
STATUTORY INSTRUMENTS

2017 No. 575

POLICE, ENGLAND AND WALES

**The Police (Complaints and Misconduct)
(Amendment) Regulations 2017**

<i>Made</i>	- - - -	<i>20th April 2017</i>
<i>Laid before Parliament</i>		<i>21st April 2017</i>
<i>Coming into force</i>	- -	<i>22nd May 2017</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by paragraphs 4(1)(b), 11(2)(c), 13(1)(b) and 28A(4)(a)(ii) and (iii) of Schedule 3 to the Police Reform Act 2002⁽¹⁾.

In accordance with section 24 of that Act⁽²⁾, the Secretary of State has consulted with the Independent Police Complaints Commission, such persons as appear to the Secretary of State to represent the views of police and crime commissioners, the Mayor's Office for Policing and Crime, the Common Council of the City of London, the National Police Chiefs' Council and such other persons as she thinks fit.

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

Citation and commencement

1. These Regulations may be cited as the Police (Complaints and Misconduct) (Amendment) Regulations 2017 and come into force on 22nd May 2017.

Amendments to the Police (Complaints and Misconduct) Regulations 2012

2.—(1) The Police (Complaints and Misconduct) Regulations 2012⁽⁴⁾ are amended as follows.

(1) 2002 c. 30. Paragraph 28A was inserted by section 139 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
(2) Section 24 was amended by paragraph 12 of Schedule 4 to the Police and Justice Act 2006 (c. 48), paragraph 289 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13) and paragraphs 6 and 7 of Schedule 14 to the Policing and Crime Act 2017 (c. 3).
(3) 1996 c. 16. Section 63(3)(b) was substituted by paragraphs 68 and 78 of Schedule 4 to the Serious Organised Crime Act 2005 (c. 15); there have been further amendments to section 63 that are not relevant.
(4) S.I. 2012/1204.

Status: This is the original version (as it was originally made).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

(2) In regulations 4(2)(a)(iii) (reference of complaints to the Commission), 7(1)(c) (recording and reference of conduct matters) and 29A(1)(b)(iii) and (2)(b)(iii)(5) (recommendations by the Commission and requirement to respond), after “serious corruption,” insert “including abuse of position for a sexual purpose or for the purpose of pursuing an improper emotional relationship.”

20th April 2017

Brandon Lewis
Minister of State
Home Office

(5) Regulation 29A was inserted by the Police (Complaints and Misconduct) (Amendment) Regulations 2014 (S.I. 2014/2406).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police (Complaints and Misconduct) Regulations 2012 (“the 2012 Regulations”) to make clear that complaints which allege, and conduct matters which appear to involve, the abuse of position for a sexual purpose or for the purpose of pursuing an improper emotional relationship must be referred to the Independent Police Complaints Commission (“the Commission”).

These Regulations also amend the 2012 Regulations to make clear that the Commission may make recommendations to any person in cases where it has received a report following an investigation (other than an investigation by the appropriate authority on its own behalf) into such a complaint or conduct matter (or made a determination on an appeal relating to such a complaint).

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