

2014 No. 2402

POLICE, ENGLAND AND WALES

**The Independent Police Complaints Commission (Investigation
of Offences) Order 2014**

<i>Made</i>	- - - -	<i>9th September 2014</i>
<i>Laid before Parliament</i>		<i>10th September 2014</i>
<i>Coming into force</i>	- -	<i>1st October 2014</i>

The Secretary of State makes the following Order in exercise of the powers conferred by paragraph 19(6) and (6A) of Schedule 3 to the Police Reform Act 2002(a).

Citation, commencement, interpretation and extent

1.—(1) This Order may be cited as the Independent Police Complaints Commission (Investigation of Offences) Order 2014 and comes into force on 1st October 2014.

(2) In this Order—

“the 1984 Act” means the Police and Criminal Evidence Act 1984(b);

“Code B” means the code of practice issued under section 66(1)(c) and (d) of the 1984 Act(c);

“Code C” means the code of practice issued under section 66(1)(b) of the 1984 Act;

“prescribed investigation” means an investigation of an offence conducted by virtue of paragraph 19 of Schedule 3 to the Police Reform Act 2002 by members of the Commission’s staff designated under that paragraph.

(3) This Order extends to England and Wales.

Investigation of offences: specified provisions of the Police and Criminal Evidence Act 1984 and the codes of practice

2. The provisions of the 1984 Act, Code B and Code C specified in the first column of a table in the Schedule apply to prescribed investigations subject to article 3.

Investigation of offences: authorisations required under the Police and Criminal Evidence Act 1984

3. For the purposes of prescribed investigations—

(a) 2002 c. 30. Paragraph 19(6) was amended by, and paragraph 19(6A) was inserted by, section 136 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(b) 1984 c. 60.

(c) Section 66 was amended by section 57(1) and (4) of the Criminal Justice and Court Services Act 2000 (c. 43). There are other amendments which are not relevant to the provision made by this Order.

- (a) the authorisation required in relation to the exercise of the power in a provision of the 1984 Act specified in the first column of table 1 in the Schedule may be given by a member of the Commission's staff of or above the grade specified in the same row in the second column of the table;
- (b) the authorisation required in relation to the exercise of the power in a provision of Code B listed in the first column of table 2 in the Schedule may be given by a member of the Commission's staff of or above the grade specified in the same row in the second column of the table;
- (c) the authorisation required in relation to the exercise of the power in a provision of Code C listed in the first column of table 3 in the Schedule may be given by a member of the Commission's staff of or above the grade specified in the same row in the second column of the table.

Home Office
9th September 2014

Mike Penning
Minister of State

SCHEDULE

Article 3

Table 1

<i>Provision of the 1984 Act</i>	<i>Grade of member of Commission's staff</i>
Section 16(3A)	Deputy Senior Investigator
Section 16(3B)	Deputy Senior Investigator
Section 18(4)	Deputy Senior Investigator
Section 58(6)	Senior Investigator

Table 2

<i>Provision of Code B</i>	<i>Grade of member of Commission's staff</i>
Code B Paragraph 3.4(a)	Deputy Senior Investigator
Code B Paragraph 4.3	Deputy Senior Investigator
Code B Paragraph 6.3A	Deputy Senior Investigator
Code B Paragraph 6.3B	Deputy Senior Investigator
Code B Paragraph 6.14	Deputy Senior Investigator

Table 3

<i>Provision of Code C</i>	<i>Grade of member of Commission's staff</i>
Code C Paragraph 6.6(a)	Senior Investigator
Code C Paragraph 6.6(b)	Senior Investigator
Code C Paragraph 6.6(c)	Deputy Senior Investigator
Code C Paragraph 6.6(d)	Deputy Senior Investigator
Code C Paragraph 6.10	Senior Investigator (or Deputy Senior Investigator where Senior Investigator is not available)
Code C Paragraph 6.11	Senior Investigator
Code C Paragraph 6.12A	Deputy Senior Investigator
Code C Paragraph 6.14	Deputy Senior Investigator
Code C Paragraph 11.18	Senior Investigator

EXPLANATORY NOTE

(This note is not part of this Order)

This Order confers powers on the Independent Police Complaints Commission (“the Commission”) in relation to investigations it carries out under paragraph 19 of Schedule 3 to the Police Reform Act 2002 (“the 2002 Act”).

Section 136 of the Anti-social Behaviour, Crime and Policing Act 2014 amends paragraph 19 of Schedule 3 to the 2002 Act to confer power on the Secretary of State to make an order enabling a member of the Commission’s staff to exercise a power under the Police and Criminal Evidence Act 1984 (“the 1984 Act”) (which includes a power contained in a code of practice issued under sections 60, 60A or 66 of that Act) in respect of which authorisation would otherwise be required by a police officer of or above a specified rank if authorisation is given by another member of the Commission’s staff of or above a specified grade.

This Order specifies the powers in or under the 1984 Act in respect of which a member of the Commission’s staff may give such authorisation.

Article 2 of this Order specifies the provisions of the 1984 Act, Code B and Code C which apply, subject to the modification of those provisions in article 3, to the investigation of offences conducted by virtue of paragraph 19 of Schedule 3 to the Police Reform Act 2002 by members of the Commission’s staff designated under that paragraph.

Article 3(a) specifies the grade of the member of the Commission’s staff (by reference to table 1 in the Schedule) who may authorise the exercise of powers contained in the 1984 Act.

Article 3(b) specifies the grade of the authorising member of the Commission’s staff (by reference to table 2 in the Schedule) who may authorise the exercise of powers contained in the code of practice issued under section 66(1)(c) and (d) of the 1984 Act (powers of entry, search and seizure).

Article 3(c) specifies the grade of the authorising member of the Commission’s staff (by reference to table 3 in the Schedule) who may authorise the exercise of powers contained in the code of practice issued under section 66(1)(b) of the 1984 Act (detention, treatment and questioning of persons).

An impact assessment has not been prepared for this instrument as no impact on businesses, charities, voluntary bodies or the public sector is foreseen.

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