “person serving with the police (within the meaning of section 12(7))” substitute “officer” and for “such person” substitute “such officer”.
- (4) In subsection (1B)(7) for “persons serving with the police” substitute “officers”.
- (5) Omit subsection (7).
- (6) In subsection (3) for the words from “falling within” to the end of that subsection substitute “who is a Commissioner or an officer (whether at the time of the conduct or any subsequent time)”.
- (7) In subsection (4)—
 - (a) for paragraph (a) substitute—
 - “(a) a person who, at the time when the conduct was supposed to have taken place in relation to him, was a Commissioner or an officer (whether or not he was on duty in his capacity as a Commissioner or officer at that time).”;
 - (b) omit paragraph (b)(i);
 - (c) for “person falling within subsection (3)(a) to (d)” substitute “Commissioner or officer”.

SCHEDULE 2

Regulation 3(3)

MODIFICATION OF SCHEDULE 2 TO THE 2002 ACT

1. After paragraph 6(2) insert—
 - “(2A) The Commission may make arrangements with the Commissioners under which officers of Revenue and Customs are engaged on temporary service with the Commission.”.

(6) Section 29(1A) was inserted by paragraph 10 of Schedule 12 to 2005 c. 15.

(7) Section 29(1B) was inserted by paragraph 10 of Schedule 12 to 2005 c. 15.

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2. In paragraph 17(1)(c) after “Secretary of State” insert “, the Treasury”.

SCHEDULE 3

Regulations 3(4) and (5)

MODIFICATION OF SCHEDULE 3 TO THE 2002 ACT

- 1.—(1) Paragraph 1 shall be modified as follows.
- (2) For sub-paragraph (1) substitute—
- “(1) Where—
- (a) complaint is made to the Head of the Home Civil Service about the conduct of the Chairman or Deputy Chairman, or
- (b) the Head of the Home Civil Service becomes aware that a complaint about the conduct of the Chairman or Deputy Chairman has been made to the Commission,
- the Head of the Home Civil Service shall take all such steps as appear to him to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving evidence relating to the conduct complained of.”.
- (3) After sub-paragraph (1) insert—
- “(1A) Where—
- (a) a complaint is made to the Chairman about the conduct of a Commissioner, or
- (b) the Chairman becomes aware that a complaint about the conduct of a Commissioner has been made to the Commission,
- the Chairman shall take all such steps as appear to him to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving evidence relating to the conduct complained of.”.
- (4) For sub-paragraph (2) substitute—
- “(2) Where—
- (a) a complaint is made to the Commissioners about the conduct of an officer, or
- (b) the Commissioners become aware that a complaint about the conduct of an officer has been made to the Commission,
- the Commissioners shall take all such steps as appear to them to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving evidence relating to the conduct complained of.”.
- (5) For sub-paragraph (3) substitute—
- “(3) The duty of the—
- (a) Head of the Home Civil Service under sub-paragraph (1);
- (b) Chairman under sub-paragraph (1A);
- (c) Commissioners under sub-paragraph (2),
- must be performed as soon as practicable after the complaint is made or, as the case may be, he or they become aware of it.”.
- (6) In sub-paragraph (4) for—
- (a) “he shall” substitute “he or they shall”;
- (b) “he is satisfied” substitute “he is or they are satisfied”; and

- (c) “appearing to him” substitute “appearing to him or them”.
- (7) Omit sub-paragraph (5).
- (8) In sub-paragraph (6)—
 - (a) for “a chief officer” substitute—
 - “the—
 - (a) Head of the Home Civil Service;
 - (b) Chairman;
 - (c) Commissioners,”;
 - (b) the words after “a chief officer” become full out words;
 - (c) for “he may” substitute “he or they may”, and
 - (d) omit “by the police authority maintaining his force or”.

2.—(1) Paragraph 2 shall be modified as follows.

