Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Police Reform Act 2002

2002 CHAPTER 30

An Act to make new provision about the supervision, administration, functions and conduct of police forces, police officers and other persons serving with, or carrying out functions in relation to, the police; to amend police powers and to provide for the exercise of police powers by persons who are not police officers; to amend the law relating to anti-social behaviour orders; to amend the law relating to sex offender orders; and for connected purposes. [24th July 2002]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

POWERS OF THE SECRETARY OF STATE

1 National Policing Plan

After section 36 of the 1996 Act there shall be inserted—

"**36A National Policing Plan**

(1) It shall be the duty of the Secretary of State, before the beginning of each financial year, to prepare a National Policing Plan for that year.

(2) The Secretary of State shall lay the National Policing Plan for a financial year before Parliament.

(3) Subject to subsection (4), any such plan must be laid before Parliament not later than 30th November in the preceding financial year.

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(4) If there are exceptional circumstances, any such plan may be laid before Parliament after the date mentioned in subsection (3); but it must be so laid before the beginning of the financial year to which it relates.

(5) If a plan is laid before Parliament after the date mentioned in subsection (3), the plan must contain a statement of the exceptional circumstances that gave rise to its being so laid.

(6) The National Policing Plan for a financial year—

(a) must set out whatever the Secretary of State considers to be the strategic policing priorities generally for the police forces maintained for police areas in England and Wales for the period of three years beginning with that year;

(b) must describe what, in relation to that period, the Secretary of State is intending or proposing so far as each of the following is concerned—

(i) the setting of objectives under section 37 and the giving of general directions in relation to any objective so set;

(ii) the specification, under section 4 of the Local Government Act 1999 (c. 27) (performance indicators), of performance indicators (within the meaning of that section) for police authorities;

(iii) the making of regulations under the powers conferred by this Act, by Part 4 of the Criminal Justice and Police Act 2001 (c. 16) (police training) and by Part 2 of the Police Reform Act 2002 (c. 30) (complaints etc.);

(iv) the issuing of guidance under any provision of this Act or of Part 2 of the Police Reform Act 2002 (c. 30); and

(v) the issuing and revision of codes of practice under this Act and under Chapter 1 of Part 4 of the Police Reform Act 2002 (powers exercisable by civilians);

(c) may contain such other information, plans and advice as the Secretary of State considers relevant to the priorities set out in the plan.

(7) Before laying the National Policing Plan for a financial year before Parliament, the Secretary of State shall consult with—

(a) persons whom he considers to represent the interests of police authorities;

(b) persons whom he considers to represent the interests of chief officers of police; and

(c) such other persons as he thinks fit.

(8) In this section—

"financial year" means the period of twelve months ending with 31st March; and

"general direction" means a direction under section 38 establishing performance targets for all police authorities to which section 37 applies."

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2 Codes of practice for chief officers

After section 39 of the 1996 Act (codes of practice for police authorities) there shall be inserted—

"39A Codes of practice for chief officers

(1) If the Secretary of State considers it necessary to do so for the purpose of promoting the efficiency and effectiveness generally of the police forces maintained for police areas in England and Wales, he may issue codes of practice relating to the discharge of their functions by the chief officers of police of those forces.

(2) The Secretary of State may from time to time revise the whole or any part of a code of practice issued under this section.

(3) Where the Secretary of State proposes to issue or revise a code of practice under this section, he shall first require the Central Police Training and Development Authority to prepare a draft of the code or of the revisions; and the draft prepared by that Authority must contain all such matters as the Secretary of State may specify in the requirement.

(4) Before preparing a draft code of practice under this section or any draft revisions of such a code, the Central Police Training and Development Authority shall consult with—

(a) persons whom it considers to represent the interests of police authorities;

(b) persons whom it considers to represent the interests of chief officers of police; and

(c) such other persons as it thinks fit.

(5) The Secretary of State shall lay any code of practice issued by him under this section, and any revision of any such code, before Parliament.

(6) The Secretary of State shall not be required by subsection (5) to lay before Parliament, or may exclude from what he does so lay, anything the publication of which, in his opinion—

(a) would be against the interests of national security;

(b) could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders; or

(c) could jeopardise the safety of any person.

(7) In discharging any function to which a code of practice under this section relates, a chief officer of police shall have regard to the code."

3 Powers to require inspection and report

(1) In section 54 of the 1996 Act (appointment and functions of inspectors of constabulary), after subsection (2A) there shall be inserted—

"(2B) The Secretary of State may at any time require the inspectors of constabulary to carry out an inspection under this section of—

(a) a police force maintained for any police area;

(b) the National Criminal Intelligence Service; or

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(c) the National Crime Squad;

and a requirement under this subsection may include a requirement for the inspection to be confined to a particular part of the force, Service or Squad in question, to particular matters or to particular activities of that force, Service or Squad.

(2C) Where the inspectors carry out an inspection under subsection (2B), they shall send a report on that inspection to the Secretary of State.";

and in section 55(1) of that Act (publication of reports) for "or (2A)" there shall be substituted " , (2A) or (2C) ".

(2) In section 41 of the Police (Northern Ireland) Act 1998 (c. 32) (appointment and functions of inspectors), after subsection (3) there shall be inserted—

"(3A) The Secretary of State may at any time require the inspectors to carry out an inspection under this section of—

(a) the Police Service of Northern Ireland; or

(b) the National Criminal Intelligence Service;

and a requirement under this subsection may include a requirement for the inspection to be confined to a particular part of the Service in question, to particular matters or to particular activities of that Service.

(3B) Where the inspectors carry out an inspection under subsection (3A), they shall send a report on that inspection to the Secretary of State.";

and in section 42(1) of that Act (publication of reports) for "or (3)" there shall be substituted " , (3) or (3B) ".

4 Directions to police authorities

For section 40 of the 1996 Act (power to give directions in response to report on an inspection of a police force carried out for the purposes of that section) there shall be substituted—

"40 Power to give directions to a police authority

(1) Where a report made to the Secretary of State on an inspection under section 54 states, in relation to any police force maintained under section 2, or in relation to the metropolitan police force—

(a) that, in the opinion of the person making the report, the whole or any part of the force inspected is, whether generally or in particular respects, not efficient or not effective, or

(b) that, in that person's opinion, the whole or a part of the force will cease to be efficient or effective, whether generally or in particular respects, unless remedial measures are taken,

the Secretary of State may direct the police authority responsible for maintaining that force to take such remedial measures as may be specified in the direction.

(2) Those remedial measures must not relate to any matter other than—

(a) a matter by reference to which the report contains a statement of opinion falling within subsection (1)(a) or (b); or

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(b) a matter that the Secretary of State considers relevant to any matter falling within paragraph (a).

(3) If the Secretary of State exercises his power to give a direction under this section in relation to a police force—

(a) he shall prepare a report on his exercise of that power in relation to that force; and

(b) he shall lay that report before Parliament.

(4) A report under subsection (3)—

(a) shall be prepared at such time as the Secretary of State considers appropriate; and

(b) may relate to more than one exercise of the power mentioned in that subsection.

(5) The Secretary of State shall not give a direction under this section in relation to any police force unless—

(a) the police authority maintaining that force and the chief officer of that force have each been given such information about the Secretary of State's grounds for proposing to give that direction as he considers appropriate for enabling them to make representations or proposals under the following paragraphs of this subsection;

(b) that police authority and chief officer have each been given an opportunity of making representations about those grounds;

(c) that police authority has had an opportunity of making proposals for the taking of remedial measures that would make the giving of the direction unnecessary; and

(d) the Secretary of State has considered any such representations and any such proposals.

(6) The Secretary of State may by regulations make further provision as to the procedure to be followed in cases where a proposal is made for the giving of a direction under this section.

(7) Before making any regulations under this section, the Secretary of State shall consult with—

(a) persons whom he considers to represent the interests of police authorities;

(b) persons whom he considers to represent the interests of chief officers of police; and

(c) such other persons as he thinks fit.

(8) Regulations under this section may make different provision for different cases and circumstances.

(9) A statutory instrument containing regulations under this section shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House."

5 Directions as to action plans

F1 . . . . . .

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Textual Amendments

F1 S. 5 repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(B)**; S.I. 2007/709, **art. 3(r)(iii)** (subject to arts. 6, 7)

6 Regulation of equipment

For subsections (2) and (3) of section 53 of the 1996 Act (regulations as to standard of equipment), there shall be substituted—

"(1A) The Secretary of State may by regulations make any or all of the following provisions—

(a) provision requiring all police forces in England and Wales, when using equipment for the purposes specified in the regulations to use only—

(i) the equipment which is specified in the regulations;

(ii) equipment which is of a description so specified; or

(iii) equipment which is of a type approved by the Secretary of State in accordance with the regulations;

(b) provision requiring all police forces in England and Wales to keep available for use the equipment falling within paragraph (a)(i) to (iii) which is specified or described in, or approved in accordance with, the regulations;

(c) provision prohibiting all police forces in England and Wales from using equipment of a type approved as mentioned in paragraph (a)(iii) except—

(i) where the conditions subject to which the approval was given are satisfied; and

(ii) in accordance with the other terms of that approval;

(d) provision requiring equipment used by police forces in England and Wales to comply, in the case of all police forces, with such conditions as may be specified in the regulations, or as may be approved by the Secretary of State in accordance with the regulations;

(e) provision prohibiting all police forces in England and Wales from using equipment specified in the regulations, or any equipment of a description so specified.

(1B) The Secretary of State shall not make any regulations under subsection (1A) unless he considers it necessary to do so for the purpose of promoting the efficiency and effectiveness generally of the police forces maintained for police areas in England and Wales.

(2) Before making any regulations under this section, the Secretary of State shall consult with—

(a) persons whom he considers to represent the interests of police authorities;

(b) persons whom he considers to represent the interests of chief officers of police; and

(c) such other persons as he thinks fit.

(2A) Regulations under this section may make different provision for different cases and circumstances.

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(2B) A statutory instrument containing any regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(2C) In this section "equipment" includes—
- (a) vehicles; and
- (b) headgear and protective and other clothing."

7 Regulation of procedures and practices

After section 53 of the 1996 Act there shall be inserted—

"53A Regulation of procedures and practices

(1) The Secretary of State may by regulations make provision requiring all police forces in England and Wales—
- (a) to adopt particular procedures or practices; or
- (b) to adopt procedures or practices of a particular description.

(2) Before making any regulations under this section, the Secretary of State shall seek advice from—
- (a) the chief inspector of constabulary; and
- (b) the Central Police Training and Development Authority.

(3) Before seeking advice under subsection (2) the Secretary of State shall consult about his proposal to do so with—
- (a) persons whom he considers to represent the interests of police authorities; and
- (b) persons whom he considers to represent the interests of chief officers of police.

(4) A request for the purposes of subsection (2) may specify a period within which the requested advice is to be provided; and, if a period is so specified, the requested advice must be provided within it.

(5) Before giving any advice in response to a request for the purposes of subsection (2), the Central Police Training and Development Authority shall consult with—
- (a) persons whom it considers to represent the interests of police authorities;
- (b) persons whom it considers to represent the interests of chief officers of police; and
- (c) such other persons as it thinks fit.

(6) The Secretary of State shall not make any regulations under this section requiring the adoption of any procedure or practice unless—
- (a) he has, as respects that procedure or practice, received advice from the Central Police Training and Development Authority and has considered that advice;
- (b) the advice of the chief inspector of constabulary states that that inspector is satisfied as to the matters mentioned in subsection (7); and
- (c) the Secretary of State himself is satisfied as to those matters.

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(7) Those matters are—

(a) that the adoption of that procedure or practice is necessary in order to facilitate the carrying out by members of any two or more police forces of joint or co-ordinated operations;

(b) that the making of regulations is necessary for securing the adoption of that procedure or practice; and

(c) that securing the adoption of that procedure or practice is in the national interest.

(8) Regulations under this section may make different provision for different cases and circumstances.

(9) A statutory instrument containing the first regulations to be made under this section shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.

(10) A statutory instrument containing any other regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament."

8 Equivalent provision for NCIS and NCS

F2 . . . . . .

Textual Amendments

F2 S. 8 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 180, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

PART 2

COMPLAINTS AND MISCONDUCT

Modifications etc. (not altering text)

C1 Pt. 2 power to apply amend or modify conferred (31.10.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 7 para. 7(1)**; S.I. 2011/2515, art. 2(d)

C2 Pt. 2 applied (with modifications) (22.11.2012) by The Police (Complaints and Misconduct) Regulations 2012 (S.I. 2012/1204), regs. 1(1), **35(1)** (with reg. 35(2))

C3 Pt. 2 applied (with modifications) (22.11.2012) by The Police (Complaints and Misconduct) Regulations 2012 (S.I. 2012/1204), regs. 1(1), **27**

C4 Pt. 2 (ss. 9-29) applied (with modifications) (1.4.2004) by The Police (Complaints and Misconduct) Regulations 2004 (S.I. 2004/643), **regs. 21**, **29**, 30

C5 Pt. 2 (ss. 9-29) applied (1.4.2004) by The Police (Complaints and Misconduct) Regulations 2004 (S.I. 2004/643), **reg. 28**

C6 Pt. 2 (ss. 9-29) excluded (1.4.2004) by The Independent Police Complaints Commission (Transitional Provisions) Order 2004 (S.I. 2004/671), **arts. 2(2)**, **3**

C7 Pt. 2 (ss. 9-29) excluded (E.W.) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), regs. 3(7), **8**, **9**

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C8 Pt. 2 (ss. 9-29): power to apply conferred (7.4.2005 at 5.45 p.m.) by Commissioners for Revenue and Customs Act 2005 (c. 11), **ss. 28(2)(a)**, 53; S.I. 2005/1126, **art. 2**

The Independent Police Complaints Commission

9 The Independent Police Complaints Commission

(1) There shall be a body corporate to be known as the Independent Police Complaints Commission (in this Part referred to as "the Commission").

(2) The Commission shall consist of—
- (a) a chairman appointed by Her Majesty; and
- (b) not less than **[**[F3]five **]** other members appointed by the Secretary of State.

(3) A person shall not be appointed as the chairman of the Commission, or as another member of the Commission, if—
- (a) he holds or has held office as a constable in any part of the United Kingdom;
- (b) he is or has been under the direction and control of a chief officer or of any person holding an equivalent office in Scotland or Northern Ireland;
- (c) he is a person in relation to whom a designation under section 39 is or has been in force;
- (d) he is a person in relation to whom an accreditation under section 41 **[**[F4]or 41A**]** is or has been in force;
- **[**[F5](da) he is or has been the chairman or a member of, or a member of the staff of, the Serious Organised Crime Agency;**]**
- **[**[F6](db) he is or has been—
  - (i) the chairman or chief executive of, or
  - (ii) another member of, or
  - (iii) another member of the staff of,

  the National Policing Improvement Agency;**]**
- (e) he [F7]. . . has been a member of the National Criminal Intelligence Service or the National Crime Squad; or
- (f) he is or has at any time been a member of a body of constables which at the time of his membership is or was a body of constables in relation to which any procedures are or were in force by virtue of an agreement or order under—
  - (i) section 26 of this Act; or
  - (ii) section 78 of the 1996 Act or section 96 of the 1984 Act (which made provision corresponding to that made by section 26 of this Act).

(4) An appointment made in contravention of subsection (3) shall have no effect.

(5) The Commission shall not—
- (a) be regarded as the servant or agent of the Crown; or
- (b) enjoy any status, privilege or immunity of the Crown;

and the Commission's property shall not be regarded as property of, or property held on behalf of, the Crown.

(6) Schedule 2 (which makes further provision in relation to the Commission) shall have effect.

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(7) The Police Complaints Authority shall cease to exist on such day as the Secretary of State may by order appoint.

Textual Amendments

F3 Word in s. 9(2)(b) substituted (15.11.2011) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 2**; S.I. 2011/2515, art. 3(f)

F4 Words in s. 9(3)(d) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 40**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F5 S. 9(3)(da) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 2(a)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F6 S. 9(3)(db) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 81**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F7 Words in s. 9(3)(e) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 2(b), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

Modifications etc. (not altering text)

C9 S. 9 applied (with modifications) (E.W.) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

C10 S. 9 applied (with modifications) (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 4**

C11 S. 9 applied (with modifications) (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 4**

C12 S. 9 applied (with modifications) (5.8.2010) by The Revenue and Customs (Complaints and Misconduct) Regulations 2010 (S.I. 2010/1813), **reg. 5** (with reg. 11)

Commencement Information

I1 S. 9 wholly in force at 1.4.2003; s. 9 not in force at Royal Assent, see s. 108(2); s. 9(2)-(4)(6) in force for certain purposes at 1.10.2002 by S.I. 2002/2306,{art. 2(b)(i)}; s. 9 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(a)**

10 General functions of the Commission

(1) The functions of the Commission shall be—

(a) to secure the maintenance by the Commission itself, and by **[**[F8]local policing bodies**]** and chief officers, of suitable arrangements with respect to the matters mentioned in subsection (2);

(b) to keep under review all arrangements maintained with respect to those matters;

(c) to secure that arrangements maintained with respect to those matters comply with the requirements of the following provisions of this Part, are efficient and effective and contain and manifest an appropriate degree of independence;

(d) to secure that public confidence is established and maintained in the existence of suitable arrangements with respect to those matters and with the operation of the arrangements that are in fact maintained with respect to those matters;

(e) to make such recommendations, and to give such advice, for the modification of the arrangements maintained with respect to those matters, and also of police practice in relation to other matters, as appear, from the carrying out by the Commission of its other functions, to be necessary or desirable; [F9]. . .

