
STATUTORY INSTRUMENTS

2011 No. 3028

POLICE, ENGLAND AND WALES

**The Police (Complaints and Misconduct)
(Amendment: Metropolitan Police) Regulations 2011**

Made - - - - - *15th December 2011*
Laid before Parliament *19th December 2011*
Coming into force - - - *16th January 2012*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 23(1) and 105(4) of the Police Reform Act 2002⁽¹⁾.

In accordance with section 24 of the Police Reform Act 2002, the Secretary of State has consulted with the Independent Police Complaints Commission, the Association of Police Authorities, the Association of Chief Police Officers and such other persons as she thinks fit.

In accordance with section 63(3)(b) of the Police Act 1996⁽²⁾, the Secretary of State supplied a draft of these Regulations to the Police Advisory Board of England and Wales and has taken into consideration their representations before making these Regulations.

Citation, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Police (Complaints and Misconduct) (Amendment: Metropolitan Police) Regulations 2011 and shall come into force on 16th January 2012.

(2) These Regulations extend to England and Wales.

(3) In these Regulations, “the Complaints Regulations” means the Police (Complaints and Misconduct) Regulations 2004⁽³⁾.

Amendments to the Complaints Regulations

2.—(1) The Complaints Regulations are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) after the definition of “appeal meeting” insert—

““appropriate authority”—

(1) 2002 c. 30.

(2) 1996 c. 16. Section 63(3) was substituted by section 59 of, and Schedule 4 to, the Serious Organised Crime Act 2005 (c. 15); there have been further amendments to section 63 that are not relevant for the purposes of these Regulations.

(3) S.I. 2004/643. Previous amendments were made by S.I. 2006/1406 and S.I. 2008/2866.

- (a) in relation to a person serving with the police or in relation to any complaint, conduct matter or investigation relating to the conduct of such a person, means—
 - (i) if that person is a senior officer of a police force maintained under section 2 of the Police Act 1996 or the City of London police force, the police authority for the area of the police force of which he is a member;
 - (ii) if that person is the Commissioner of Police of the Metropolis or a person exercising powers or duties of the Commissioner in accordance with section 44 or 45(4) of the Police Reform and Social Responsibility Act 2011(4), the Mayor’s Office for Policing and Crime; and
 - (iii) in any other case, the chief officer under whose direction and control the person is; and
- (b) in relation to a death or serious injury matter, means—
 - (i) if the relevant officer is a senior officer of a police force maintained under section 2 of the Police Act 1996 or the City of London police force, the police authority for the area of the police force of which he is a member;
 - (ii) if the relevant officer is the Commissioner of Police of the Metropolis or a person exercising powers or duties of the Commissioner in accordance with section 44 or 45(4) of the Police Reform and Social Responsibility Act 2011, the Mayor’s Office for Policing and Crime; and
 - (iii) in any other case, the chief officer under whose direction and control the person is;”;
- (b) after the definition of “misconduct proceedings” insert—
 - ““police authority” means—
 - (a) in relation to a police area listed in Schedule 1 to the Police Act 1996, the police authority established under section 3 of that Act;
 - (b) in relation to the metropolitan police district, the Mayor’s Office for Policing and Crime; and
 - (c) in relation to the City of London police area, the Common Council;”;
- (c) for the definition of “police staff member” substitute—
 - ““police staff member” means—
 - (a) an employee of a police authority who is under the direction and control of a chief officer of police; or
 - (b) a member of the civilian staff of the Metropolitan Police Force (within the meaning of section 102(6) of the Police Reform and Social Responsibility Act 2011);”.

Transitional provision

3. Where, as a result of the coming into force of regulation 2(2)(a) of these Regulations, the Commissioner of Police of the Metropolis replaces the Metropolitan Police Authority as the appropriate authority in relation to any complaint, conduct matter or death or serious injury matter, the Complaints Regulations (as amended by these Regulations) shall have effect as if anything done, or treated as done, by or in relation to the Metropolitan Police Authority in its capacity as appropriate authority had been done by or in relation to the Commissioner of Police of the Metropolis.

Home Office
15th December 2011

Nick Herbert
Minister of State

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police (Complaints and Misconduct) Regulations 2004 (referred to in these Regulations as “the Complaints Regulations”) to reflect changes made by the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”) in relation to policing arrangements in the Metropolitan Police district.

Section 3 of the 2011 Act replaces the Metropolitan Police Authority with a new body known as the Mayor’s Office for Policing and Crime. Regulation 2(2)(b) of these Regulations inserts a definition of “police authority” in the Complaints Regulations, which includes the Mayor’s Office for Policing and Crime, with the effect that references to a police authority in the Complaints Regulations apply to the new body.

Paragraph 291 of Part 3 of Schedule 16 to the 2011 Act amends section 29(1) of the Police Reform Act 2002(5) with the effect that the Mayor’s Office for Policing and Crime is the appropriate authority responsible for dealing with complaints and conduct matters in relation to the Commissioner of Police of the Metropolis and a person acting as Commissioner. The Commissioner is responsible for dealing with allegations against the other senior officers of the Metropolitan Police (currently the Metropolitan Police Authority is responsible for dealing with allegations against all senior officers). Regulation 2(2)(a) of these Regulations inserts a definition of appropriate authority in the Complaints Regulations to reflect this.

Paragraph 1 of Schedule 4 to the 2011 Act allows the Commissioner of Police of the Metropolis (“the Commissioner”) to employ staff, referred to in the 2011 Act as the Metropolitan Police Force’s civilian staff. Regulation 2(2)(c) of these Regulations amends the Complaints Regulations to reflect this position.