- (2) In sub-paragraph (1)(a) for “police authority or chief officer who is” substitute “Head of the Home Civil Service, Chairman or Commissioners who is or are”.
- (3) In sub-paragraph (2)—
 - (a) for “a police authority, it” substitute “the Head of the Home Civil Service or Chairman, he”;
 - (b) in paragraph (a) for “it is itself” substitute “he is himself”; and
 - (c) in paragraph (b) for “it determines that it” substitute “he determines that he”.
- (4) In sub-paragraph (3) for—
 - (a) “a chief officer, he shall” substitute “the Commissioners, they shall”;
 - (b) “he is himself” substitute “they are themselves”; and
 - (c) “he determines that he is not” substitute “they determine that they are not”.
- (5) In sub-paragraph (5) for “a police authority or a chief officer gives” substitute “Head of the Home Civil Service, Chairman or Commissioners gives or give”.
- (6) For sub-paragraph (6) substitute—
 - “(6) Where—
 - (a) the Head of the Home Civil Service or Chairman determines, in the case of any complaint made to him, that he is himself the appropriate authority,
 - (b) the Commissioners determine, in the case of any complaint made to them, that they are themselves the appropriate authority, or
 - (c) a complaint is notified to the Head of the Home Civil Service, Chairman or Commissioners under this paragraph,the Head of the Home Civil Service, Chairman or Commissioners shall record the complaint.”.

3.—(1) Paragraph 3 shall be modified as follows.

- (2) In sub-paragraph (1) for “a police authority or chief officer” substitute “the Head of the Home Civil Service, Chairman or Commissioners”.
- (3) In sub-paragraph (2)—
 - (a) for “police authority or chief officer” and “authority or chief officer” substitute (on each occasion) “Head of the Home Civil Service, Chairman or Commissioners”

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- (b) for “decides” substitute “decides or decide” and
 - (c) in paragraph (c) for “that complainant’s right to appeal” substitute “whether the complainant has a right to appeal”.
- (4) In sub-paragraph (3)—
- (a) for “police authority or chief officer” substitute “Head of the Home Civil Service, Chairman or Commissioners”; and
 - (b) after “paragraph” insert “if, but only if, the failure is in respect of conduct which the Head of the Home Civil Service, Chairman or Commissioners is or are required to refer to the Commission under paragraph 4(1)(a) or (b).”.
- (5) In sub-paragraph (4)—
- (a) in paragraph (b) for “police authority or chief officer” substitute “Head of the Home Civil Service, Chairman or Commissioners”; and
 - (b) for “a police authority or chief officer” substitute “the Head of the Home Civil Service, Chairman or Commissioners”.
- (6) In sub-paragraph (6) for—
- (a) “police authority or, as the case may be, the chief officer” substitute “Head of the Home Civil Service, Chairman or, as the case may be, the Commissioners”; and
 - (b) “police authority or chief officer” substitute “Head of the Home Civil Service, Chairman or Commissioners”.
- 4.—**(1) Paragraph 4 shall be modified as follows.
- (2) In sub-paragraph (3)—
- (a) for “a police authority” substitute “the Head of the Home Civil Service”;
 - (b) in paragraph (a) for “chief officer of police of the police force maintained by that authority” substitute “Chairman”; and
 - (c) in paragraph (b) for “the police authority” substitute “the Head of the Home Civil Service”.
- (3) In sub-paragraph (5)(b) for “a police authority or chief officer” substitute “the Head of the Home Civil Service, Chairman or Commissioners”.
- (4) In sub-paragraph (6)—
- (a) for “A police authority or chief officer which refers” substitute “Where the Head of the Home Civil Service, Chairman or Commissioners refers or refer”;
 - (b) after “paragraph” insert “he or they”; and
 - (c) in paragraph (b) for “that authority or chief officer” substitute “the Head of the Home Civil Service, Chairman or Commissioners”.
- 5.—**(1) Paragraph 5 shall be modified as follows.
- (2) In sub-paragraph (1) for “a police authority or chief officer” substitute “the Head of the Home Civil Service, Chairman or Commissioners”.
- (3) In sub-paragraph (2) for “paragraph 6” substitute “sub-paragraph (2A)”.
- (4) After sub-paragraph (2) insert—
- “(2A) In a case to which sub-paragraph (2) applies the appropriate authority shall not be required by virtue of any of the provisions of this Schedule to take any action in relation to the complaint but may handle the complaint in whatever manner it thinks fit, or take no action in relation to the complaint.”.
- (5) For sub-paragraph 3(b) substitute—

“(b) to the person complained against.”.