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(f) to such extent as it may be required to do so by regulations made by the Secretary of State, to carry out functions in relation to [F10]. . . bodies of constables maintained otherwise than by **[**[F11]local policing bodies**]** which broadly correspond to those conferred on the Commission in relation to police forces by the preceding paragraphs of this subsection**[**[F12]; [F13]. . .

(g) to carry out functions in relation to the Serious Organised Crime Agency which correspond to those conferred on the Commission in relation to police forces by paragraph (e) of this subsection**][**[F14]; and

(h) to carry out functions in relation to the National Policing Improvement Agency which correspond to those conferred on the Commission in relation to police forces by paragraph (e) of this subsection.**]**

(2) Those matters are—

(a) the handling of complaints made about the conduct of persons serving with the police;

(b) the recording of matters from which it appears that there may have been conduct by such persons which constitutes or involves the commission of a criminal offence or behaviour justifying disciplinary proceedings;

[[F15](ba) the recording of matters from which it appears that a person has died or suffered serious injury during, or following, contact with a person serving with the police;**]**

(c) the manner in which any such complaints or any such matters as are mentioned in paragraph (b) **[**[F16]or (ba)**]** are investigated or otherwise handled and dealt with.

(3) The Commission shall also have the functions which are conferred on it by—

(a) [F17]. . . . . .

(b) any agreement or order under section 26 of this Act (other bodies of constables);

[[F18](ba) any agreement under section 26A of this Act (Serious Organised Crime Agency);**]**

[[F19](bb) any agreement under section 26B of this Act (National Policing Improvement Agency);**]**

(c) any regulations under section 39 of this Act (police powers for contracted-out staff); or

(d) any regulations or arrangements relating to disciplinary or similar proceedings against persons serving with the police, or against members of [F20]. . . any body of constables maintained otherwise than by a **[**[F21]local policing body**]** .

(4) It shall be the duty of the Commission—

(a) to exercise the powers and perform the duties conferred on it by the following provisions of this Part in the manner that it considers best calculated for the purpose of securing the proper carrying out of its functions under subsections (1) and (3); and

(b) to secure that arrangements exist which are conducive to, and facilitate, the reporting of misconduct by persons in relation to whose conduct the Commission has functions.

(5) It shall also be the duty of the Commission—

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(a) to enter into arrangements with the chief inspector of constabulary for the purpose of securing co-operation, in the carrying out of their respective functions, between the Commission and the inspectors of constabulary; and

(b) to provide those inspectors with all such assistance and co-operation as may be required by those arrangements, or as otherwise appears to the Commission to be appropriate, for facilitating the carrying out by those inspectors of their functions.

(6) Subject to the other provisions of this Part, the Commission may do anything which appears to it to be calculated to facilitate, or is incidental or conducive to, the carrying out of its functions.

(7) The Commission may, in connection with the making of any recommendation or the giving of any advice to any person for the purpose of carrying out—

(a) its function under subsection (1)(e), [F22]. . .

(b) any corresponding function conferred on it by virtue of subsection (1)(f),**[**[F23] or

(c) its function under subsection (1)(g) **[**[F24]or (h)**],]**

impose any such charge on that person for anything done by the Commission for the purposes of, or in connection with, the carrying out of that function as it thinks fit.

[F25](8) . . . . . .

[[F26](9) Nothing in this Part shall confer any function on the Commission in relation to so much of any complaint, conduct matter or DSI matter as relates to—

(a) any functions of the Serious Organised Crime Agency mentioned in section 2A of the Serious Organised Crime and Police Act 2005 (c. 15) (functions as to the recovery of assets); or

(b) the functions of the National Policing Improvement Agency under section 3 of the Proceeds of Crime Act 2002 (c. 29) (accreditation and training of financial investigators).**]**

Textual Amendments

F8 Words in s. 10(1)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 278(2)**; S.I. 2011/3019, art. 3, Sch. 1

F9 Word in s. 10(1)(e) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 3(2)(a), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

F10 Words in s. 10(1)(f) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 3(2)(b), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

F11 Words in s. 10(1)(f) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 278(2)**; S.I. 2011/3019, art. 3, Sch. 1

F12 S. 10(1)(g) and preceding word inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 3(2)(c)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F13 Word in s. 10(1) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, **art. 3(q)** (subject to arts. 6, 7)

F14 S. 10(1)(h) and preceding word inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 82(2)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F15 S. 10(2)(ba) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 2(2)**; S.I. 2005/1521, **art. 3(1)(w)**

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F16 Words in s. 10(2)(c) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 2(3)**; S.I. 2005/1521, **art. 3(1)(w)**

F17 S. 10(3)(a) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 3(3)(a), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

F18 S. 10(3)(ba) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 3(3)(b)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F19 S. 10(3)(bb) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 82(3)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F20 Words in s. 10(3)(d) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 3(3)(c), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

F21 Words in s. 10(3)(d) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 278(3)**; S.I. 2011/3019, art. 3, Sch. 1

F22 Word in s. 10(7)(a) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 3(4), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

F23 S. 10(7)(c) and preceding word inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 3(4)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F24 Words in s. 10(7)(c) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 82(4)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F25 S. 10(8) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 6(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F26 S. 10(9) inserted (1.4.2008) by Serious Crime Act 2007 (c. 27), ss. 74(2), 94, **Sch. 8 para. 160**; S.I. 2008/755, **art. 2(1)(a)** (subject to arts. 3-14)

Modifications etc. (not altering text)

C13 S. 10 applied (with modifications) (E.W.) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

C14 S. 10(7) applied (with modifications) (16.1.2012) by The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (S.I. 2012/62), regs. 1, **3(5)** (with reg. 3(6))

11 Reports to the Secretary of State

(1) As soon as practicable after the end of each of its financial years, the Commission shall make a report to the Secretary of State on the carrying out of its functions during that year.

(2) The Commission shall also make such reports to the Secretary of State about matters relating generally to the carrying out of its functions as he may, from time to time, require.

(3) The Commission may, from time to time, make such other reports to the Secretary of State as it considers appropriate for drawing his attention to matters which—

(a) have come to the Commission's notice; and

(b) are matters that it considers should be drawn to his attention by reason of their gravity or of other exceptional circumstances.

(4) The Commission shall prepare such reports containing advice and recommendations as it thinks appropriate for the purpose of carrying out—

(a) its function under subsection (1)(e) of section 10; or

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(b) any corresponding function conferred on it by virtue of subsection (1)(f) of that section.

(5) Where the Secretary of State receives any report under this section, he shall—

(a) in the case of every annual report under subsection (1), and

(b) in the case of any other report, if and to the extent that he considers it appropriate to do so,

lay a copy of the report before Parliament and cause the report to be published.

(6) The Commission shall send a copy of every annual report under subsection (1)—

(a) to every **[**[F27] local policing body**]** ;

[[F28](b) to the Serious Organised Crime Agency ; [F29]. . . **]**

(d) to every authority that is maintaining a body of constables in relation to which any procedures are for the time being in force by virtue of any agreement or order under section 26 or by virtue of subsection (9) of that section**[**[F30]; and

(e) to the National Policing Improvement Agency.**]**

(7) The Commission shall send a copy of every report under subsection (3)—

(a) to any **[**[F31]local policing body**]** that appears to the Commission to be concerned; and

(b) to the chief officer of police of any police force that appears to it to be concerned.

[[F32](8) Where a report under subsection (3) relates to the Serious Organised Crime Agency, the Commission shall send a copy of that report to the Agency.**]**

(9) Where a report under subsection (3) relates to a body of constables maintained by an authority other than a **[**[F33]local policing body**]** , the Commission shall send a copy of that report—

(a) to that authority; and

(b) to the person having the direction and control of that body of constables.

[[F34](9A) Where a report under subsection (3) relates to the National Policing Improvement Agency, the Commission shall send a copy of that report to the Agency.**]**

(10) The Commission shall send a copy of every report under subsection (4)to—

(a) the Secretary of State;

(b) every **[**[F35]local policing body**]** ;

(c) every chief officer;

[[F36](d) the Serious Organised Crime Agency;**]**

(f) every authority that is maintaining a body of constables in relation to which any procedures are for the time being in force by virtue of any agreement or order under section 26 or by virtue of subsection (9) of that section; [F29]. . .

(g) every person who has the direction and control of such a body of constables**[**[F37]; and

(h) the National Policing Improvement Agency.**]**

(11) The Commission shall send a copy of every report made or prepared by it under subsection (3) or (4) to such of the persons (in addition to those specified in the preceding subsections) who—

(a) are referred to in the report, or

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(b) appear to the Commission otherwise to have a particular interest in its contents,

as the Commission thinks fit.

Textual Amendments

F27 Words in s. 11(6)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 279**; S.I. 2011/3019, art. 3, Sch. 1

F28 S. 11(6)(b) substituted for s. 11(6)(b)(c) (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 4(2)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F29 Words in s. 11(6)(10) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, **art. 3(q)** (subject to arts. 6, 7)

F30 S. 11(6)(e) and preceding word inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 83(2)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F31 Words in s. 11(7)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 279**; S.I. 2011/3019, art. 3, Sch. 1

F32 S. 11(8) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 4(3)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F33 Words in s. 11(9) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 279**; S.I. 2011/3019, art. 3, Sch. 1

F34 S. 11(9A) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 83(3)**; S.I 2007/709, {art. 3(a)} (subject to arts. 6, 7)

F35 Words in s. 11(10)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 279**; S.I. 2011/3019, art. 3, Sch. 1

F36 S. 11(10)(d) substituted for s. 11(10)(d)(e) (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 4(4)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F37 S. 11(10)(h) and preceding word inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 83(4)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

Modifications etc. (not altering text)

C15 S. 11 applied (with modifications) (E.W.) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

Application of Part 2

12 Complaints, matters and persons to which Part 2 applies

(1) In this Part references to a complaint are references (subject to the following provisions of this section) to any complaint about the conduct of a person serving with the police which is made (whether in writing or otherwise) by—

(a) a member of the public who claims to be the person in relation to whom the conduct took place;

(b) a member of the public not falling within paragraph (a) who claims to have been adversely affected by the conduct;

(c) a member of the public who claims to have witnessed the conduct;

(d) a person acting on behalf of a person falling within any of paragraphs (a) to (c).

(2) In this Part "conduct matter" means (subject to the following provisions of this section[F38]... and any regulations made by virtue of section 23(2)(d)) any matter which is not and has not been the subject of a complaint but in the case of which there is an

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indication (whether from the circumstances or otherwise) that a person serving with the police may have—

(a) committed a criminal offence; or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings.

[[F39](2A) In this Part "death or serious injury matter" (or "DSI matter" for short) means any circumstances (other than those which are or have been the subject of a complaint or which amount to a conduct matter)—

(a) in or in consequence of which a person has died or has sustained serious injury; and

(b) in relation to which the requirements of either subsection (2B) or subsection (2C) are satisfied.

(2B) The requirements of this subsection are that at the time of the death or serious injury the person—

(a) had been arrested by a person serving with the police and had not been released from that arrest; or

(b) was otherwise detained in the custody of a person serving with the police.

(2C) The requirements of this subsection are that—

(a) at or before the time of the death or serious injury the person had contact (of whatever kind, and whether direct or indirect) with a person serving with the police who was acting in the execution of his duties; and

(b) there is an indication that the contact may have caused (whether directly or indirectly) or contributed to the death or serious injury.

(2D) In subsection (2A) the reference to a person includes a person serving with the police, but in relation to such a person "contact" in subsection (2C) does not include contact that he has whilst acting in the execution of his duties.**]**

(3) The complaints that are complaints for the purposes of this Part by virtue of subsection (1)(b) do not, except in a case falling within subsection (4), include any made by or on behalf of a person who claims to have been adversely affected as a consequence only of having seen or heard the conduct, or any of the alleged effects of the conduct.

(4) A case falls within this subsection if—

(a) it was only because the person in question was physically present, or sufficiently nearby, when the conduct took place or the effects occurred that he was able to see or hear the conduct or its effects; or

(b) the adverse effect is attributable to, or was aggravated by, the fact that the person in relation to whom the conduct took place was already known to the person claiming to have suffered the adverse effect.

(5) For the purposes of this section a person shall be taken to have witnessed conduct if, and only if—

(a) he acquired his knowledge of that conduct in a manner which would make him a competent witness capable of giving admissible evidence of that conduct in criminal proceedings; or

(b) he has in his possession or under his control anything which would in any such proceedings constitute admissible evidence of that conduct.

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(6) For the purposes of this Part a person falling within subsection 1(a) to (c) to shall not be taken to have authorised another person to act on his behalf unless—

(a) that other person is for the time being designated for the purposes of this Part by the Commission as a person through whom complaints may be made, or he is of a description of persons so designated; or

(b) the other person has been given, and is able to produce, the written consent to his so acting of the person on whose behalf he acts.

(7) For the purposes of this Part, a person is serving with the police if—

(a) he is a member of a police force;

[[F40](aa) he is a civilian employee of a police force;**]**

(b) he is an employee of **[**[F41]the Common Council of the City of London**]** who is under the direction and control of a chief officer; or

(c) he is a special constable who is under the direction and control of a chief officer.

Textual Amendments

F38 Words in s. 12(2) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 8(6)(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F39 S. 12(2A)-(2D) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 3**; S.I. 2005/1521, **art. 3(1)(w)**

F40 S. 12(7)(aa) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 280(a)**; S.I. 2011/3019, art. 3, Sch. 1

F41 Words in s. 12(7)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 280(b)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C16 S. 12 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

*Handling of complaints **[**[F42], conduct matters and DSI matters**]** etc.*

Textual Amendments

F42 Words in s. 13 cross-heading substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 4(a)**; S.I. 2005/1521, **art. 3(1)(w)**

13 Handling of complaints[[F43], conduct matters and DSI matters] etc.

Schedule 3 (which makes provision for the handling of complaints**[**[F44], conduct matters and DSI matters**]** and for the carrying out of investigations) shall have effect [F45]....

Textual Amendments

F43 Words in s. 13 heading substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 4(b)**; S.I. 2005/1521, **art. 3(1)(w)**

F44 Words in s. 13 substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 4(c)**; S.I. 2005/1521, **art. 3(1)(w)**

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F45 Words in s. 13 omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 6(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)

Modifications etc. (not altering text)

C17 S. 13 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

Commencement Information

I2 S. 13 wholly in force at 1.4.2004; s. 13 not in force at Royal Assent; see s. 108(2); s. 13 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, arts. {2(b)(iii)}, 4(e); s. 13 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(a)**

[F46]14 Direction and control matters

. . . . . .

Textual Amendments

F46 S. 14 omitted (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 4**; S.I. 2011/3019, art. 3, Sch. 1 (with art. 8(1)(2)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3)); S.I. 2012/2892, art. 2(g) (with art. 6)

Co-operation, assistance and information

15 General duties of [[F47]local policing bodies], chief officers and inspectors

(1) It shall be the duty of—

(a) every **[**[F48]local policing body**]** maintaining a police force,

(b) the chief officer of police of every police force, and

(c) every inspector of constabulary carrying out any of his functions in relation to a police force,

to ensure that it or he is kept informed, in relation to that force, about all matters falling within subsection (2).

[[F49](1A) It shall be the duty of the Serious Organised Crime Agency to ensure that it is kept informed, in relation to the Agency, about all matters falling within subsection (2).**]**

[[F50](1B) It shall be the duty of the National Policing Improvement Agency to ensure that it is kept informed, in relation to the Agency, about all matters falling within subsection (2).**]**

(2) Those matters are—

(a) matters with respect to which any provision of this Part has effect;

(b) anything which is done under or for the purposes of any such provision; and

(c) any obligations to act or refrain from acting that have arisen by or under this Part but have not yet been complied with, or have been contravened.

[[F51](2A) Subsection (2B) applies in a case where it appears to a local policing body that—

(a) an obligation to act or refrain from acting has arisen by or under this Part,

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(b) that obligation is an obligation of the chief officer of police of the police force which is maintained by the local policing body, and

(c) the chief officer has not yet complied with that obligation, or has contravened it.

(2B) The local policing body may direct the chief officer to take such steps as the local policing body thinks appropriate.

(2C) The chief officer must comply with any direction given under subsection (2B).**]**

(3) Where—

(a) a **[**[F52]local policing body**]** maintaining any police force requires the chief officer of that force or of any other force to provide a member of his force for appointment under paragraph 16, 17 or 18 of Schedule 3,

(b) the chief officer of police of any police force requires the chief officer of police of any other police force to provide a member of that other force for appointment under any of those paragraphs, or

[[F53](c) a **[**[F54]local policing body**]** or chief officer requires the Director General of the Serious Organised Crime Agency to provide a member of the staff of that Agency for appointment under any of those paragraphs,**]**

it shall be the duty of the chief officer **[**[F55]to whom the requirement is addressed or of the Director General**]** to comply with it.

(4) It shall be the duty of—

(a) every **[**[F56]local policing body**]** maintaining a police force,

(b) the chief officer of police of every police force, **[**[F57] and**]**

[[F58](c) the Serious Organised Crime Agency,**]**

to provide the Commission and every member of the Commission's staff with all such assistance as the Commission or that member of staff may reasonably require for the purposes of, or in connection with, the carrying out of any investigation by the Commission under this Part.

