

2013 No. 1779

POLICE, ENGLAND AND WALES

**The Independent Police Complaints Commission (Forces
Maintained Otherwise than by Local Policing Bodies)
Order 2013**

<i>Made</i>	- - - -	<i>15th July 2013</i>
<i>Laid before Parliament</i>		<i>18th July 2013</i>
<i>Coming into force</i>	- -	<i>16th August 2013</i>

The Secretary of State, having complied with the requirements of section 26(7) of the Police Reform Act 2002(a) and in exercise of the powers conferred on her by sections 26(2) and (6) and 105(4) of that Act, makes the following Order.

Citation and commencement

1. The Order may be cited as the Independent Police Complaints Commission (Forces Maintained Otherwise than by Local Policing Bodies) Order 2013 and comes into force on 16th August 2013.

Revocation and transitional provision

2.—(1) Subject to paragraph (2), the Independent Police Complaints Commission (Forces Maintained Otherwise than by Police Authorities) Order 2004(b) (“the 2004 Order”) is revoked.

(2) Where a complaint, conduct matter or DSI matter came to the attention of an appropriate authority before 1st October 2013, no provision made under this Order shall apply and the provision for the establishment and maintenance of procedures made under the 2004 Order shall continue to have effect.

Ministry of Defence Police

3. Procedures similar to the procedures provided for by or under Part 2 of the Police Reform Act 2002 shall be established and maintained in relation to—

- (a) any person nominated by the Secretary of State under section 1(1)(a) of the Ministry of Defence Police Act 1987(c); and
- (b) any person who is employed by the Secretary of State and who is under the direction and control of the chief constable of the Ministry of Defence Police.

(a) 2002 c. 30. Section 26(1)(b) and (2) was amended by paragraphs 277 and 290(1) and (3) of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13).

(b) S.I. 2004/672, as amended by S.I. 2004/1573.

(c) 1987 c. 4. Section 1(2)(a) was amended by section 103 of, and paragraph 41 of Schedule 7 to, the Police Act 1996 (c. 16). Section 1(5) was amended by section 79(3) of the Police Reform Act 2002.

British Transport Police Force

4. Procedures similar to the procedures provided for by or under Part 2 of the Police Reform Act 2002 shall be established and maintained in relation to—

- (a) any constable of the British Transport Police Force;
- (b) any employee of the British Transport Police Authority; and
- (c) any special constable of that force.

Home Office
15th July 2013

Damian Green
Minister of State

EXPLANATORY NOTE

(This note is not part of this Order)

This Order is made under section 26 of the Police Reform Act 2002, which imposes a duty on the Secretary of State to secure the establishment and maintenance of procedures corresponding or similar to those made by or under Part 2 of that Act in relation to the Ministry of Defence Police and the British Transport Police Force.

This Order accordingly provides that procedures which are similar to Part 2, and to subordinate legislation made under Part 2, are to be established and maintained in relation to those two bodies of constables. This has the effect that the Ministry of Defence Police and the British Transport Police Force are required to establish and maintain procedures by each entering into an agreement with the Independent Police Complaints Commission (“the Commission”). This also has the effect that officers, special constables and civilian employees of those two bodies will be subject to a similar framework in accordance with which the handling of complaints and other matters is overseen by the Commission as that which applies to the police.

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£4.00

UK2013071625 07/2013 19585

<http://www.legislation.gov.uk/id/ukSI/2013/1779>

ISBN 978-0-11-110181-0



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