6.—(1) Paragraph 6 shall be modified as follows.

(2) For sub-paragraph (2) substitute—

“(2) The appropriate authority shall not be required by virtue of any provisions of this Schedule to take any action in relation to the complaint but may handle the complaint in whatever manner it thinks fit or take no action in relation to the complaint.”.

(3) Omit sub-paragraphs (3) to (7).

7. Omit paragraphs 7, 8 and 9.

8.—(1) Paragraph 10 shall be modified as follows.

(2) In sub-paragraph (1)—

(a) in paragraph (a) for—

(i) “a police authority or chief officer” (on both occasions where it occurs) substitute “the Head of the Home Civil Service, Chairman or Commissioners”;

(ii) for “has received” substitute “has or have received”; and

(iii) for “that authority or chief officer” substitute “the Head of the Home Civil Service, Chairman or Commissioners”;

(b) in paragraph (b) for “that authority or chief officer” substitute “the Head of the Home Civil Service, Chairman or Commissioners”.

(3) In sub-paragraph (2)—

(a) for “The authority or chief officer” substitute “The Head of the Home Civil Service, Chairman or Commissioners”;

(b) in paragraph (a) for “it or, as the case may be, he is” substitute “he is or, as the case may be, they are”; and

(c) in paragraph (b) for “if it or he is not” substitute “if he is or they are not”.

(4) In sub-paragraph (3)—

(a) at the beginning insert “Subject to sub-paragraphs (3A) and (3B),”;

(b) for “a police authority or chief officer determines” substitute “the Head of the Home Civil Service, Chairman or Commissioners determines or determine”;

(c) for “it or, as the case may be, he is” substitute “he is, or as the case may be, they are”, and

(d) for “it or he” substitute “he or they”.

(5) After sub-paragraph (3) insert—

“(3A) Nothing in sub-paragraph (3) shall require the Head of the Home Civil Service, as the appropriate authority, to record a conduct matter if he is satisfied that matter falls within subsection 12(1)(b) of this Act.

(3B) Nothing in sub-paragraph (3) shall require the Chairman or the Commissioners, as the appropriate authority, to record a conduct matter if he is or they are satisfied that—

(a) the matter falls within subsection 12(1)(b) of this Act; and

(b) any disciplinary proceedings which were brought would be unlikely to result in the termination of an office or employment.”.

9.—(1) Paragraph 11 shall be modified as follows.

(2) In sub-paragraph (1)—

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- (a) at the beginning insert “Subject to paragraphs (2A) and (2B),”;
 - (b) in paragraph (a) for “police authority or chief officer who is” substitute “Head of the Home Civil Service, Chairman or Commissioners who is or are”.
- (3) After sub-paragraph (2) insert—
- “(2A) Nothing in sub-paragraph (1) shall require the Head of the Home Civil Service, as the appropriate authority, to record a conduct matter if he is satisfied that the matter falls within section 12(1)(b) of this Act.
 - (2B) Nothing in sub-paragraph (1) shall require the Chairman or the Commissioners, as the appropriate authority, to record a conduct matter if he is or they are satisfied that—
 - (a) the matter falls within section 12(1)(b) of this Act; and
 - (b) any disciplinary proceedings which were brought would be unlikely to result in the termination of an office or employment.”.

10.—(1) Paragraph 12 shall be modified as follows.