(5) It shall be the duty of—

(a) every **[**[F59]local policing body**]** maintaining a police force,

(b) the chief officer of every police force, **[**[F60] and**]**

[[F61](c) the Serious Organised Crime Agency,**]**

to ensure that a person appointed under paragraph 16, 17 or 18 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

(6) The duties imposed by subsections (4) and (5) on a **[**[F62]local policing body**]** maintaining a police force and on the chief officer of such a force and on **[**[F63]the Serious Organised Crime Agency**]** have effect—

(a) irrespective of whether the investigation relates to the conduct of a person who is or has been a member of that force or **[**[F64]a member of the staff of the Agency**]**; and

(b) irrespective of who has the person appointed to carry out the investigation under his direction and control;

but a chief officer of a third force may be required to give assistance and co-operation under subsection (5) only with the approval of the chief officer of the force to which the person who requires it belongs [F65] . . . .

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(7) In subsection (6) "third force", in relation to an investigation, means a police force other than—

(a) the force to which the person carrying out the investigation belongs; or

(b) the force to which the person whose conduct is under investigation belonged at the time of the conduct;

[[F66] and where the person whose conduct is under investigation was a member of the staff of the Serious Organised Crime Agency at the time of the conduct, "third force" means any police force other than the force to which the person carrying out the investigation belongs.**]**

[[F67](8) Where the person who requires assistance and co-operation under subsection (5) is a member of the staff of the Serious Organised Crime Agency, a chief officer of a third force may be required to give that assistance and co-operation only with the approval of the Director General of the Agency.

[[F68](8A) Where the person who requires assistance and co-operation under subsection (5) is a member of the staff of the National Policing Improvement Agency—

(a) the chief officer of a third force, or

(b) the **[**[F69]local policing body**]** maintaining a third force,

may be required to give that assistance and co-operation only with the approval of the chief executive of the National Policing Improvement Agency.

(8B) In subsections (8) and (8A) "third force", in relation to an investigation, means any police force other than the force to which the person whose conduct is under investigation belonged at the time of the conduct.**]**

(9) Where—

(a) the person carrying out an investigation is not a member of the staff of the Serious Organised Crime Agency; and

(b) the person whose conduct is under investigation was not a member of the staff of the Agency at the time of the conduct,

[[F70]the Agency may be required to give assistance and co-operation under subsection (5) only with the approval of the relevant directing officer.**]]**

[[F71](10) In subsection (9) "the relevant directing officer"—

(a) in a case where the person who requires assistance and co-operation belongs to a police force, means the chief officer of that force; and

(b) in a case where the person who requires assistance and co-operation is a member of the staff of the National Policing Improvement Agency, means the chief executive of that Agency.**]**

Textual Amendments

F47 Words in s. 15 title substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 281(2)**; S.I. 2011/3019, art. 3, Sch. 1

F48 Words in s. 15(1)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 281(3)**; S.I. 2011/3019, art. 3, Sch. 1

F49 S. 15(1A) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(2)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F50 S. 15(1B) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 84(2)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F51 S. 15(2A)-(2C) inserted (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 7**; S.I. 2011/3019, art. 3, Sch. 1; S.I. 2012/2892, art. 2(g) (with art. 6)

F52 Words in s. 15(3)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 281(3)**; S.I. 2011/3019, art. 3, Sch. 1

F53 S. 15(3)(c) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(3)(a)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F54 Words in s. 15(3)(c) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 281(4)**; S.I. 2011/3019, art. 3, Sch. 1

F55 Words in s. 15(3) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(3)(b)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F56 Words in s. 15(4)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 281(5)**; S.I. 2011/3019, art. 3, Sch. 1

F57 Word in s. 15(4)(b) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(4)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F58 S. 15(4)(c) substituted for s. 15(4)(c)(d) (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(4)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F59 Words in s. 15(5)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 281(5)**; S.I. 2011/3019, art. 3, Sch. 1

F60 Word in s. 15(5)(b) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(5)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F61 S. 15(5)(c) substituted for s. 15(5)(c)(d) (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(5)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F62 Words in s. 15(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 281(5)**; S.I. 2011/3019, art. 3, Sch. 1

F63 Words in s. 15(6) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(6)(a)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F64 Words in s. 15(6)(a) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(6)(b)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F65 Words in s. 15(6) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 5(6)(c), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

F66 Words in s. 15(7) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(7)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F67 S. 15(8)(9) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 5(8)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F68 S. 15(8A)(8B) substituted for words in s. 15(8) (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 84(3)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F69 Words in s. 15(8A) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 281(5)**; S.I. 2011/3019, art. 3, Sch. 1

F70 Words in s. 15(9) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 84(4)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F71 S. 15(10) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 84(5)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

Modifications etc. (not altering text)

C18 S. 15 applied (with modifications) (E.W.) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

16 Payment for assistance with investigations

(1) This section applies where—

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(a) one police force is required to provide assistance to another in connection with an investigation under this Part; or

(b) a police force is required to provide assistance in such a connection to the Commission.

(2) For the purposes of this section—

(a) assistance is required to be provided by one police force to another in connection with an investigation under this Part if the chief officer of the first force ("the assisting force") complies with a requirement under section 15 (3) or (5) that is made in connection with

[[F72](i) an investigation relating to the conduct of a person who, at the time of the conduct, was a member of the other force, or

(ii) an investigation of a DSI matter in relation to which the relevant officer was, at the time of the death or serious injury, a member of the other force; and**]**

(b) assistance is required to be provided in such a connection by a police force ("the assisting force") to the Commission if the chief officer of that force complies with a requirement under section 15(4) that is made in connection with

[[F73](i) an investigation relating to the conduct of a person who, at the time of the conduct, was not a member of that force, or

(ii) an investigation of a DSI matter in relation to which the relevant officer was, at the time of the death or serious injury, not a member of that force.**]**

(3) Where the assistance is required to be provided by one police force to another, the **[**[F74]local policing body**]** maintaining that other police force shall pay to the **[**[F74]local policing body**]** maintaining the assisting force such contribution (if any) towards the costs of the assistance—

(a) as may be agreed between them; or

(b) in the absence of an agreement, as may be determined in accordance with any arrangements which—

(i) have been agreed to by **[**[F75]local policing bodies**]** generally; and

(ii) are for the time being in force with respect to the making of contributions towards the costs of assistance provided, in connection with investigations under this Part, by one police force to another; or

(c) in the absence of any such arrangements, as may be determined by the Secretary of State.

(4) Where the assistance is required to be provided by a police force to the Commission, the Commission shall pay to the **[**[F76]local policing body**]** maintaining the assisting force such contribution (if any) towards the costs of the assistance—

(a) as may be agreed between the Commission and **[**[F77]that body**]** ; or

(b) in the absence of an agreement, as may be determined in accordance with any arrangements which—

(i) have been agreed to by **[**[F78]local policing bodies**]** generally and by the Commission; and

(ii) are for the time being in force with respect to the making of contributions towards the costs of assistance provided, in connection with investigations under this Part, to the Commission; or

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(c) in the absence of any such arrangements, as may be determined by the Secretary of State.

[[F79](5) In this section (subject to subsection (6))—

(a) references to a police force and to a **[**[F80]local policing body**]** maintaining a police force include references to the Serious Organised Crime Agency; and

(b) in relation to that Agency, references to the chief officer are references to the Director General.

(6) This section shall have effect in relation to cases in which assistance is required to be provided by the Serious Organised Crime Agency as if—

(a) the reference in subsection (3)(b) to **[**[F81]local policing bodies**]** generally included a reference to the Agency; and

(b) the reference in subsection (4)(b) to **[**[F81]local policing bodies**]** generally were a reference to the Agency.**]**

(7) This section is without prejudice to the application of section 24 of the 1996 Act (assistance given voluntarily by one force to another) in a case in which assistance is provided, otherwise than in pursuance of any duty imposed by section 15 of this Act, in connection with an investigation under this Part.

Textual Amendments

F72 S. 16(2)(a)(i)(ii) substituted for words (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 5(2)**; S.I. 2005/1521, **art. 3(1)(w)**

F73 S. 16(2)(b)(i)(ii) substituted for words (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 5(3)**; S.I. 2005/1521, **art. 3(1)(w)**

F74 Words in s. 16(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(2)(a)**; S.I. 2011/3019, art. 3, Sch. 1

F75 Words in s. 16(3)(b)(i) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(2)(b)**; S.I. 2011/3019, art. 3, Sch. 1

F76 Words in s. 16(4) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(3)(a)**; S.I. 2011/3019, art. 3, Sch. 1

F77 Words in s. 16(4)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(3)(b)**; S.I. 2011/3019, art. 3, Sch. 1

F78 Words in s. 16(4)(b)(i) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(3)(c)**; S.I. 2011/3019, art. 3, Sch. 1

F79 S. 16(5)(6) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 6**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F80 Words in s. 16(5) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(4)**; S.I. 2011/3019, art. 3, Sch. 1

F81 Words in s. 16(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 282(5)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C19 S. 16 applied (with modifications) (E.W.) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

[[F82]16A Investigations: National Policing Improvement Agency involvement

(1) Where a **[**[F83]local policing body**]** or chief officer requires the NPIA and its chief executive to provide a member of the NPIA's staff who is a constable for appointment

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under paragraph 16, 17 or 18 of Schedule 3, it shall be the duty of the NPIA and its chief executive to comply with the requirement.

(2) It shall be the duty of the NPIA and its chief executive to ensure that a person appointed under paragraph 16, 17 or 18 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.

(3) It shall be the duty of the NPIA and its chief executive to provide the Commission and every member of the Commission's staff with all such assistance as the Commission or that member of staff may reasonably require for the purposes of, or in connection with, the carrying-out of any investigation by the Commission under this Part.

(4) Where the person who requires assistance and co-operation under subsection (2) is a person serving with the police, the NPIA and its chief executive may be required to give that assistance and co-operation only with the approval of the chief officer of the force to which that person belongs.

(5) Where the person who requires assistance and co-operation under subsection (2) is a member of the staff of the Serious Organised Crime Agency, the NPIA and its chief executive may be required to give that assistance and co-operation only with the approval of the Director General of the Serious Organised Crime Agency.

(6) Subsection (7) applies where the NPIA and its chief executive comply with a requirement under subsection (1) or (2) that is made in connection with—
   (a) an investigation relating to the conduct of a person who, at the time of the conduct, was a member of a police force; or
   (b) an investigation of a DSI matter in relation to which the relevant officer was, at the time of the death or serious injury, a member of a police force.

(7) The **[**[F84]local policing body**]** maintaining the police force mentioned in subsection (6)(a) or (b) shall pay to the NPIA such contribution (if any) towards the costs of compliance with the requirement—
   (a) as may be agreed between them; or
   (b) in the absence of an agreement, as may be determined in accordance with any arrangements which—
      (i) have been agreed to by **[**[F85]local policing bodies**]** generally and by the NPIA, and
      (ii) are for the time being in force with respect to the making of contributions towards the costs of compliance by the NPIA and its chief executive with requirements of the kind mentioned in subsection (6); or
   (c) in the absence of any such arrangements, as may be determined by the Secretary of State.

(8) Where the NPIA and its chief executive comply with a requirement under subsection (3), the Commission shall pay to the NPIA such contribution (if any) towards the costs of compliance with the requirement—
   (a) as may be agreed between the Commission and the NPIA; or
   (b) in the absence of an agreement, as may be determined in accordance with any arrangements which—
      (i) have been agreed to by the Agency and by the Commission, and

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(ii) are for the time being in force with respect to the making of contributions towards the costs of compliance by the NPIA and its chief executive with requirements under subsection (3); or

(c) in the absence of any such arrangements, as may be determined by the Secretary of State.

(9) In this section "the NPIA" means the National Policing Improvement Agency.**]**

Textual Amendments

F82 S. 16A inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 85**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F83 Words in s. 16A(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 283(2)**; S.I. 2011/3019, art. 3, Sch. 1

F84 Words in s. 16A(7) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 283(3)(a)**; S.I. 2011/3019, art. 3, Sch. 1

F85 Words in s. 16A(7)(b)(i) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 283(3)(b)**; S.I. 2011/3019, art. 3, Sch. 1

17 Provision of information to the Commission

(1) It shall be the duty of—

(a) every **[**[F86]local policing body**]** , and

(b) every chief officer,

at such times, in such circumstances and in accordance with such other requirements as may be set out in regulations made by the Secretary of State, to provide the Commission with all such information and documents as may be specified or described in regulations so made.

(2) It shall also be the duty of every **[**[F87]local policing body**]** and of every chief officer—

(a) to provide the Commission with all such other information and documents specified or described in a notification given by the Commission to **[**[F88]that body**]** or chief officer, and

(b) to produce or deliver up to the Commission all such evidence and other things so specified or described,

as appear to the Commission to be required by it for the purposes of the carrying out of any of its functions.

(3) Anything falling to be provided, produced or delivered up by any person in pursuance of a requirement imposed under subsection (2) must be provided, produced or delivered up in such form, in such manner and within such period as may be specified in—

(a) the notification imposing the requirement; or

(b) in any subsequent notification given by the Commission to that person for the purposes of this subsection.

(4) Nothing in this section shall require a **[**[F89]local policing body**]** or chief officer—

(a) to provide the Commission with any information or document, or to produce or deliver up any other thing, before the earliest time at which it is practicable for **[**[F90]that body**]** or chief officer to do so; or

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(b) to provide, produce or deliver up anything at all in a case in which it never becomes practicable for **[**[F90]that body**]** or chief officer to do so.

(5) A requirement imposed by any regulations or notification under this section may authorise or require information or documents to which it relates to be provided to the Commission electronically.

[[F91](6) In this section—

"chief officer" includes the chief executive of the National Policing Improvement Agency;

"**[**[F92]local policing body**]**" includes the National Policing Improvement Agency.**]**

Textual Amendments

F86 Words in s. 17(1)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 284(a)**; S.I. 2011/3019, art. 3, Sch. 1

F87 Words in s. 17(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 284(b)(i)**; S.I. 2011/3019, art. 3, Sch. 1

F88 Words in s. 17(2)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 284(b)(ii)**; S.I. 2011/3019, art. 3, Sch. 1

F89 Words in s. 17(4) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 284(c)(i)**; S.I. 2011/3019, art. 3, Sch. 1

F90 Words in s. 17(4)(a)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 284(c)(ii)**; S.I. 2011/3019, art. 3, Sch. 1

F91 S. 17(6) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 86**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F92 Words in s. 17(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 284(d)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C20 S. 17 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

Commencement Information

I3 S. 17 wholly in force at 1.4.2004; s. 17 not in force at Royal Assent, see s. 108(2); s. 17(1)(5) in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(a)**; s. 17 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(a)**

18 Inspections of police premises on behalf of the Commission

(1) Where—

(a) the Commission requires—

(i) a **[**[F93]local policing body**]** maintaining any police force, or

(ii) the chief officer of police of any such force,

to allow a person nominated for the purpose by the Commission to have access to any premises occupied for the purposes of that force and to documents and other things on those premises, and

(b) the requirement is imposed for any of the purposes mentioned in subsection (2),

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it shall be the duty of **[**[F94]the body**]** or, as the case may be, of the chief officer to secure that the required access is allowed to the nominated person.

(2) Those purposes are—

(a) the purposes of any examination by the Commission of the efficiency and effectiveness of the arrangements made by the force in question for handling complaints or dealing with recordable conduct matters **[**[F95]or DSI matters**]**;

(b) the purposes of any investigation by the Commission under this Part or of any investigation carried out under its supervision or management.

(3) A requirement imposed under this section for the purposes mentioned in subsection (2)(a) must be notified to **[**[F96]the body**]** or chief officer at least 48 hours before the time at which access is required.

(4) Where—

(a) a requirement imposed under this section for the purposes mentioned in subsection (2)(a) requires access to any premises, document or thing to be allowed to any person, but

(b) there are reasonable grounds for not allowing that person to have the required access at the time at which he seeks to have it,

the obligation to secure that the required access is allowed shall have effect as an obligation to secure that the access is allowed to that person at the earliest practicable time after there cease to be any such grounds as that person may specify.

(5) The provisions of this section are in addition to, and without prejudice to—

(a) the rights of entry, search and seizure that are or may be conferred on—

(i) a person designated for the purposes of paragraph 19 of Schedule 3, or

(ii) any person who otherwise acts on behalf of the Commission,

in his capacity as a constable or as a person with the powers and privileges of a constable; or

(b) the obligations of **[**[F97]local policing bodies**]** and chief officers under sections 15 and 17.

Textual Amendments

F93 Words in s. 18(1)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 285(a)(ii)**; S.I. 2011/3019, art. 3, Sch. 1

F94 Words in s. 18(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 285(a)(i)**; S.I. 2011/3019, art. 3, Sch. 1

F95 Words in s. 18(2)(a) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 6**; S.I. 2005/1521, **art. 3(1)(w)**

F96 Words in s. 18(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 285(b)**; S.I. 2011/3019, art. 3, Sch. 1

F97 Words in s. 18(5)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 285(c)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C21 S. 18 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

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19 Use of investigatory powers by or on behalf of the Commission

(1) The Secretary of State may by order make such provision as he thinks appropriate for the purpose of authorising—

(a) the use of directed and intrusive surveillance, and

(b) the conduct and use of covert human intelligence sources,

for the purposes of, or for purposes connected with, the carrying out of the Commission's functions.

(2) An order under this section may, for the purposes of or in connection with any such provision as is mentioned in subsection (1), provide for—

(a) Parts 2 and 4 the Regulation of Investigatory Powers Act 2000 (c. 23) (surveillance and covert human intelligence sources and scrutiny of investigatory powers), and

(b) Part 3 of the 1997 Act (authorisations in respect of property),

to have effect with such modifications as may be specified in the order.