- (2) Omit sub-paragraph (1).
- (3) For sub-paragraph (2) substitute—
 - “(2) Where—
 - (a) the Head of the Home Civil Service becomes aware of any recordable matter relating to the conduct of the Chairman or Deputy Chairman;
 - (b) the Chairman becomes aware of any recordable matter relating to the conduct of a Commissioner; or
 - (c) the Commissioners become aware of any recordable matter relating to the conduct of an officer,it shall be his or their duty to take all such steps as appear to him or them to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving the evidence relating to that matter.”.

- (4) For sub-paragraph (3) substitute—
 - “(3) The duty under sub-paragraph (2) of—
 - (a) the Head of the Home Civil Service;
 - (b) the Chairman;
 - (c) the Commissioners,must be performed as soon as practicable after he becomes or they become aware of the matter in question.”.

- (5) In sub-paragraph (4) for—
 - (a) “he shall be under a duty, until he is” substitute “he or they shall be under a duty until he is or they are”; and
 - (b) “appearing to him” substitute “appearing to him or them”.
- (6) Omit sub-paragraph (5).
- (7) In sub-paragraph (6)—
 - (a) for “the chief officer” substitute “the Chairman or Commissioners”;
 - (b) for “he may be directed” substitute “he or they may be directed”; and
 - (c) omit “by the police authority maintaining his force or”.

11.—(1) Paragraph 13 shall be modified as follows.

- (2) In sub-paragraph (1) for—
 - (a) “a police authority or a chief officer” substitute “the Head of the Home Civil Service, Chairman or Commissioners”, and
 - (b) “the authority or chief officer is” substitute “any of those persons is or are”.
- (3) In sub-paragraph (3)—
 - (a) for “a police authority maintaining any police force” substitute “the Head of the Home Civil Service”;
 - (b) in paragraph (a) for “chief officer of police of that force” substitute “Chairman”; and
 - (c) in paragraph (b) for “police authority” substitute “Head of the Home Civil Service”.
- (4) In sub-paragraph (5)(b) for “a police authority or chief officer” substitute “the Head of the Home Civil Service, Chairman or Commissioners”.
- (5) In sub-paragraph (6)—
 - (a) in paragraph (a) for “a police authority or chief officer refers” substitute “the Head of the Home Civil Service, Chairman or Commissioners refers or refer”;
 - (b) in paragraph (b) for “that authority or chief officer does not” substitute “the Head of the Home Civil Service, Chairman or Commissioners does or do not”; and
 - (c) for “that authority or chief officer” substitute “the Head of the Home Civil Service, Chairman or Commissioners”.

12.—(1) Paragraph 14 shall be modified as follows.

- (2) In sub-paragraph (1) for “a police authority or chief officer” substitute “the Head of the Home Civil Service, Chairman or Commissioners”.
- (3) In sub-paragraph (2)—
 - (a) after “recordable conduct matter” insert “referred by the Head of the Home Civil Service, Chairman or Commissioners”;
 - (b) for “appropriate authority” substitute “Head of the Home Civil Service, Chairman or Commissioners”;
 - (c) for “that authority” (on the first occasion those words appear) substitute “by him or them”; and
 - (d) for “that authority” (on the second occasion those words appear) substitute “he or they”.

13.—(1) Paragraph 14A(8) shall be modified as follows.

- (2) For sub-paragraph (1) substitute—

“(1) Where a DSI matter comes to the attention of the Commissioners, being the appropriate authority, it shall be their duty to record that matter.”.

14.—(1) Paragraph 14B(9) shall be modified as follows.

- (2) Omit sub-paragraph (1).
- (3) In sub-paragraph (2)—
 - (a) for the words from “Where” to the end of paragraph (b) substitute “Where a DSI matter comes to the attention of the Commissioners”;
 - (b) for “his duty” substitute “their duty”; and

(8) Paragraph 14A was inserted by paragraph 12 of Schedule 12 to 2005 c. 15.

(9) Paragraphs 14B to 14D were inserted by paragraph 12 of Schedule 12 to 2005 c. 15.

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(c) for “to him” substitute “to them”.

(4) In sub-paragraph (3) for “chief officer’s” substitute “Commissioners” and for “he becomes” substitute “they become”.

(5) In sub-paragraph (4) for “he shall” substitute “they shall”, “he is” substitute “they are” and “to him” substitute “to them”.

(6) Omit sub-paragraph (5).

(7) In sub-paragraph (6) for “chief officer” substitute “Commissioners”, for “he” substitute “they” and omit “by the police authority maintaining his force or”.

15.—(1) Paragraph 14D**(10)** shall be modified as follows.

(2) In sub-paragraph (1) for “a police authority or a chief officer” substitute “the Commissioners”.

16.—(1) Paragraph 15**(11)** shall be modified as follows.

(2) After sub-paragraph (4)(b) insert—

“(bb) an investigation by a police force under the supervision of the Commission;”.

(3) In sub-paragraph (4)(c) substitute “the appropriate authority” for “that authority”.

(4) After sub-paragraph (4)(c) insert—

“(cc) an investigation by a police force under the management of the Commission;”.

(5) After sub-paragraph (4) insert—

“(4A) An investigation relating to any conduct of the Chairman, Deputy Chairman or other Commissioners under this paragraph may only be carried out in the form specified in sub-paragraph (4)(bb), (4)(cc) or (4)(d).”.

17.—(1) Paragraph 16**(12)** shall be modified as follows.

(2) In sub-paragraph (1) omit paragraph (a).

(3) Omit sub-paragraph (2).

(4) In sub-paragraph (3) for the words from “appoint” to the end of the sub-paragraph substitute “appoint an officer to investigate the complaint or matter.”.

(5) Omit sub-paragraph (5).

18.—(1) Paragraph 17**(13)** shall be modified as follows.

(2) In sub-paragraph (2) for the words from “appoint” to the end of the sub-paragraph substitute “appoint an officer to investigate the complaint or matter.”.

(3) In sub-paragraph (4)(a) for “sub-paragraph 2(a) or (b)” substitute “sub-paragraph (2)”.

(4) Omit sub-paragraphs (6) and (6A).

19. After paragraph 17 insert—

“**17A.**—(1) This paragraph applies where the Commission determines that there should be an investigation by a police force under the supervision of the Commission.

(2) The Commission shall—

(10) Paragraphs 14B to 14D were inserted by paragraph 12 of Schedule 12 to 2005 c. 15.

(11) Paragraph 15 was amended by paragraph 13 of Schedule 12 to 2005 c. 15.

(12) Paragraph 16 was amended by paragraph 14 of Schedule 12 to 2005 c. 15.

(13) Paragraph 17 was amended by paragraph 15 of Schedule 12 to 2005 c. 15.

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- (a) identify the police force whose force area includes the geographical area to which the subject matter of the complaint, recordable conduct matter or DSI matter most closely relates, and
- (b) take steps to obtain the agreement of—
 - (i) the chief officer of police of that force, and
 - (ii) the appropriate authority,to the appointment by the Commission of that force to carry out the investigation.

(3) In the event that no agreement is reached under sub-paragraph (2) the Commission may require the chief officer of police of any police force it considers appropriate to carry out the investigation.

(4) A chief officer of police of a police force who agrees to or is required to carry out an investigation shall, if he has not already done so, appoint a person serving with the police who is a member of that force to investigate that complaint.

(5) Sub-paragraphs (3) to (5) and (7) of paragraph 17 shall apply as they apply to an investigation by the appropriate authority which the Commission has determined is one that it should supervise and the references to the appropriate authority in those sub-paragraphs shall be treated as references to the chief officer of police concerned.

(6) An appointment of a person under sub-paragraph (4) or (5) shall be notified by the chief officer of police concerned to the appropriate authority.”.

20. After paragraph 18(14) insert—

“**18A.**—(1) This paragraph applies where the Commission determines that there should be an investigation by a police force under the management of the Commission.