(3) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by this section unless a draft of that order has been laid before Parliament and approved by a resolution of each House.

(4) Expressions used in this section and in Part 2 of the Regulation of Investigatory Powers Act 2000 have the same meanings in this section as in that Part.

Modifications etc. (not altering text)

C22 S. 19 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

C23 S. 19 applied (with modifications) (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 4**

C24 S. 19 applied (with modifications) (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 4**

C25 S. 19 applied (with modifications) (5.8.2010) by The Revenue and Customs (Complaints and Misconduct) Regulations 2010 (S.I. 2010/1813), **reg. 5** (with reg. 11)

20 Duty to keep the complainant informed

(1) In any case in which there is an investigation of a complaint in accordance with the provisions of Schedule 3—

(a) by the Commission, or

(b) under its management,

it shall be the duty of the Commission to provide the complainant with all such information as will keep him properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in subsection (4).

(2) In any case in which there is an investigation of a complaint in accordance with the provisions of Schedule 3—

(a) by the appropriate authority on its own behalf, or

(b) under the supervision of the Commission,

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it shall be the duty of the appropriate authority to provide the complainant with all such information as will keep him properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in subsection (4).

(3) Where subsection (2) applies, it shall be the duty of the Commission to give the appropriate authority all such directions as it considers appropriate for securing that that authority complies with its duty under that subsection; and it shall be the duty of the appropriate authority to comply with any direction given to it under this subsection.

(4) The matters of which the complainant must be kept properly informed are—
- (a) the progress of the investigation;
- (b) any provisional findings of the person carrying out the investigation;
- (c) whether any report has been submitted under paragraph 22 of Schedule 3;
- (d) the action (if any) that is taken in respect of the matters dealt with in any such report; and
- (e) the outcome of any such action.

(5) The duties imposed by this section on the Commission and the appropriate authority in relation to any complaint shall be performed in such manner, and shall have effect subject to such exceptions, as may be provided for by regulations made by the Secretary of State.

(6) The Secretary of State shall not by regulations provide for any exceptions from the duties imposed by this section except so far as he considers it necessary to do so for the purpose of—
- (a) preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in, any actual or prospective criminal proceedings;
- (b) preventing the disclosure of information in any circumstances in which it has been determined in accordance with the regulations that its non-disclosure—
  - (i) is in the interests of national security;
  - (ii) is for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders;
  - (iii) is required on proportionality grounds; or
  - (iv) is otherwise necessary in the public interest.

(7) The non-disclosure of information is required on proportionality grounds if its disclosure would cause, directly or indirectly, an adverse effect which would be disproportionate to the benefits arising from its disclosure.

(8) Regulations under this section may include provision framed by reference to the opinion of, or a determination by, the Commission or any **[**[F98]local policing body**]** or chief officer.

(9) It shall be the duty of a person appointed to carry out an investigation under this Part to provide the Commission or, as the case may be, the appropriate authority with all such information as the Commission or that authority may reasonably require for the purpose of performing its duty under this section.

Textual Amendments

F98 Words in s. 20(8) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 286**; S.I. 2011/3019, art. 3, Sch. 1

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Modifications etc. (not altering text)

C26 S. 20 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

Commencement Information

I4 S. 20 wholly in force at 1.4.2004; s. 20 not in force at Royal Assent, see s. 108(2); s. 20(5)-(8) in force for certain purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(b)**; s. 20 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(a)**

21 Duty to provide information for other persons

(1) A person has an interest in being kept properly informed about the handling of a complaint **[**[F99], recordable conduct matter or DSI matter**]** if—

(a) it appears to the Commission or to an appropriate authority that he is a person falling within subsection (2) **[**[F100]or (2A)**]** ; and

(b) that person has indicated that he consents to the provision of information to him in accordance with this section and that consent has not been withdrawn.

(2) A person falls within this subsection if **[**[F101](in the case of a complaint or recordable conduct matter)**]**—

(a) he is a relative of a person whose death is the alleged result from the conduct complained of or to which the recordable conduct matter relates;

(b) he is a relative of a person whose serious injury is the alleged result from that conduct and that person is incapable of making a complaint;

(c) he himself has suffered serious injury as the alleged result of that conduct.

[[F102](2A) A person falls within this subsection if (in the case of a DSI matter)—

(a) he is a relative of the person who has died;

(b) he is a relative of the person who has suffered serious injury and that person is incapable of making a complaint;

(c) he himself is the person who has suffered serious injury.**]**

(3) A person who does not fall within subsection (2) **[**[F103]or (2A)**]** has an interest in being kept properly informed about the handling of a complaint **[**[F104], recordable conduct matter or DSI matter**]** if—

(a) the Commission or an appropriate authority considers that he has an interest in the handling of the complaint **[**[F104], recordable conduct matter or DSI matter**]** which is sufficient to make it appropriate for information to be provided to him in accordance with this section; and

(b) he has indicated that he consents to the provision of information to him in accordance with this section.

(4) In relation to a complaint, this section confers no rights on the complainant.

(5) A person who has an interest in being kept properly informed about the handling of a complaint **[**[F105], conduct matter or DSI matter**]** is referred to in this section as an "interested person".

(6) In any case in which there is an investigation of the complaint **[**[F106], recordable conduct matter or DSI matter**]** in accordance with the provisions of Schedule 3—

(a) by the Commission, or

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(b) under its management,

it shall be the duty of the Commission to provide the interested person with all such information as will keep him properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in subsection (9).

(7) In any case in which there is an investigation of the complaint **[**[F106], recordable conduct matter or DSI matter**]** in accordance with the provisions of Schedule 3—

(a) by the appropriate authority on its own behalf, or

(b) under the supervision of the Commission,

it shall be the duty of the appropriate authority to provide the interested person with all such information as will keep him properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in subsection (9).

(8) Where subsection (7) applies, it shall be the duty of the Commission to give the appropriate authority all such directions as it considers appropriate for securing that that authority complies with its duty under that subsection; and it shall be the duty of the appropriate authority to comply with any direction given to it under this subsection.

(9) The matters of which the interested person must be kept properly informed are—

(a) the progress of the investigation;

(b) any provisional findings of the person carrying out the investigation;

[[F107](ba) whether the Commission or the appropriate authority has made a determination under paragraph 21A of Schedule 3;**]**

(c) whether any report has been submitted under paragraph 22 **[**[F108]or 24A**]** of Schedule 3;

(d) the action (if any) that is taken in respect of the matters dealt with in any such report; and

(e) the outcome of any such action.

(10) The duties imposed by this section on the Commission and the appropriate authority in relation to any complaint **[**[F109], recordable conduct matter or DSI matter**]** shall be performed in such manner, and shall have effect subject to such exceptions, as may be provided for by regulations made by the Secretary of State.

(11) Subsections (6) to (9) of section 20 apply for the purposes of this section as they apply for the purposes of that section.

(12) In this section "relative" means a person of a description prescribed in regulations made by the Secretary of State.

Textual Amendments

F99 Words in s. 21(1) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(2)**; S.I. 2005/1521, **art. 3(1)(w)**

F100 Words in s. 21(1)(a) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(3)**; S.I. 2005/1521, **art. 3(1)(w)**

F101 Words in s. 21(2) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(4)**; S.I. 2005/1521, **art. 3(1)(w)**

F102 S. 21(2A) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(5)**; S.I. 2005/1521, **art. 3(1)(w)**

F103 Words in s. 21(3) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(6)(a)**; S.I. 2005/1521, **art. 3(1)(w)**

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F104 Words in s. 21(3) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(6)(b)**; S.I. 2005/1521, **art. 3(1)(w)**

F105 Words in s. 21(5) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(7)**; S.I. 2005/1521, **art. 3(1)(w)**

F106 Words in s. 21(6)(7) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(8)**; S.I. 2005/1521, **art. 3(1)(w)**

F107 S. 21(9)(ba) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(9)**; S.I. 2005/1521, **art. 3(1)(w)**

F108 Words in s. 21(9)(c) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(10)**; S.I. 2005/1521, **art. 3(1)(w)**

F109 Words in s. 21(10) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(11)**; S.I. 2005/1521, **art. 3(1)(w)**

Modifications etc. (not altering text)

C27 S. 21 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

Commencement Information

I5 S. 21 wholly in force at 1.4.2004; s. 21 not in force at Royal Assent, see s. 108(2); s. 21(10)-(12) in force for certain purposes at 1.10.2002 by S.I .2002/2306, {art. 4(c)}; s. 21 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(a)**

Guidance and regulations

22 Power of the Commission to issue guidance

(1) The Commission may issue guidance—

(a) to **[**[F110]local policing bodies**]** ,

(b) to chief officers, and

(c) to persons who are serving with the police otherwise than as chief officers,

concerning the exercise or performance, by the persons to whom the guidance is issued, of any of the powers or duties specified in subsection (2).

(2) Those powers and duties are—

(a) those that are conferred or imposed by or under this Part; and

(b) those that are otherwise conferred or imposed but relate to—

(i) the handling of complaints;

(ii) the means by which recordable conduct matters **[**[F111]or DSI matters**]** are dealt with; or

(iii) the detection or deterrence of misconduct by persons serving with the police.

(3) Before issuing any guidance under this section, the Commission shall consult with—

[[F112]**[**[F113](a) such persons as appear to the Commission to represent the views of police and crime commissioners;

(aa) the Mayor's Office for Policing and Crime;

(ab) the Common Council;**]**

(b) the Association of Chief Police Officers; and**]**

(c) such other persons as it thinks fit.

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(4) The approval of the Secretary of State shall be required for the issue by the Commission of any guidance under this section.

(5) Without prejudice to the generality of the preceding provisions of this section, the guidance that may be issued under this section includes—

(a) guidance about the handling of complaints which have not yet been recorded and about dealing with recordable conduct matters **[**[F114]or DSI matters**]** that have not been recorded;

(b) guidance about the procedure to be followed by the appropriate authority when recording a complaint or any recordable conduct matter **[**[F115]or DSI matter**]**;

(c) guidance about—

(i) how to decide whether a complaint is suitable for being subjected to local resolution; [F116]...

[F117](ii) . . . . . .

(d) guidance about how to protect the scene of an incident or alleged incident which—

(i) is or may become the subject-matter of a complaint; or

(ii) is or may involve a recordable conduct matter **[**[F115]or DSI matter**]**;

(e) guidance about the circumstances in which it is appropriate (where it is lawful to do so)—

(i) to disclose to any person, or to publish, any information about an investigation of a complaint **[**[F118], conduct matter or DSI matter**]**; or

(ii) to provide any person with, or to publish, any report or other document relating to such an investigation;

(f) guidance about the matters to be included in a memorandum under paragraph 23 or 25 of Schedule 3 and about the manner in which, and the place at which, such a memorandum is to be delivered to the Commission.

(6) Nothing in this section shall authorise the issuing of any guidance about a particular case.

(7) It shall be the duty of every person to whom any guidance under this section is issued to have regard to that guidance in exercising or performing the powers and duties to which the guidance relates.

(8) A failure by a person to whom guidance under this section is issued to have regard to the guidance shall be admissible in evidence in any disciplinary proceedings or on any appeal from a decision taken in any such proceedings.

Textual Amendments

F110 Words in s. 22(1)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 287(2)**; S.I. 2011/3019, art. 3, Sch. 1

F111 Words in s. 22(2)(b)(ii) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 8(2)**; S.I. 2005/1521, **art. 3(1)(w)**

F112 S. 22(3)(a)(b) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 6, 53, **Sch. 4 para. 11**; S.I. 2007/709, **art. 3(d)** (subject to arts. 6, 7)

F113 S. 22(3)(a)-(ab) substituted for s. 22(3)(a) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 287(3)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 65)

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F114 Words in s. 22(5)(a) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 8(3)(a)**; S.I. 2005/1521, **art. 3(1)(w)**

F115 Words in s. 22(5)(b)(d)(ii) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 8(3)(b)**; S.I. 2005/1521, **art. 3(1)(w)**

F116 Word in s. 22(5)(c)(i) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 9(3)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F117 S. 22(5)(c)(ii) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 9(3)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F118 Words in s. 22(5)(e)(i) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 8(3)(c)**; S.I. 2005/1521, **art. 3(1)(w)**

Modifications etc. (not altering text)

C28 S. 22 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

C29 S. 22 applied (with modifications) (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 4**

C30 S. 22 applied (with modifications) (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 4**

C31 S. 22 applied (with modifications) (5.8.2010) by The Revenue and Customs (Complaints and Misconduct) Regulations 2010 (S.I. 2010/1813), **reg. 5** (with reg. 11)

C32 S. 22 applied (with modifications) (16.1.2012) by The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (S.I. 2012/62), regs. 1, **4** (with reg. 3(6))

23 Regulations

(1) The Secretary of State may make regulations as to the procedure to be followed under any provision of this Part.

(2) Without prejudice to the generality of the power conferred by subsection (1) or of any other power to make regulations conferred by any provision of this Part, the Secretary of State may also by regulations provide—

(a) for the appropriate authority, in the case of a complaint against any person, to be required, in accordance with procedures provided for in the regulations—

(i) to supply the person complained against with a copy of the complaint; and

(ii) to supply the complainant with a copy of the record made of that complaint;

(b) for the matters to be taken into account in making any determination as to which procedure to adopt for handling complaints and dealing with recordable conduct matters **[**[F119]and DSI matters**]**;

(c) for any procedure for the purposes of this Part to be discontinued where—

(i) a complaint is withdrawn;

(ii) the complainant indicates that he does not wish any further steps to be taken; or

(iii) the whole or part of the investigation of the complaint has been postponed until the conclusion of criminal proceedings and the complainant fails to indicate after the conclusion of those proceedings that he wishes the investigation to be resumed;

and for the manner in which any such withdrawal or indication is to be effected or given, and for the circumstances in which it is to be taken as effected or given;

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(d) for requiring the subject-matter of a complaint that has been withdrawn to be treated for the purposes of this Part, in the cases and to the extent specified in the regulations, as a recordable conduct matter;

(e) for the manner in which any procedure for the purposes of this Part is to be discontinued in a case where it is discontinued in accordance with the regulations, and for the consequences of any such discontinuance;

(f) for the circumstances in which any investigation or other procedure under this Part may be or must be suspended to allow any other investigation or proceedings to continue, and for the consequences of such a suspension;

(g) for the regulation of the appointment of persons to carry out investigations under this Part or to assist with the carrying out of such investigations, for limiting the persons who may be appointed and for the regulation of the carrying out of any such investigation;

[[F120](h) for combining into a single investigation the investigation of any complaint, conduct matter or DSI matter with the investigation or investigations of any one or more, or any combination, of the following—

(i) complaints (whether or not relating to the same conduct),

(ii) conduct matters, or

(iii) DSI matters,

and for splitting a single investigation into two or more separate investigations;**]**

(i) for the procedure to be followed in cases in which the Commission relinquishes the supervision or management of any investigation and for the consequences of its doing so;

(j) for the manner in which any reference of a complaint **[**[F121], conduct matter or DSI matter**]** to the Commission is to be made;

(k) for applying the provisions of this Part with such modifications as the Secretary of State thinks fit in cases where a complaint or recordable conduct matter relates to the conduct of a person who has ceased to be a person serving with the police since the time of the conduct;

(l) for applying the provisions of this Part with such modifications as the Secretary of State thinks fit in cases where a complaint or conduct matter relates to the conduct of a person—

(i) whose identity is unascertained at the time at which a complaint is made or a conduct matter is recorded;

(ii) whose identity is not ascertained during, or subsequent to, the investigation of a complaint or recordable conduct matter;

(m) for the Commission—

(i) to be required to notify actions and decisions it takes in consequence of the receipt of a memorandum under paragraph 23 or 25 of Schedule 3; and

(ii) to be authorised to provide information in relation to the matters notified;

(n) for the records to be kept by **[**[F122]local policing bodies**]** and chief officers—

(i) with respect to complaints and purported complaints;

(ii) with respect to recordable conduct matters **[**[F123]or DSI matters**]** ; and

(iii) with respect to the exercise and performance of their powers and duties under this Part;

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(o) for the Commission to be required to establish and maintain a register of such information provided to it in accordance with this Part as may be of a description specified in the regulations and for regulating the extent to which information stored on that register may be published or otherwise disclosed to any person by the Commission;

(p) for chief officers to have power to delegate the exercise or performance of powers and duties conferred or imposed on them by or under this Part;

(q) for the manner in which any notification for the purposes of any provision of this Part is to be given and the time at which, or period within which, any such notification must be given.

[[F124](r) for enabling representations on behalf of a person to whose conduct an investigation relates to be made to the Commission by a person who is not that person's legal representative but is of a description specified in the regulations.**]**

Textual Amendments

F119 Words in s. 23(2)(b) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 9(2)**; S.I. 2005/1521, **art. 3(1)(w)**

F120 S. 23(2)(h) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 9(3)**; S.I. 2005/1521, **art. 3(1)(w)**

F121 Words in s. 23(2)(j) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 9(4)**; S.I. 2005/1521, **art. 3(1)(w)**

F122 Words in s. 23(2)(n) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 288**; S.I. 2011/3019, art. 3, Sch. 1

F123 Words in s. 23(2)(n)(ii) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 9(5)**; S.I. 2005/1521, **art. 3(1)(w)**

F124 S. 23(2)(r) inserted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 2**; S.I. 2008/2712, art. 2, **Sch. para. 17(a)** (subject to arts. 3, 4)

Modifications etc. (not altering text)

C33 S. 23 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

C34 S. 23 applied (with modifications) (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 4**

C35 S. 23 applied (with modifications) (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 4**

C36 S. 23 applied (with modifications) (5.8.2010) by The Revenue and Customs (Complaints and Misconduct) Regulations 2010 (S.I. 2010/1813), **reg. 5** (with reg. 11)

24 Consultation on regulations

Before making any regulations under this Part, the Secretary of State shall consult with—

(a) the Commission;

[[F125]**[**[F126](b) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(ba) the Mayor's Office for Policing and Crime;

(bb) the Common Council;**]**

(c) the Association of Chief Police Officers; and**]**

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(d) such other persons as he thinks fit.

Textual Amendments

F125 S. 24(b)(c) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 6, 53, **Sch. 4 para. 12**; S.I. 2007/709, **art. 3(d)** (subject to arts. 6, 7)

F126 S. 24(b)-(bb) substituted for s. 24(b) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 289**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 66)

Modifications etc. (not altering text)

C37 S. 24 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

C38 S. 24 applied (with modifications) (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 4**

C39 S. 24 applied (with modifications) (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 4**

C40 S. 24 applied (with modifications) (5.8.2010) by The Revenue and Customs (Complaints and Misconduct) Regulations 2010 (S.I. 2010/1813), **reg. 5** (with reg. 11)

Commencement Information

I6 S. 24 wholly in force at 15.11.2003; s. 24 not in force at Royal Assent, see s. 108(2); s. 24 in force except for paragraph (a) at 1.10.2002 by S.I. 2002/2306, {art. 2(b)(vi)}; s. 24 in force in so far as not already in force at 15.11.2003 by S.I. 2003/2593, **art. 2(a)**

Conduct of persons in other forms of police service

25 NCIS and NCS

[F127] . . . . . .

Textual Amendments

F127 S. 25 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 7, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

26 Forces maintained otherwise than by [[F128]local policing bodies]

(1) Notwithstanding any provision made by or under any enactment passed or made before this Act—

(a) the Commission, and

(b) an authority other than a **[**[F129]local policing body**]** which maintains a body of constables,

shall each have power to enter into an agreement with the other for the establishment and maintenance in relation to that body of constables of procedures corresponding or similar to any of those provided for by or under this Part.

(2) If it appears to the Secretary of State appropriate to do so in relation to any body of constables maintained otherwise than by a **[**[F130]local policing body**]** to establish any such corresponding or similar procedures, he may by order—

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(a) provide for the establishment and maintenance of such procedures in relation to that body of constables; and

(b) in a case in which procedures in relation to that body of constables have effect by virtue of subsection (9) or have previously been established by virtue of this section—

(i) provide for those procedures to be superseded by the provision made by the order; and

(ii) make transitional provision in connection with the replacement of the superseded procedures.

(3) It shall be the duty of the Secretary of State to secure that procedures are established and maintained under subsection (2) in relation to each of the following—

(a) the Ministry of Defence Police; and

(b) the British Transport Police Force.

(4) An agreement under this section shall not be made, varied or terminated except with the approval of the Secretary of State.

(5) An agreement or order under this section in relation to any body of constables may contain provision for enabling the Commission to bring and conduct, or otherwise participate or intervene in, any proceedings which are identified by the agreement or order as disciplinary proceedings in relation to members of that body of constables.

(6) An agreement or order under this section in relation to any body of constables may provide for the application of procedures in relation to persons who are not themselves constables but are employed for the purposes of that body of constables and in relation to the conduct of such persons, as well as in relation to members of that body of constables and their conduct.

(7) Before making an order under this section the Secretary of State shall consult with both—

(a) the Commission; and

(b) the authority maintaining the body of constables to whom the order relates.

(8) Procedures established in accordance with any agreement or order under this section shall have no effect in relation to anything done outside England and Wales by any constable or any person employed for the purposes of a body of constables.

(9) Where, immediately before the coming into force of this section, any procedures have effect in relation to any body of constables by virtue of—

(a) section 78 of the 1996 Act (which made provisions similar to that made by this section), or

(b) paragraph 13 of Schedule 8 to that Act (transitional provisions),

those procedures shall continue to have effect thereafter (notwithstanding the repeal by this Act of Chapter 1 of Part 4 of the 1996 Act and of that paragraph) until superseded by procedures established by virtue of any agreement or order under this section.

(10) Subsection (9) has effect subject to the provisions of any order made under section 28.

Textual Amendments

F128 Words in s. 26 title substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 290(2)**; S.I. 2011/3019, art. 3, Sch. 1

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F129 Words in s. 26(1)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 290(3)**; S.I. 2011/3019, art. 3, Sch. 1

F130 Words in s. 26(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 290(3)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C41 S. 26 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(jjj)**

C42 S. 26 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

[F131 26A Serious Organised Crime Agency

(1) The Commission and the Serious Organised Crime Agency must enter into an agreement for the establishment and maintenance in relation to members of the Agency's staff of procedures corresponding or similar to those provided for by or under this Part.

(2) An agreement under this section—

(a) must not be made or varied except with the approval of the Secretary of State; and

(b) must not be terminated unless—

(i) it is replaced by another such agreement, and

(ii) the Secretary of State approves.

(3) An agreement under this section may contain provision for enabling the Commission to bring and conduct, or otherwise participate or intervene in, any proceedings which are identified by the agreement as disciplinary proceedings in relation to members of the Agency's staff.

(4) An agreement under this section must not confer any function on the Commission in relation to so much of any complaint or conduct matter as relates to the direction and control of the Agency by the Director General or other members of the Agency.

F132 **[** (4A) An agreement under this section must not provide for procedures in relation to so much of any complaint, conduct matter or DSI matter as relates to any functions of the Agency mentioned in section 2A of the Serious Organised Crime and Police Act 2005 (c. 15) (functions as to the recovery of assets).**]**

(5) Procedures established in accordance with an agreement under this section shall have no effect in relation to anything done outside England and Wales by any member of the staff of the Agency.**]**

Textual Amendments

F131 S. 26A inserted (1.3.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 8**; S.I. 2006/378, **art. 3(1)(2)(c)(e)** (with art. 3(3)(4))

F132 S. 26A(4A) inserted (1.4.2008) by Serious Crime Act 2007 (c. 27), ss. 74(2), 94, **Sch. 8 para. 161**; S.I. 2008/755, **art. 2(1)(a)** (subject to arts. 3-14)

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[F133 26B National Policing Improvement Agency

(1) The Commission and the National Policing Improvement Agency must enter into an agreement for the establishment in relation to members of the Agency's staff of procedures corresponding or similar to those provided for by or under this Part.

(2) An agreement under this section—

(a) must not be made or varied except with the approval of the Secretary of State; and

(b) must not be terminated unless—

(i) it is replaced by another such agreement, and

(ii) the Secretary of State approves.

(3) An agreement under this section may contain provision for enabling the Commission to bring and conduct, or otherwise participate or intervene in, any proceedings which are identified by the agreement as disciplinary hearings in relation to members of the Agency's staff.

(4) An agreement under this section must not confer any function on the Commission in relation to so much of any complaint or conduct matter as relates to the direction and control of the Agency by the Agency's chief executive or by other members of the Agency.

F134 **[** (4A) An agreement under this section must not provide for procedures in relation to so much of any complaint, conduct matter or DSI matter as relates to the functions of the Agency under section 3 of the Proceeds of Crime Act 2002 (c. 29) (accreditation and training of financial investigators).**]**

(5) Procedures established in accordance with an agreement under this section shall have no effect in relation to anything done outside England and Wales by any member of the Agency's staff.**]**

Textual Amendments

F133 S. 26B inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 87**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F134 S. 26B(4A) inserted (1.4.2008) by Serious Crime Act 2007 (c. 27), ss. 74(2), 94, **Sch. 8 para. 162**; S.I. 2008/755, **art. 2(1)(a)** (subject to arts. 3-14)

27 Conduct of the Commission's staff

(1) The Secretary of State shall by regulations make provision for the manner in which the following cases are to be handled or dealt with—

(a) cases in which allegations of misconduct are made against members of the Commission's staff; and

(b) cases in which there is otherwise an indication that there may have been misconduct by a member of the Commission's staff.

(2) Regulations under this section may apply, with such modifications as the Secretary of State thinks fit, any provision made by or under this Part.

(3) Regulations under this section may provide for it to be the duty of any person on whom functions are conferred by the regulations to have regard, in the carrying out

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of those functions, to any guidance given by such persons and in such manner as may be specified in the regulations.

(4) Before making any regulations under this section the Secretary of State shall consult with the Commission.

Modifications etc. (not altering text)

C43 S. 27 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

C44 S. 27 applied (with modifications) (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 4**

C45 S. 27 applied (with modifications) (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 4**

C46 S. 27 applied (with modifications) (5.8.2010) by The Revenue and Customs (Complaints and Misconduct) Regulations 2010 (S.I. 2010/1813), **reg. 5** (with reg. 11)

Transitional provisions

28 Transitional arrangements connected with establishing the Commission etc.

(1) The Secretary of State may, in connection with the coming into force of any provision of this Part, by order make such transitional provision and savings (including provision modifying this Part) as he thinks fit.

(2) The Secretary of State may, for the purpose of facilitating the carrying out by the Commission of its functions, or in connection with the coming into force of any provision of this Part, by order make such provision as he thinks fit—

(a) for the transfer and apportionment of property; and

(b) for the transfer, apportionment and creation of rights and liabilities.

(3) The provision that may be made by an order under this section shall include provision that—

(a) pending the coming into force of any repeal by this Act of an enactment contained in Chapter 1 of Part 4 of the 1996 Act (complaints), or

(b) for transitional purposes connected with the coming into force of any such repeal,

the functions of the Police Complaints Authority under an enactment so contained are to be carried out by the Commission.

(4) The provision that may be made by an order under this section shall also include transitional provision in connection with the repeal by this Act of the reference to the Police Complaints Authority in Schedule 1 to the Superannuation Act 1972 (c. 11).

(5) An order under this section may—

(a) provide for the Secretary of State, or any other person nominated by or in accordance with the order, to determine any matter requiring determination under or in consequence of the order; and

(b) make provision as to the payment of fees charged, or expenses incurred, by any person nominated to determine any matter by virtue of paragraph (a).

(6) Where a person—

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(a) ceases to be a member of the Police Complaints Authority by reason of its abolition, and

(b) does not become a member of the Commission,

the Secretary of State may make a payment to that person of such amount as the Secretary of State may, with the consent of the Treasury, determine.

Modifications etc. (not altering text)

C47 S. 28 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

Interpretation of Part 2

29 Interpretation of Part 2

(1) In this Part—

[[F135]"the appropriate authority"—

(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 **[**[F136]the chief officer or an acting chief officer, the local policing body**]** for the area of the police force of which he is a member; and

(ii) if he is not **[**[F137]the chief officer or an acting chief officer**]** , the chief officer under whose direction and control he is; and

(b) in relation to a death or serious injury matter, means—

(i) if the relevant officer is **[**[F138]the chief officer or an acting chief officer, the local policing body**]** for the area of the police force of which he is a member; and

(ii) if he is not **[**[F139]the chief officer or an acting chief officer**]** , the chief officer under whose direction and control he is;**]**

[[F140]and, for the purposes of this definition, "acting chief officer" means a person exercising or performing functions of a chief constable in accordance with section 41 of the Police Reform and Social Responsibility Act 2011; a person exercising powers or duties of the Commissioner of Police of the Metropolis in accordance with section 44 or 45(4) of that Act; or a person exercising duties of the Commissioner of Police for the City of London in accordance with section 25 of the City of London Police Act 1839;**]**

"chief officer" means the chief officer of police of any police force;

"the Commission" has the meaning given by section 9(1);

"complainant" shall be construed in accordance with subsection (2);

"complaint" has the meaning given by section 12;

"conduct" includes acts, omissions**[**[F141], statements and decisions**]** (whether actual, alleged or inferred);

"conduct matter" has the meaning given by section 12;

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[[F142]"death or serious injury matter" and "DSI matter" have the meaning given by section 12;**]**

"disciplinary proceedings" means—

(a) in relation to a member of a police force or a special constable, proceedings under any regulations made by virtue of section 50 or 51 of the 1996 Act and identified as disciplinary proceedings by those regulations; and

(b) in relation to a person serving with the police who is not a member of a police force or a special constable, proceedings identified as such by regulations made by the Secretary of State for the purposes of this Part;

"document" means anything in which information of any description is recorded;

"information" includes estimates and projections, and statistical analyses;

"local resolution", in relation to a complaint, means the handling of that complaint in accordance with a procedure which—

(a) does not involve a formal investigation; and

(b) is laid down by regulations under paragraph 8 of Schedule 3 for complaints which it has been decided, in accordance with paragraph 6 of that Schedule, to subject to local resolution;

"person complained against", in relation to a complaint, means the person whose conduct is the subject-matter of the complaint;

"recordable conduct matter" means (subject to any regulations under section 23(2)(d))—

(a) a conduct matter that is required to be recorded by the appropriate authority under paragraph 10 or 11 of Schedule 3 or has been so recorded; or

(b) [F143]. . . . . .

"relevant force", in relation to the appropriate authority, means—

(a) **[**[F144]if that authority is a local policing body, the police force which the body is responsible for maintaining; and**]**

(b) if that authority is the chief officer of police of a police force, his force;

[F145]. . . . . .

"serious injury" means a fracture, a deep cut, a deep laceration or an injury causing damage to an internal organ or the impairment of any bodily function;

"serving with the police", in relation to any person, shall be construed in accordance with section 12(7).

[[F146](1A) In this Part "the relevant officer", in relation to a DSI matter, means the person serving with the police (within the meaning of section 12(7))—

(a) who arrested the person who has died or suffered serious injury,

(b) in whose custody that person was at the time of the death or serious injury, or

(c) with whom that person had the contact in question;

and where there is more than one such person it means, subject to subsection (1B), the one who so dealt with him last before the death or serious injury occurred.

(1B) Where it cannot be determined which of two or more persons serving with the police dealt with a person last before a death or serious injury occurred, the relevant officer is the most senior of them.**]**

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(2) References in this Part, in relation to anything which is or purports to be a complaint, to the complainant are references—

(a) except in the case of anything which is or purports to be a complaint falling within section 12(1)(d), to the person by whom the complaint or purported complaint was made; and

(b) in that case, to the person on whose behalf the complaint or purported complaint was made;

but where any person is acting on another's behalf for the purposes of any complaint or purported complaint, anything that is to be or may be done under this Part by or in relation to the complainant may be done, instead, by or in relation to the person acting on the complainant's behalf.

(3) Subject to subsection (4), references in this Part, in relation to any conduct or anything purporting to be a complaint about any conduct, to a member of the public include references to any person falling within any of the following paragraphs (whether at the time of the conduct or at any subsequent time)—

(a) a person serving with the police;

[[F147](b) a member of the staff of the Serious Organised Crime Agency;**]**

(c) a member of the staff of the **[**[F148]National Policing Improvement Agency**]** ; or

(d) a person engaged on relevant service, within the meaning of section 97(1)(a)[F149]. . . or (d) of the 1996 Act **[**[F150](temporary service of various kinds)**]** .

(4) In this Part references, in relation to any conduct or to anything purporting to be a complaint about any conduct, to a member of the public do not include references to—

(a) a person who, at the time when the conduct is supposed to have taken place, was under the direction and control of the same chief officer as the person whose conduct it was; or

(b) a person who—

(i) at the time when the conduct is supposed to have taken place, in relation to him, or

(ii) at the time when he is supposed to have been adversely affected by it, or to have witnessed it,

was on duty in his capacity as a person falling within subsection (3)(a) to (d).

(5) For the purposes of this Part a person is adversely affected if he suffers any form of loss or damage, distress or inconvenience, if he is put in danger or if he is otherwise unduly put at risk of being adversely affected.

(6) References in this Part to the investigation of any complaint or matter by the appropriate authority on its own behalf, under the supervision of the Commission, under the management of the Commission or by the Commission itself shall be construed as references to its investigation in accordance with paragraph 16, 17, 18 or, as the case may be, 19 of Schedule 3.

(7) The Commissioner of Police for the City of London shall be treated for the purposes of this Part as if he were a member of the City of London police force.