- (2) The Commission shall—
 - (a) identify the police force whose force area includes the geographical area to which the subject matter of the complaint, recordable conduct matter or DSI matter most closely relates, and
 - (b) take steps to obtain the agreement of—
 - (i) the chief officer of police of that force, and
 - (ii) the appropriate authority,to the appointment by the Commission of that force to carry out the investigation.

(3) In the event that no agreement is reached under sub-paragraph (2) the Commission may require the chief officer of police of any police force it considers appropriate to carry out the investigation.

(4) A chief officer of police of a police force who agrees to or is required to carry out an investigation shall, if he has not already done so, appoint a person serving with the police who is a member of that force to investigate that complaint or matter.

(5) Sub-paragraphs (3) to (5) of paragraph 17 shall apply as they apply to an investigation by the appropriate authority which the Commission has determined is one that it should supervise and the references to the appropriate authority in those sub-paragraphs shall be treated as references to the chief officer of police concerned.

(6) An appointment of a person under sub-paragraph (4) or (5) shall be notified by the chief officer of police concerned to the appropriate authority.

(14) Paragraph 18 was amended by paragraph 16 of Schedule 12 to 2005 c. 15.

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(7) The person appointed to investigate the complaint or matter shall, in relation to that investigation, be under the direction and control of the Commission.”.

21. Omit paragraphs 19(3) and (3A).

22.—(1) Paragraph 20(15) shall be modified as follows.

(2) Omit sub-paragraph (1)(a).

(3) In paragraph 20(3) after “Director of Public Prosecutions” insert “or, as the case may be, the Director of Revenue and Customs Prosecutions”.

23. Omit paragraphs 20A to 20I(16).

24.—(1) Paragraph 21A shall be modified as follows.

(2) In sub-paragraphs (1) and (3) for “a person serving with the police” substitute “an officer”.

(3) In sub-paragraph (1) after “18” insert “or 18A”.

(4) In sub-paragraph (3) for “16 or 17” substitute “16, 17 or 17A”.

25. In paragraph 22(2) for “17 or 18” substitute “17, 17A, 18 or 18A”.

26.—(1) In paragraph 23(2)(c) after “Director of Public Prosecutions” insert “or the Director of Revenue and Customs Prosecutions”.

(2) In paragraphs 23(3), (4) and (6)(b) after “Director of Public Prosecutions” insert “or, as the case may be, the Director of Revenue and Customs Prosecutions”.

27. In paragraphs 24(2)(b), (3), (4) and (6)(b) after “Director of Public Prosecutions” insert “or, as the case may be, the Director of Revenue and Customs Prosecutions”.

28. In paragraphs 24A(4), 24B(1) and 24C(1) for “a person serving with the police” substitute (on each occasion where the words occur) “an officer”.

29. Omit paragraph 25(2A)(17).

30. In paragraph 27(3) for “any person serving with the police” substitute “any officer”.

SCHEDULE 4

Regulation 4(2)

PART 1

MODIFICATION OF THE COMPLAINTS REGULATIONS

1. Omit regulation 4.

2.—(1) In regulation 6(2) for the words from “consent” to the end of the paragraph substitute—
“consent—

(i) in the case of an investigation carried out by an appointed person who is an officer, of the Director of Revenue and Customs Prosecutions, or

(ii) in any other case, of the Director of Public Prosecutions,

(15) Paragraph 20 was amended by paragraph 18 of Schedule 12 to 2005 c. 15.

(16) Paragraphs 20A to 20I were inserted by paragraph 3 of Schedule 11 to 2005 c. 15.

(17) Paragraph 25(2A) was inserted by paragraph 4 of Schedule 11 to 2005 c. 15.

to the imposition thereof.”

(2) In regulation 6(3) for—

- (a) “a chief officer” substitute “the Head of the Home Civil Service, Chairman or Commissioners”;
- (b) “consulting him” substitute “consulting him or them”;
- (c) “he may make” substitute “he or they may make”.

3. Omit regulations 7(2)(b) and 7(7)(c).

4.—(1) In regulation 8(1) for “a police authority or chief officer” substitute “the Head of the Home Civil Service, Chairman or Commissioners”.