Textual Amendments

F135 S. 29(1): definition of "the appropriate authority" substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 10(2)(a)**; S.I. 2005/1521, **art. 3(1)(w)**

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F136 Words in s. 29(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 291(a)(i)**; S.I. 2011/3019, art. 3, Sch. 1 (with art. 8(1)(4)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3))

F137 Words in s. 29(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 291(a)(ii)**; S.I. 2011/3019, art. 3, Sch. 1 (with art. 8(1)(4)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3))

F138 Words in s. 29(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 291(a)(iii)**; S.I. 2011/3019, art. 3, Sch. 1 (with art. 8(1)(4)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3))

F139 Words in s. 29(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 291(a)(iv)**; S.I. 2011/3019, art. 3, Sch. 1 (with art. 8(1)(4)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3))

F140 Words in s. 29(1) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 291(a)(v)**; S.I. 2011/3019, art. 3, Sch. 1 (with art. 8(1)(4)) (as amended (14.11.2012) by S.I. 2012/2892, art. 8(3))

F141 Words in s. 29(1) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 5(1)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F142 S. 29(1): definition of "death or serious injury matter" and "DSI matter" inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 10(2)(b)**; S.I. 2005/1521, **art. 3(1)(w)**

F143 Words in s. 29(1) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 8(6)(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F144 Words in s. 29(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 291(b)**; S.I. 2011/3019, art. 3, Sch. 1

F145 Words in s. 29(1) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 291(c)**; S.I. 2012/2892, art. 2(i)

F146 S. 29(1A)(1B) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 10(3)**; S.I. 2005/1521, **art. 3(1)(w)**

F147 S. 29(3)(b) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 9(a)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F148 Words in s. 29(3)(c) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 88**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F149 Word in s. 29(3)(d) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, **art. 3(q)** (subject to arts. 6, 7)

F150 Words in s. 29(3)(d) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 9(b)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

Modifications etc. (not altering text)

C48 S. 29 applied (with modifications) (E.W.) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1

PART 3

REMOVAL, SUSPENSION AND DISCIPLINING OF POLICE OFFICERS

Removal and suspension of senior officers

30 Resignation in the interests of efficiency and effectiveness

(1) In section 9E of the 1996 Act (removal of Commissioner and Deputy Commissioner of Police of the Metropolis)—

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(a) in subsection (1), for "to retire in the interests of efficiency or effectiveness" there shall be substituted " in the interests of efficiency or effectiveness, to retire or to resign "; and

(b) in subsection (3), for the words from "retire", in the first place where it occurs, to "earlier date" there shall be substituted " retire or resign under subsection (1), he shall retire or resign with effect from such date as the Metropolitan Police Authority may specify, or with effect from such earlier date ".

(2) In section 11 of that Act (removal of chief constables)—

(a) in subsection (2), for "to retire in the interests of efficiency or effectiveness" there shall be substituted " in the interests of efficiency or effectiveness, to retire or to resign "; and

(b) in subsection (4), for the words from "retire", in the first place where it occurs, to "earlier date" there shall be substituted " retire or resign under subsection (2), shall retire or resign with effect from such date as the police authority may specify, or with effect from such earlier date ".

31 Procedural requirements for removal of senior officers

(1) In subsection (2) of section 9E of the 1996 Act (removal of Commissioner of Police of the Metropolis) for the words from "an opportunity" to the end there shall be substituted "—

(a) an explanation in writing of the Authority's grounds for calling upon him, in the interests of efficiency or effectiveness, to retire or to resign; and

(b) an opportunity to make representations;

and the Authority shall consider any representations made by or on behalf of the Commissioner.

The opportunity given to the Commissioner to make representations must include the opportunity to make them in person."

(2) In subsection (3) of section 11 of the 1996 Act (removal of chief constable), for the words from "an opportunity" to the end there shall be substituted "—

(a) an explanation in writing of the authority's grounds for calling upon him, in the interests of efficiency or effectiveness, to retire or to resign; and

(b) an opportunity to make representations;

and the authority shall consider any representations made by or on behalf of the chief officer.

The opportunity given to the chief constable to make representations must include the opportunity to make them in person."

32 Suspension of senior officers

(1) In section 9E of the 1996 Act (removal of Commissioner and Deputy Commissioner of Police of the Metropolis), after subsection (2) there shall be inserted—

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"(2A) The Metropolitan Police Authority, acting with the approval of the Secretary of State, may suspend the Commissioner of Police of the Metropolis from duty if—

(a) it is proposing to consider whether to exercise its power under subsection (1) to call upon the Commissioner to retire or to resign and is satisfied that, in the light of the proposal, the maintenance of public confidence in the metropolitan police force requires the suspension; or

(b) having been notified by the Secretary of State that he is proposing to consider whether to require the Authority to exercise that power, it is satisfied that, in the light of the Secretary of State's proposal, the maintenance of public confidence in that force requires the suspension; or

(c) it has exercised that power or been sent under section 42(2A) a copy of a notice of the Secretary of State's intention to require it to exercise that power, but the retirement or resignation has not yet taken effect;

and it shall be the duty of the Metropolitan Police Authority (without reference to the preceding provisions of this subsection) to suspend the Commissioner from duty if it is required to do so by the Secretary of State under section 42(1A)."

(2) In section 11 of that Act (appointment and removal of chief constables), after subsection (3) there shall be inserted—

"(3A) A police authority maintaining a police force under section 2, acting with the approval of the Secretary of State, may suspend from duty the chief constable of that force if—

(a) it is proposing to consider whether to exercise its power under subsection (2) to call upon the chief constable to retire or to resign and is satisfied that, in the light of the proposal, the maintenance of public confidence in that force requires the suspension; or

(b) having been notified by the Secretary of State that he is proposing to consider whether to require the police authority to exercise that power, it is satisfied that, in the light of the Secretary of State's proposal, the maintenance of public confidence in that force requires the suspension; or

(c) it has exercised that power or been sent under section 42(2A) a copy of a notice of the Secretary of State's intention to require it to exercise that power, but the retirement or resignation has not yet taken effect;

and it shall be the duty of a police authority maintaining such a force (without reference to the preceding provisions of this subsection) to suspend the chief constable of that force from duty if it is required to do so by the Secretary of State under section 42(1A)."

(3) In each of sections 9F(3), 9FA(3) and 9G(3) of that Act (application of sections 9E(1) to (3) in the case of Assistant Commissioners, Deputy Assistant Commissioners and Commanders), at the end there shall be inserted "but with the omission in subsection (2A)—

(a) of paragraph (b);

(b) in paragraph (c), of the words from "or been sent" to "exercise that power"; and

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(c) of the words after paragraph (c)."

(4) In section 11A(3) of that Act (application of section 11(2) to (4) in the case of deputy chief constables), at the end there shall be inserted "but with the omission in subsection (3A)—

(a) of paragraph (b);

(b) in paragraph (c), of the words from "or been sent" to "exercise that power"; and

(c) of the words after paragraph (c)."

(5) In section 12(3) of that Act (application of section 11(2), (3) and (4) in the case of assistant chief constables)—

(a) for ", (3) and" there shall be substituted " to "; and

(b) at the end there shall be inserted "but with the omission in subsection (3A) —

(a) of paragraph (b);

(b) in paragraph (c), of the words from "or been sent" to "exercise that power"; and

(c) of the words after paragraph (c)."

33 Removal etc. of senior officers at the instance of the Secretary of State

(1) Section 42 of the 1996 Act (role of the Secretary of State as respects removal of chief constables etc.) shall be amended as follows.

(2) For subsections (1) and (2) there shall be substituted—

"(1) The Secretary of State may—

(a) require the Metropolitan Police Authority to exercise its power under section 9E to call upon the Commissioner or Deputy Commissioner, in the interests of efficiency or effectiveness, to retire or to resign; or

(b) require a police authority maintaining a police force under section 2 to exercise its power under section 11 to call upon the chief constable of that force, in the interests of efficiency or effectiveness, to retire or to resign.

(1A) The Secretary of State may also, in any case falling within subsection (1B) in which he considers that it is necessary for the maintenance of public confidence in the force in question—

(a) require the Metropolitan Police Authority to suspend the Commissioner or Deputy Commissioner from duty; or

(b) require a police authority maintaining a police force under section 2 to suspend the chief constable of that force from duty.

(1B) The cases falling within this subsection are—

(a) where the Secretary of State is proposing to exercise his power under subsection (1) in relation to the Metropolitan Police Authority or, as the case may be, the other police authority in question, or is proposing to consider so exercising that power;

(b) where the Metropolitan Police Authority or the other police authority in question is itself proposing to exercise its power to call upon the Commissioner or Deputy Commissioner or, as the case may be, the

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chief constable of the force in question to retire or to resign, or is proposing to consider so exercising that power; and

(c) where the power mentioned in paragraph (a) or (b) has been exercised but the retirement or resignation has not yet taken effect.

(2) Before requiring the exercise by the Metropolitan Police Authority or any other police authority of its power to call upon the Commissioner or Deputy Commissioner or the chief constable of the force in question to retire or to resign, the Secretary of State shall—

(a) give the officer concerned a notice in writing—

(i) informing him of the Secretary of State's intention to require the exercise of that power; and

(ii) explaining the Secretary of State's grounds for requiring the exercise of that power; and

(b) give that officer an opportunity to make representations to the Secretary of State.

(2A) Where the Secretary of State gives a notice under subsection (2)(a), he shall send a copy of the notice to the Metropolitan Police Authority or other police authority concerned.

(2B) The Secretary of State shall consider any representations made to him under subsection (2)."

(3) In subsection (3) (inquiries), for the words from the beginning to "subsection (1)" there shall be substituted—

"(3) Where the Secretary of State proposes to require the exercise of a power mentioned in subsection (1), he".

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

"(3A) At an inquiry held under subsection (3)—

(a) the Commissioner, Deputy Commissioner or, as the case may be, the chief constable in question shall be entitled, in accordance with any regulations under section 42A, to make representations to the inquiry;

(b) the Metropolitan Police Authority or, as the case may be, the police authority concerned shall be entitled, in accordance with any regulations made under section 42A, to make representations to the inquiry.

(3B) The entitlement of the Commissioner, Deputy Commissioner or, as the case may be, the chief constable in question to make representations shall include the entitlement to make them in person."

(5) In subsection (4) (expenses of inquiry), for the words "a chief constable, deputy chief constable or assistant chief constable" there shall be substituted " the Commissioner, the Deputy Commissioner or a chief constable ".

(6) After subsection (4) there shall be inserted—

"(4A) If the Secretary of State exercises the power conferred by subsection (1) in relation to the Commissioner or the Deputy Commissioner or a chief constable, the Metropolitan Police Authority or other police authority concerned—

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(a) shall not be required to seek the Secretary of State's approval before calling upon the Commissioner or Deputy Commissioner or chief constable in question, in the interests of efficiency or effectiveness, to retire or to resign; and

(b) shall not be required to give the Commissioner, the Deputy Commissioner or the chief constable a written explanation of the authority's grounds for calling upon him to retire or to resign, to give him an opportunity to make representations to it or to consider any representations made by him.

(4B) In this section "the Commissioner" means the Commissioner of Police of the Metropolis and "the Deputy Commissioner" means the Deputy Commissioner of Police of the Metropolis.

(4C) In this section a reference to the police authority concerned, in relation to a chief constable, is to the police authority which maintains the police force of which he is chief constable."

(7) Subsection (5) (application to senior officers in the metropolitan police) shall cease to have effect.

34 Regulations concerning procedure for removal of senior officers

After section 42 of the 1996 Act, there shall be inserted—

"**42A Procedure in relation to removal of senior officers**

(1) The Secretary of State may by regulations make provision as to the procedure to be followed in the exercise of any power conferred or duty imposed by section 9E, 11 or 42.

(2) Before making any regulations under this section, the Secretary of State shall consult with—

(a) persons whom he considers to represent the interests of police authorities;

(b) persons whom he considers to represent the interests of chief officers of police; and

(c) such other persons as he thinks fit.

(3) Regulations under this section may make different provision for different cases and circumstances.

(4) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament."

Disciplinary proceedings and protected disclosures

35 Disciplinary regulations for special constables

In section 51 of the 1996 Act (regulations for special constables), in subsection (2), after paragraph (b) there shall be inserted—

"(ba) the conduct of special constables and the maintenance of discipline;".

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36 Conduct of disciplinary proceedings

(1) Without prejudice to the generality of any of the powers conferred by sections 50 and 51 of the 1996 Act (regulations for police forces and for special constables), regulations under each of those sections may make provision—

(a) for conferring a right to bring and conduct, or otherwise participate or intervene in, any disciplinary proceedings on the Independent Police Complaints Commission;

(b) for conferring a right to participate in, or to be present at, disciplinary proceedings on such persons as may be specified or described in the regulations; and

(c) for section 34 of the Criminal Justice and Public Order Act 1994 (c. 33) (inferences to be drawn from a failure to mention a fact when questioned or charged) to apply, with such modifications and in such cases as may be provided for in the regulations, to disciplinary proceedings.

(2) In this section "disciplinary proceedings" means any proceedings under any regulations made under section 50 or, as the case may be, section 51 of 1996 Act which are identified as disciplinary proceedings by those regulations.

37 Protected disclosures by police officers

(1) After section 43K of the Employment Rights Act 1996 (c. 18), there shall be inserted—

"**43KA Application of this Part and related provisions to police**

(1) For the purposes of—

(a) this Part,

(b) section 47B and sections 48 and 49 so far as relating to that section, and

(c) section 103A and the other provisions of Part 10 so far as relating to the right not to be unfairly dismissed in a case where the dismissal is unfair by virtue of section 103A,

a person who holds, otherwise than under a contract of employment, the office of constable or an appointment as a police cadet shall be treated as an employee employed by the relevant officer under a contract of employment; and any reference to a worker being "employed" and to his "employer" shall be construed accordingly.

(2) In this section "the relevant officer" means—

(a) in relation to a member of a police force or a special constable appointed for a police area, the chief officer of police;

(b) in relation to a person appointed as a police member of the NCIS, the Director General of NCIS;

(c) in relation to a person appointed as a police member of the NCS, the Director General of NCS;

(d) in relation to any other person holding the office of constable or an appointment as police cadet, the person who has the direction and control of the body of constables or cadets in question."

(2) In section 200(1) of that Act (provisions which do not apply to persons engaged in police service under a contract of employment)—

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(a) the words “, Part IVA” and “, 47B” shall be omitted;
(b) after “sections 100” there shall be inserted “ , 103A ”; and
(c) after “section 100” there shall be inserted “ or 103A ”.

(3) Section 13 of the Public Interest Disclosure Act 1998 (c. 23) (exclusion of police service from provisions about protected disclosures) shall cease to have effect.

PART 4

POLICE POWERS ETC.

CHAPTER 1

EXERCISE OF POLICE POWERS ETC. BY CIVILIANS

38 Police powers for [F151civilian staff]

(1) The chief officer of police of any police force may [F152designate a relevant employee as an officer] of one or more of the descriptions specified in subsection (2).

(2) The description of officers are as follows—
(a) community support officer;
(b) investigating officer;
(c) detention officer;
(d) escort officer.

(3) F153. . . . . .

(4) A chief officer of police F154. . . shall not designate a person under this section unless he is satisfied that that person—
(a) is a suitable person to carry out the functions for the purposes of which he is designated;
(b) is capable of effectively carrying out those functions; and
(c) has received adequate training in the carrying out of those functions and in the exercise and performance of the powers and duties to be conferred [F155or imposed] on him by virtue of the designation.

(5) A person designated under this section shall have the powers and duties conferred or imposed on him by the designation.

[F156(5A) A person designated under this section as a community support officer shall also have the standard powers and duties of a community support officer (see section 38A(2)).]

[F157(5B) The reference in subsection (4)(c) to the powers and duties to be conferred or imposed on a person by virtue of his designation, so far as it is a reference to the standard powers and duties of a community support officer, is a reference to the powers and duties that at the time of the person's designation are the standard powers and duties of a community support officer.]

(6) Powers and duties may be conferred or imposed on a designated person by means only of the application to him by his designation of provisions of the applicable Part

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of Schedule 4 that are to apply to the designated person; and for this purpose the applicable Part of that Schedule is—

(a) in the case of a person designated as a community support officer, Part 1;

(b) in the case of a person designated as an investigating officer, Part 2;

(c) in the case of a person designated as a detention officer, Part 3; and

(d) in the case of a person designated as an escort officer, Part 4.

[[F158](6A) Subsection (6) has effect subject to subsections (5A) and (8).**]**

(7) **[**[F159]A relevant employee**]**[F160]. . . authorised or required to do anything by virtue of a designation under this section—

(a) shall not be authorised or required by virtue of that designation to engage in any conduct otherwise than in the course of that employment; and

(b) shall be so authorised or required subject to such restrictions and conditions (if any) as may be specified in his designation.

(8) Where any power exercisable by any person in reliance on his designation under this section is a power which, in the case of its exercise by a constable, includes or is supplemented by a power to use reasonable force, any person exercising that power in reliance on that designation shall have the same entitlement as a constable to use reasonable force.

(9) Where any power exercisable by any person in reliance on his designation under this section includes power to use force to enter any premises, that power shall not be exercisable by that person except—

(a) in the company, and under the supervision, of a constable; or

(b) for the purpose of saving life or limb or preventing serious damage to property.

[[F161](11) In this section "relevant employee" means—

(a) in the case of—

(i) a police force maintained for a police area in accordance with section 2 of the Police Act 1996, or

(ii) the police force maintained for the metropolitan police district in accordance with section 5A of that Act,

a member of the civilian staff of that police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011);

(b) in the case of any other police force, a person who—

(i) is employed by the police authority maintaining that force, and

(ii) is under the direction and control of the chief officer making a designation under subsection (1).**]**

Textual Amendments

F151 Words in s. 38 title substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 292(2)**; S.I. 2011/3019, art. 3, Sch. 1

F152 Words in s. 38(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 292(3)**; S.I. 2011/3019, art. 3, Sch. 1

F153 S. 38(3) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 181(2), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

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F154 Words in s. 38(4) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 181(3), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F155 Words in s. 38(4)(c) inserted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 2(2)**; S.I. 2007/3203, **art. 2(c)**

F156 S. 38(5A) inserted (1.12.2007) by Police and Justice Act 2006 (c. 48), **ss. 7(1)**, 53; S.I. 2007/3203, **art. 2(a)**

F157 S. 38(5B) inserted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 2(3)**; S.I. 2007/3202, **art. 2(c)**

F158 S. 38(6A) inserted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 2(4)**; S.I. 2007/3203, **art. 2(c)**

F159 Words in s. 38(7) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 292(4)**; S.I. 2011/3019, art. 3, Sch. 1

F160 Words in s. 38(7) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 181(4), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F161 S. 38(11) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 292(5)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C49 S. 38 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(a)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

[F162 38A Standard powers and duties of community support officers

(1) The Secretary of State may by order provide for provisions of Part 1 of Schedule 4 to apply to every person who under section 38 is designated as a community support officer.

(2) The powers and duties conferred or imposed by the provisions for the time being applied under subsection (1) are to be known as the standard powers and duties of a community support officer.

(3) Before making an order under subsection (1), the Secretary of State shall consult with—

[F163 (a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(ab) the Mayor's Office for Policing and Crime;

(ac) the Common Council of the City of London; and]

(b) the Association of Chief Police Officers.

(4) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by subsection (1) unless a draft of that order has been laid before Parliament and approved by a resolution of each House.

(5) A provision of Part 1 of Schedule 4 may be applied to a person concurrently by an order under subsection (1) and a designation under section 38.

(6) If an order under subsection (1) confers or imposes additional powers and duties on a person who is under the direction and control of a chief officer of police of a police force, that chief officer must ensure that the person receives adequate training in the exercise and performance of the additional powers and duties.]

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Textual Amendments

F162 S. 38A inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), **ss. 7(2)**, 53; S.I. 2007/709, **art. 3(e)** (subject to arts. 6, 7)

F163 S. 38A(3)(a)-(ac) substituted for s. 38A(3)(a) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 293**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 67)

[F164 38B Police powers for civilian employees under collaboration agreements

(1) The chief officer of police of a police force (the "assisted force") may designate a person ("C") who—

(a) is a civilian employee of another police force (the "assisting force"),

(b) is designated under section 38 by the chief officer of police of the assisting police force (the "section 38 designation"), and

(c) is permitted, under relevant police collaboration provision, to discharge powers and duties specified in that provision for the purposes of the assisted force.

(2) The designation under subsection (1) (the "collaboration designation") must designate C as an officer of one or more of the descriptions specified in section 38(2).

(3) The collaboration designation may designate C as an officer of a particular description specified in section 38(2) only if the section 38 designation designates C as an officer of that description.

(4) C shall have the powers and duties conferred or imposed on C by the collaboration designation.

(5) A power or duty may be conferred or imposed on C by the collaboration designation only if C is permitted, under the relevant police collaboration provision, to discharge that power or duty for the purposes of the assisted force.

(6) C shall not be authorised or required by virtue of the collaboration designation to engage in any conduct otherwise than in the course of discharging a power or duty conferred or imposed on C by the collaboration designation.

(7) The collaboration designation must specify the restrictions and conditions to which C is subject in the discharge of the powers and duties conferred or imposed by the collaboration designation.

(8) Those restrictions and conditions must include the restrictions and conditions specified in the relevant police collaboration provision.

(9) C is authorised or required to discharge any power or duty conferred or imposed by the collaboration designation subject to the restrictions and conditions specified in the collaboration designation.

(10) References in this section to the discharge of functions by civilian employees of the assisting force for the purposes of the assisted force have the same meaning as in section 23B of the Police Act 1996.

(11) In this section—

"civilian employee" has the meaning given by section 23I of the Police Act 1996;

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"relevant police collaboration provision" means provision, contained in a collaboration agreement under section 22A of the Police Act 1996, which is of the kind referred to in section 23AA of that Act.

Textual Amendments

F164 Ss. 38B, 38C inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 3**; S.I. 2011/3019, art. 3, Sch. 1

38C Designations under section 38B: supplementary provision

(1) The collaboration designation of C must be in accordance with the relevant police collaboration provision.

(2) Subsection (1) is in addition to section 38B(5) and (8).

(3) Subsections (8) and (9) of section 38 apply to any power exercisable by C in reliance on the collaboration designation as they apply to a power exercisable by a person in reliance on a designation under section 38.

(4) In exercising or performing any power or duty in reliance on the collaboration designation, C is to be taken—

(a) as exercising or performing that power or duty in reliance on that collaboration designation (and not in reliance on any designation under section 38); and

(b) accordingly, as not being a designated person (within the meaning of section 46(1)) by virtue of any designation under section 38.

(5) Expressions used in this section and section 38B have the same meanings in this section as in section 38B.**]**

Textual Amendments

F164 Ss. 38B, 38C inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 3**; S.I. 2011/3019, art. 3, Sch. 1

39 Police powers for contracted-out staff

(1) This section applies if a **[**[F165]local policing body**]** has entered into a contract with a person ("the contractor") for the provision of services relating to the detention or escort of persons who have been arrested or are otherwise in custody.

(2) The chief officer of police of the police force maintained by that **[**[F165]local policing body**]** may designate any person who is an employee of the contractor as either or both of the following—

(a) a detention officer; or

(b) an escort officer.

(3) A person designated under this section shall have the powers and duties conferred or imposed on him by the designation.

(4) A chief officer of police shall not designate a person under this section unless he is satisfied that that person—

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(a) is a suitable person to carry out the functions for the purposes of which he is designated;
(b) is capable of effectively carrying out those functions; and
(c) has received adequate training in the carrying out of those functions and in the exercise and performance of the powers and duties to be conferred on him by virtue of the designation.

(5) A chief officer of police shall not designate a person under this section unless he is satisfied that the contractor is a fit and proper person to supervise the carrying out of the functions for the purposes of which that person is designated.

(6) Powers and duties may be conferred or imposed on a designated person by means only of the application to him by his designation of provisions of the applicable Part of Schedule 4 that are to apply to the designated person; and for this purpose the applicable Part of that Schedule is—
(a) in the case of a person designated as a detention officer, Part 3; and
(b) in the case of a person designated as an escort officer, Part 4.

(7) An employee of the contractor authorised or required to do anything by virtue of a designation under this section—
(a) shall not be authorised or required by virtue of that designation to engage in any conduct otherwise than in the course of that employment; and
(b) shall be so authorised or required subject to such restrictions and conditions (if any) as may be specified in his designation.

(8) Where any power exercisable by any person in reliance on his designation under this section is a power which, in the case of its exercise by a constable, includes or is supplemented by a power to use reasonable force, any person exercising that power in reliance on that designation shall have the same entitlement as a constable to use reasonable force.

(9) The Secretary of State may by regulations make provision for the handling of complaints relating to, or other instances of misconduct involving, the carrying out by any person designated under this section of the functions for the purposes of which any power or duty is conferred or imposed by his designation.

(10) Regulations under subsection (9) may, in particular, provide that any provision made by Part 2 of this Act with respect to complaints against persons serving with the police is to apply, with such modifications as may be prescribed by them, with respect to complaints against persons designated under this section.

(11) Before making regulations under this section, the Secretary of State shall consult with—
[[F166]**[**[F167](a) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
(aa) the Mayor's Office for Policing and Crime;
(ab) the Common Council of the City of London; and**]**
(b) the Association of Chief Police Officers;**]**
(c) the Independent Police Complaints Commission; and
(d) such other persons as he thinks fit.

(12) A designation under this section, unless it is previously withdrawn or ceases to have effect in accordance with subsection (13), shall remain in force for such period as may

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be specified in the designation; but it may be renewed at any time with effect from the time when it would otherwise expire.

(13) A designation under this section shall cease to have effect—

(a) if the designated person ceases to be an employee of the contractor; or

(b) if the contract between the **[**[F168]local policing body**]** and the contractor is terminated or expires.

Textual Amendments

F165 Words in s. 39(1)(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 294(2)**; S.I. 2011/3019, art. 3, Sch. 1

F166 S. 39(11)(a)(b) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 6, 53, **Sch. 4 para. 13**; S.I. 2007/709, **art. 3(d)**

F167 S. 39(11)(a)-(ab) substituted for s. 39(11)(a) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 294(3)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 68)

F168 Words in s. 39(13)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 294(4)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C50 S. 39 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(b)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

Commencement Information

I7 S. 39 wholly in force at 1.4.2003; s. 39 not in force at Royal Assent, see s. 108(2); s. 39(9)(10)(11)(a)(b) and (d) in force at 1.10.2002 by S.I. 2002/2306, **art. 2(d)(i)**; s. 39 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(b)**

40 Community safety accreditation schemes

(1) The chief officer of police of any police force may, if he considers that it is appropriate to do so for the purposes specified in subsection (3), establish and maintain a scheme ("a community safety accreditation scheme").

(2) A community safety accreditation scheme is a scheme for the exercise in the chief officer's police area by persons accredited by him under section 41 of the powers conferred by their accreditations under that section.

(3) Those purposes are—

(a) contributing to community safety and security; and

(b) in co-operation with the police force for the area, combatting crime and disorder, public nuisance and other forms of anti-social behaviour.

(4) Before establishing a community safety accreditation scheme for his police area, a chief officer of any police force (other than the Commissioner of Police of the Metropolis) must consult with—

(a) the **[**[F169]local policing body**]** maintaining that force, and

(b) every local authority any part of whose area lies within the police area.

(5) Before establishing a community safety accreditation scheme for the metropolitan police district, the Commissioner of Police of the Metropolis must consult with—

[[F170](a) the Mayor's Office for Policing and Crime;**]**

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(b) the Mayor of London; and

(c) every local authority any part of whose area lies within the metropolitan police district.

(6) In subsections (4)(b) and (5)(c) "local authority" means—

(a) in relation to England, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly; and

(b) in relation to Wales, a county council or a county borough council.

(7) Every **[**[F171]police and crime plan under section 5 or 6 of the Police Reform and Social Responsibility Act 2011**]** which is issued after the commencement of this section, [F172]... must set out—

(a) whether a community safety accreditation scheme is maintained for the police area in question;

(b) if not, whether there is any proposal to establish such a scheme for that area during the period to which the plan relates;

(c) particulars of any such proposal or of any proposal to modify during that period any community safety accreditation scheme that is already maintained for that area;

(d) the extent (if any) of any arrangements for provisions specified in Schedule 4 to be applied to designated persons employed by the **[**[F173]local policing body**]** ; and

(e) the respects in which any community safety accreditation scheme that is maintained or proposed will be supplementing those arrangements during the period to which the plan relates.

(8) A community safety accreditation scheme must contain provision for the making of arrangements with employers who—

(a) are carrying on business in the police area in question, or

(b) are carrying on business in relation to the whole or any part of that area or in relation to places situated within it,

for those employers to supervise the carrying out by their employees of the community safety functions for the purposes of which powers are conferred on those employees by means of accreditations under section 41.

(9) It shall be the duty of a chief officer of police who establishes and maintains a community safety accreditation scheme to ensure that the employers of the persons on whom powers are conferred by the grant of accreditations under section 41 have established and maintain satisfactory arrangements for handling complaints relating to the carrying out by those persons of the functions for the purposes of which the powers are conferred.

Textual Amendments

F169 Words in s. 40(4)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 295(2)**; S.I. 2011/3019, art. 3, Sch. 1

F170 S. 40(5)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 295(3)**; S.I. 2011/3019, art. 3, Sch. 1

F171 Words in s. 40(7) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 295(4)(a)**; S.I. 2011/3019, art. 3, Sch. 1

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F172 Words in s. 40(7) omitted (16.1.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 295(4)(b)**; S.I. 2011/3019, art. 3, Sch. 1

F173 Words in s. 40(7) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 295(4)(c)**; S.I. 2011/3019, art. 3, Sch. 1

41 Accreditation under community safety accreditation schemes

(1) This section applies where a chief officer of police has, for the purposes of a community safety accreditation scheme, entered into any arrangements with any employer for or with respect to the carrying out of community safety functions by employees of that employer.

(2) The chief officer of police may, on the making of an application for the purpose by such person and in such manner as he may require, grant accreditation under this section to any employee of the employer.

(3) Schedule 5 (which sets out the powers that may be conferred on accredited persons) shall have effect.

(4) A chief officer of police shall not grant accreditation to a person under this section unless he is satisfied—

(a) that that person's employer is a fit and proper person to supervise the carrying out of the functions for the purposes of which the accreditation is to be granted;

(b) that the person himself is a suitable person to exercise the powers that will be conferred on him by virtue of the accreditation;

(c) that that person is capable of effectively carrying out the functions for the purposes of which those powers are to be conferred on him; and

(d) that that person has received adequate training for the exercise of those powers.

[[F174](4A) A chief officer of police may not grant accreditation under this section to a weights and measures inspector.**]**

(5) A chief officer of police may charge such fee as he considers appropriate for one or both of the following—

(a) considering an application for or for the renewal of an accreditation under this section;

(b) granting such an accreditation.

(6) A person authorised or required to do anything by virtue of an accreditation under this section—

(a) shall not be authorised or required by virtue of that accreditation to engage in any conduct otherwise than in the course of his employment by the employer with whom the chief officer of police has entered into the arrangements mentioned in subsection (1); and

(b) shall be so authorised or required subject to such other restrictions and conditions (if any) as may be specified in his accreditation.

(7) An accreditation under this section, unless it is previously withdrawn or ceases to have effect in accordance with subsection (8), shall remain in force for such period as may be specified in the accreditation; but it may be renewed at any time with effect from the time when it would otherwise expire.

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(8) An accreditation under this section shall cease to have effect—
  (a) if the accredited person ceases to be an employee of the person with whom the chief officer of police has entered into the arrangements mentioned in subsection (1); or
  (b) if those arrangements are terminated or expire.

Textual Amendments

F174 S. 41(4A) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 42**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

[F175 41A Accreditation of weights and measures inspectors

(1) The chief officer of police of any police force may, on the making of an application for the purpose by such person and in such manner as he may require, grant accreditation under this section to a weights and measures inspector.

(2) A weights and measures inspector to whom an accreditation under this section is granted by a chief officer of police may exercise the powers conferred by the accreditation in the chief officer's police area.

(3) Schedule 5A (which sets out the powers that may be conferred on inspectors accredited under this section) shall have effect.

(4) A chief officer of police shall not grant accreditation to a weights and measures inspector under this section unless he is satisfied that—
  (a) the inspector is a suitable person to exercise the powers that will be conferred on him by virtue of the accreditation; and
  (b) the inspector has received adequate training for the exercise of those powers.

(5) A chief officer of police may charge such fee as he considers appropriate for one or both of the following—
  (a) considering an application for or for the renewal of an accreditation under this section;
  (b) granting an accreditation under this section.

(6) A weights and measures inspector authorised or required to do anything by virtue of an accreditation under this section—
  (a) shall not be authorised or required by virtue of that accreditation to engage in any conduct otherwise than in the course of his duties as a weights and measures inspector; and
  (b) shall be so authorised or required subject to such other restrictions and conditions (if any) as may be specified in his accreditation.

(7) An accreditation under this section, unless it is previously withdrawn or ceases to have effect in accordance with subsection (8), shall remain in force for such period as may be specified in the accreditation, but it may be renewed at any time with effect from the time when it would otherwise expire.

(8) An accreditation under this section shall cease to have effect if the accredited inspector ceases to hold office as a weights and measures inspector.**]**

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Textual Amendments

F175 S. 41A inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), **ss. 15(1)**, 53; S.I. 2007/709, **art. 3(k)** (subject to arts. 6, 7)

[F176 41B Power to apply accreditation provisions

(1) The Secretary of State may by order provide for section 41A and any other provision of this Chapter relating to accredited inspectors to apply (with or without modification) in relation to persons of a description specified in the order.

(2) The provision which may be made by an order under this section includes such modifications of other enactments as appear to the Secretary of State to be necessary or appropriate.

(3) No order shall be made under this section unless a draft of it has been laid before and approved by a resolution of each House of Parliament.**]**

Textual Amendments

F176 S. 41B inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), **ss. 16**, 53; S.I. 2007/709, **art. 3(l)**; (subject to arts. 6, 7)

42 Supplementary provisions relating to designations and accreditations

[F177(A1) A person who exercises or performs any power or duty in relation to any person in reliance on his designation under section 38 as a community support officer, or who purports to do so, shall produce to that person evidence of his designation, if requested to do so.

(B1) A person who exercises or performs any non-standard power or non-standard duty in relation to any person in reliance on his designation under section 38 as a community support officer, or who purports to do so, shall produce to that person evidence that the power or duty has been conferred or imposed on him, if requested to do so.

(C1) For the purposes of subsection (B1), a power or duty is "non-standard" if it is not one of the standard powers and duties of a community support officer.**]**

(1) A person who exercises or performs any power or duty in relation to any person in reliance on his designation under section 38 **[**F178, 38B**]** or 39 or his accreditation under section 41 **[**F179or 41A**]** , or who purports to do so, shall produce that designation or accreditation to that person, if requested to do so.

[F180(1A) Subsection (1) does not apply to a person who exercises or performs any power or duty in reliance on his designation under section 38 as a community support officer, or who purports to do so.**]**

(2) A power exercisable by any person in reliance on his designation by a chief officer of police under section 38 or 39 or his accreditation under section 41 shall **[**F181, subject to subsection (2A),**]** be exercisable only by a person wearing such uniform as may be—

(a) determined or approved for the purposes of this Chapter by the chief officer of police who granted the designation or accreditation; and

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(b) identified or described in the designation or accreditation;

and, in the case of an accredited person, such a power shall be exercisable only if he is also wearing such badge as may be specified for the purposes of this subsection by the Secretary of State, and is wearing it in such manner, or in such place, as may be so specified.