(2) In regulation 8(2)(c) for “the police force or police authority which” substitute “the Head of the Home Civil Service, Chairman or Commissioners who”.

(3) In regulations 8(3)(a) and (7) for “police authority or chief officer” substitute “Head of the Home Civil Service, Chairman or Commissioners”.

(4) In regulation 8(5) for “A police authority or chief officer” substitute “The Head of the Home Civil Service, Chairman or Commissioners”.

5. Omit regulation 9.

6.—(1) Regulation 12 shall be modified as follows.

(2) After paragraph (1)(b) insert—

- “(c) preventing the disclosure of any information held by the Revenue and Customs in connection with a function of the Revenue and Customs which—
 - (i) is obtained from the Head of the Home Civil Service, Chairman, Commissioners or an officer, and
 - (ii) relates to a person whose identity is specified in the disclosure or can be deduced from it.”.

(3) After paragraph (1) insert—

“(1A) Paragraph (1)(c) does not apply to any information about internal administrative arrangements of Her Majesty’s Revenue and Customs (whether relating to Commissioners, officers or others).”.

(4) After paragraph (2) insert—

“(2A) The Commission shall consult the appropriate authority in any case under paragraph (1)(c) before deciding whether or not it is satisfied under paragraph (2).”.

(5) After paragraph (3) insert—

- “(4) In this regulation “the Revenue and Customs” means—
 - (a) the Commissioners;
 - (b) an officer;
 - (c) a person acting on behalf of the Commissioners or an officer;
 - (d) a committee established by the Commissioners;
 - (e) a member of a committee established by the Commissioners;
 - (f) the Commissioners of Inland Revenue (or any committee or staff of theirs or anyone acting on their behalf);

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- (g) the Commissioners of Customs and Excise (or any committee or staff of theirs or anyone acting on their behalf), and
- (h) a person specified in section 6(2) or 7(3) of the Commissioners for Revenue and Customs Act 2005.”.

7.—(1) In regulation 18(1) for “17 or 18” substitute “17, 17A, 18 or 18A”.

(2) Omit regulations 18(1)(d), (2) and (3).

8. In regulation 21 for “person serving with the police” substitute “Commissioner or an officer”.

9. In regulation 24—

- (a) for “Every police authority and chief officer” substitute “The Head of the Home Civil Service, Chairman and Commissioners”, and
- (b) in paragraphs (a) and (b) for “it or him” substitute “him or them”.

10.—(1) In regulation 25(1) for “a police authority or chief officer” substitute “the Head of the Home Civil Service, Chairman or Commissioners”.

(2) In regulation 25(3) for “(a) and (b)” substitute “(a), (b) and (c)”.

11.—(1) Regulation 26 shall be modified as follows.

(2) In paragraph (1) for—

- (a) “chief officer” substitute “the Head of the Home Civil Service, Chairman or Commissioners”;
- (b) “on him” substitute “on him or them”; and
- (c) “an officer” substitute “a person”.

(3) In paragraph (2) for sub-paragraphs (a) to (c) substitute—

- “(a) in the case of the Head of the Home Civil Service, to a member of the Senior Civil Service;
- (b) in the case of the Chairman, to a member of the Senior Civil Service employed in the service of the Commissioners;
- (c) in the case of the Commissioners, to an officer.”.

(4) Omit paragraph (3).

(5) For paragraph (4) substitute—

“(4) The Head of the Home Civil Service, Chairman or Commissioners shall not, in any particular case, delegate any power or duty under paragraph (1) to a person who has acted as investigating officer in that case.”.

(6) In paragraph (5) for “a chief constable” substitute “the Head of the Home Civil Service, Chairman or Commissioners”.

12. Omit regulations 28, 29 and 30.

PART 2

MODIFICATION OF THE STAFF CONDUCT REGULATIONS

1. In regulation 2(3)(a)(i) for “person serving with the police” substitute “Commissioner or officer”.

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