[[F182](2ZA) A power exercisable by any person in reliance on a designation under section 38B by the chief officer of police of the assisted force shall, subject to subsection (2A), be exercisable only by a person wearing such uniform as may be—

(a) determined or approved for the purposes of this Chapter by the chief officer of police of the assisting police force; and

(b) identified or described in the designation.

In this subsection, "assisted force" and "assisting force" have the same meanings as in section 38B.**]**

[[F183](2A) A police officer of or above the rank of inspector may direct a particular investigating officer not to wear a uniform for the purposes of a particular operation; and if he so directs, subsection (2) **[**[F184]or (2ZA)**]** shall not apply in relation to that investigating officer for the purposes of that operation.

(2B) In subsection (2A), "investigating officer" means a person designated as an investigating officer under section 38 **[**[F185](in relation to subsection (2)) or section 38B (in relation to subsection (2ZA))**]** by the chief officer of police of the same force as the officer giving the direction.**]**

(3) A chief officer of police who has granted a designation or accreditation to any person under section 38 **[**[F186], 38B**]** , 39 or 41 **[**[F187]or an accreditation to any weights and measures inspector under section 41A**]** may at any time, by notice to the designated or accredited person **[**[F188]or the accredited inspector**]** , modify or withdraw that designation or accreditation.

[F189](4) . . . . . .

(5) Where any person's designation under section 39 is modified or withdrawn, the chief officer giving notice of the modification or withdrawal shall send a copy of the notice to the contractor responsible for supervising that person in the carrying out of the functions for the purposes of which the designation was granted.

(6) Where any person's accreditation under section 41 is modified or withdrawn, the chief officer giving notice of the modification or withdrawal shall send a copy of the notice to the employer responsible for supervising that person in the carrying out of the functions for the purposes of which the accreditation was granted.

[[F190](6A) Where the accreditation of a weights and measures inspector under section 41A is modified or withdrawn, the chief officer giving notice of the modification or withdrawal shall send a copy of the notice to the local weights and measures authority by which the inspector was appointed.**]**

(7) For the purposes of determining liability for the unlawful conduct of employees of a **[**[F191]chief officer of police or local policing body**]** , conduct by such an employee in reliance or purported reliance on a designation under section 38 shall be taken to be conduct in the course of his employment by the **[**[F191]chief officer of police or local policing body**]**; and, in the case of a tort, **[**[F192]that chief officer or body**]** shall fall to be treated as a joint tortfeasor accordingly.

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[[F193](7A) For the purposes of determining liability for the unlawful conduct of a civilian employee of a police force (within the meaning of section 38B), conduct by such an employee in reliance or purported reliance on a designation under section 38B shall be taken to be conduct in the course of the employee's employment by the employer; and, in the case of a tort, that employer shall fall to be treated as a joint tortfeasor accordingly.**]**

[F189](8) . . . . . .

(9) For the purposes of determining liability for the unlawful conduct of employees of a contractor (within the meaning of section 39), conduct by such an employee in reliance or purported reliance on a designation under that section shall be taken to be conduct in the course of his employment by that contractor; and, in the case of a tort, that contractor shall fall to be treated as a joint tortfeasor accordingly.

(10) For the purposes of determining liability for the unlawful conduct of employees of a person with whom a chief officer of police has entered into any arrangements for the purposes of a community safety accreditation scheme, conduct by such an employee in reliance or purported reliance on an accreditation under section 41 shall be taken to be conduct in the course of his employment by that employer; and, in the case of a tort, that employer shall fall to be treated as a joint tortfeasor accordingly.

[[F194](11) For the purposes of determining liability for the unlawful conduct of weights and measures inspectors, conduct by such an inspector in reliance or purported reliance on an accreditation under section 41A shall be taken to be conduct in the course of his duties as a weights and measures inspector; and, in the case of a tort, the local weights and measures authority by which he was appointed shall fall to be treated as a joint tortfeasor accordingly.**]**

Textual Amendments

F177 S. 42(A1)-(C1) inserted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 3(2)**; S.I. 2007/3203, **art. 2(c)**

F178 Word in s. 42(1) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(2)**; S.I. 2011/3019, art. 3, Sch. 1

F179 Words in s. 42(1) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 43(2)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6,7)

F180 S. 42(1A) inserted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 3(3)**; S.I. 2007/3203, **art. 2(c)**

F181 Words in s. 42(2) inserted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 122(2)(a)**, 178; S.I. 2005/1521, **art. 3(1)(h)**; S.I. 2005/2026, **art. 2(d)**

F182 S. 42(2ZA) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(3)**; S.I. 2011/3019, art. 3, Sch. 1

F183 S. 42(2A)(2B) inserted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 122(2)(b)**, 178; S.I. 2005/1521, **art. 3(1)(h)**; S.I. 2005/2026, **art. 2(d)**

F184 Words in s. 42(2A) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(4)**; S.I. 2011/3019, art. 3, Sch. 1

F185 Words in s. 42(2B) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(5)**; S.I. 2011/3019, art. 3, Sch. 1

F186 Word in s. 42(3) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(6)**; S.I. 2011/3019, art. 3, Sch. 1

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F187 Words in s. 42(3) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 43(3)(a)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F188 Words in s. 42(3) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 43(3)(b)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F189 S. 42(4)(8) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 182, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F190 S. 42(6A) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 43(4)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F191 Words in s. 42(7) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 296(a)**; S.I. 2011/3019, art. 3, Sch. 1

F192 Words in s. 42(7) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 296(b)**; S.I. 2011/3019, art. 3, Sch. 1

F193 S. 42(7A) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 4(7)**; S.I. 2011/3019, art. 3, Sch. 1

F194 S. 42(11) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 43(5)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

Modifications etc. (not altering text)

C51 S. 42 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(c)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

43 Railway safety accreditation scheme

(1) The Secretary of State may make regulations for the purpose of enabling the chief constable of the British Transport Police Force to establish and maintain a scheme ("a railway safety accreditation scheme").

[[F195](2) A railway safety accreditation scheme is a scheme for the exercise, within a place specified in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 in England and Wales, by persons accredited by the chief constable of the British Transport Police Force under the scheme, of the powers conferred on those persons by their accreditation under that scheme.**]**

(3) The regulations may make provision—

(a) as to the purposes for which a railway safety accreditation scheme may be established;

(b) as to the procedure to be followed in the establishment of such a scheme; and

(c) as to matters for which such a scheme must contain provision.

(4) The regulations may make provision as to the descriptions of persons who may be accredited under a railway safety accreditation scheme and as to the procedure and criteria to be applied for the grant of any accreditation under such a scheme.

(5) The regulations may make provision as to the powers which may be conferred on a person by an accreditation under such a scheme.

(6) Subject to subsection (7), no regulations made by virtue of subsection (5) shall permit a power to be conferred on a person accredited under a railway safety accreditation scheme which could not be conferred on an accredited person under a community safety accreditation scheme.

(7) The regulations may provide that the powers which may be conferred on a person by an accreditation under a railway safety accreditation scheme include the powers of

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a constable in uniform and of an authorised constable to give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (fixed penalty notices) in respect of the following offences—

(a) an offence under section 55 of the British Transport Commission Act 1949 (c. xxix) (trespassing on a railway);

(b) an offence under section 56 of that Act (throwing stones etc. at trains or other things on railways).

(8) In relation to a person accredited under a railway safety accreditation scheme, the regulations may apply, with such modifications as may be prescribed by them, any provision of this Chapter which applies in relation to an accredited person.

(9) Before making regulations under this section the Secretary of State shall consult with—

[[F196](a) the Association of Chief Police Officers;**]**

(b) the chief constable of the British Transport Police Force;

[[F197](c) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(ca) the Mayor's Office for Policing and Crime;

(cb) the Common Council of the City of London; and**]**

(d) the **[**[F198]British Transport Police Authority**]** ;

(e) persons whom he considers to represent the interests of local authorities;

(f) the Mayor of London; and

(g) such other persons as he thinks fit.

(10) In this section—

"local authorities" means district councils, London borough councils, county councils in Wales, county borough councils and the Common Council of the City of London; and

[F199] . . . . . .

Textual Amendments

F195 S. 43(2) substituted (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), **art. 12(7)(a)**

F196 S. 43(9)(a) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 6, 53, **Sch. 4 para. 14(a)**; S.I. 2007/709, **art. 3(d)** (subject to arts. 6, 7)

F197 S. 43(9)(c)-(cd) substituted for s. 43(9)(c) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 297**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 69)

F198 Words in s. 43(9)(d) substituted (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), **art. 12(7)(b)**

F199 S. 43(10): definition of "policed premises" repealed (1.7.2004) by The British Transport Police (Transitional and Consequential Provisions) Order 2004 (S.I. 2004/1573), **art. 12(7)(c)**

Modifications etc. (not altering text)

C52 S. 43 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(jjj)**

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44 Removal of restriction on powers conferred on traffic wardens

(1) Section 96 of the Road Traffic Regulation Act 1984 (c. 27) (additional powers of traffic wardens) shall be amended as follows.

(2) In subsection (2)(c) (powers under the Road Traffic Act 1988 (c. 52) which may be conferred on traffic wardens), after sub-paragraph (i) there shall be inserted—

"(ia) section 67(3) (which relates to the power of a constable in uniform to stop vehicles for testing);".

(3) In subsection (3)(traffic wardens not to be given the powers of a constable under sections 163, 164(1), (2) and (6) and 165 of the Road Traffic Act 1988 except for the purposes of exercising them in the circumstances specified in that subsection)—

(a) in the words before paragraph (a), the words "163" (which refer to the power to stop a vehicle) shall be omitted; and

(b) paragraph (c) and the word "or" immediately preceding it shall cease to have effect.

45 Code of practice relating to chief officers' powers under Chapter 1

(1) The Secretary of State shall issue a code of practice about the exercise and performance by chief officers of police [F200]. . . of their powers and duties under this Chapter.

(2) The Secretary of State may from time to time revise the whole or any part of a code of practice issued under this section.

(3) Before issuing or revising a code of practice under this section, the Secretary of State shall consult with—

(a) [F201]. . . . . .

(b) [F201]. . . . . .

[[F202](c) such persons as appear to the Secretary of State to represent the views of police and crime commissioners;

(ca) the Mayor's Office for Policing and Crime;

(cb) the Common Council of the City of London; and**]**

(d) [F201]. . . . . .

(e) [F201]. . . . . .

[[F203](f) the Association of Chief Police Officers;**]**

(g) persons whom he considers to represent the interests of local authorities;

(h) the Mayor of London; and

(i) such other persons as he thinks fit.

(4) The Secretary of State shall lay any code of practice issued by him under this section, and any revisions of any such code, before Parliament.

(5) In discharging any function to which a code of practice under this section relates, a chief officer of police [F204]. . . shall have regard to the code.

(6) For the purposes of subsection (3)(g), "local authorities" means district councils, London borough councils, county councils in Wales, county borough councils, the Common Council of the City of London and the Council of the Isles of Scilly.

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Textual Amendments

F200 Words in s. 45(1) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 183(2), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F201 S. 45(3)(a)(b)(d)(e) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 183(3), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F202 S. 45(3)(c)-(cb) substituted for s. 45(3)(c) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 298**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 70)

F203 S. 45(3)(f) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 6, 53, **Sch. 4 para. 15(b)**; S.I. 2007/709, **art. 3(d)** (subject to arts. 6, 7)

F204 Words in s. 45(5) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 183(4), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

Modifications etc. (not altering text)

C53 S. 45 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(d)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

46 Offences against designated and accredited persons etc.

(1) Any person who assaults—

(a) a designated person in the execution of his duty,

(b) an accredited person in the execution of his duty,

[[F205](ba) an accredited inspector in the execution of his duty,**]** or

(c) a person assisting a designated or accredited person **[**[F206]or an accredited inspector**]** in the execution of his duty,

is guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

(2) Any person who resists or wilfully obstructs—

(a) a designated person in the execution of his duty,

(b) an accredited person in the execution of his duty,

[[F207](ba) an accredited inspector in the execution of his duty,**]** or

(c) a person assisting a designated or accredited person **[**[F206]or an accredited inspector**]** in the execution of his duty,

is guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding one month or to a fine not exceeding level 3 on the standard scale, or to both.

(3) Any person who, with intent to deceive—

(a) impersonates a designated person **[**[F208], an accredited person or an accredited inspector**]** ,

(b) makes any statement or does any act calculated falsely to suggest that he is a designated person **[**[F209], that he is an accredited person or that he is an accredited inspector**]** , or

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(c) makes any statement or does any act calculated falsely to suggest that he has powers as a designated or accredited person **[**[F210]or as an accredited inspector**]** that exceed the powers he actually has,

is guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale, or to both.

(4) In this section references to the execution by a designated person **[**[F211], accredited person or accredited inspector**]** of his duty are references to his exercising any power or performing any duty which is his by virtue of his designation or accreditation.

[[F212](5) References in this section to a designated person are to—

(a) a designated person within the meaning given by section 47(1), and

(b) a person in relation to whom a designation under section 38B is for the time being in force.**]**

Textual Amendments

F205 S. 46(1)(ba) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 44(2)(a)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F206 Words in s. 46(1)(c)(2)(c) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 44(2)(b)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F207 S. 46(2)(ba) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 44(2)(a)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F208 Words in s. 46(3)(a) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 44(3)(a)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F209 Words in s. 46(3)(b) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 44(3)(b)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F210 Words in s. 46(3)(c) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 44(3)(c)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F211 Words in s. 46(4) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 44(4)**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F212 S. 46(5) inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 13 para. 5**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C54 S. 46 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(e)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

47 Interpretation of Chapter 1

(1) In this Chapter—

[[F213]"accredited inspector" means a weights and measures inspector in relation to whom an accreditation under section 41A is for the time being in force;**]**

"accredited person" means a person in relation to whom an accreditation under section 41 is for the time being in force;

"community safety functions" means any functions the carrying out of which would be facilitated by the ability to exercise one or more of the powers mentioned in Schedule 5;

"conduct" includes omissions and statements;

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"designated person" means a person in relation to whom a designation under section 38 or 39 is for the time being in force;

F214 . . . . . .

F215 . . . . . .

[[F216]"weights and measures inspector" means an inspector of weights and measures appointed under section 72(1) of the Weights and Measures Act 1985.**]**

(2) In this Chapter—

(a) references to carrying on business include references to carrying out functions under any enactment; and

(b) references to the employees of a person carrying on business include references to persons holding office under a person, and references to employers shall be construed accordingly.

Textual Amendments

F213 S. 47(1): definition of "accredited inspector" inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 45**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F214 S. 47(1): definition of "Director General" repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 184, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F215 S. 47(1): definition of "Service Authority" repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 184, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F216 S. 47(1): definition of "weights and measures inspector" inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 45**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

Modifications etc. (not altering text)

C55 S. 47 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(f)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

CHAPTER 2

PROVISIONS MODIFYING AND SUPPLEMENTING POLICE POWERS

Powers of arrest

48 Offences for which a person may be arrested without a warrant

F217 . . . . . .

Textual Amendments

F217 S. 48 repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, **Sch. 17 Pt. 2**; S.I. 2005/3495, **art. 2(1)(t)(u)(xlix)**

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49 Power of arrest in relation to failure to stop a vehicle

(1) [F218] . . . . . .

(2) In section 17(1)(c) of the 1984 Act (power of entry to effect arrest for certain offences), after sub-paragraph (iii) there shall be inserted—

"(iiia) section 163 of the Road Traffic Act 1988 (c. 52) (failure to stop when required to do so by a constable in uniform);".

(3) This section has no effect in relation to offences committed before its commencement.

Textual Amendments

F218 S. 49(1) repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, **Sch. 17 Pt. 2**; S.I. 2005/3495, **art. 2(1)(t)(u)(xlix)**

Power to require name and address

50 Persons acting in an anti-social manner

(1) If a constable in uniform has reason to believe that a person has been acting, or is acting, in an anti-social manner (within the meaning of section 1 of the Crime and Disorder Act 1998 (c. 37) (anti-social behaviour orders)), he may require that person to give his name and address to the constable.

(2) Any person who—

(a) fails to give his name and address when required to do so under subsection (1), or

(b) gives a false or inaccurate name or address in response to a requirement under that subsection,

is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

Persons in police detention

51 Independent custody visitors for places of detention

(1) Every **[**[F219]local policing body**]** shall—

(a) make arrangements for detainees to be visited by persons appointed under the arrangements ("independent custody visitors"); and

(b) keep those arrangements under review and from time to time revise them as they think fit.

(2) The arrangements must secure that the persons appointed under the arrangements are independent of both—

(a) the **[**[F220]local policing body**]** ; and

(b) the chief officer of police of the police force maintained by **[**[F221]that body**]** .

(3) The arrangements may confer on independent custody visitors such powers as the **[**[F222]local policing body**]** considers necessary to enable them to carry out their functions under the arrangements and may, in particular, confer on them powers—

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(a) to require access to be given to each police station;
(b) to examine records relating to the detention of persons there;
(c) to meet detainees there for the purposes of a discussion about their treatment and conditions while detained; and
(d) to inspect the facilities there including in particular, cell accommodation, washing and toilet facilities and the facilities for the provision of food.

(4) The arrangements may include provision for access to a detainee to be denied to independent custody visitors if—
(a) it appears to an officer of or above the rank of inspector that there are grounds for denying access at the time it is requested;
(b) the grounds are grounds specified for the purposes of paragraph (a) in the arrangements; and
(c) the procedural requirements imposed by the arrangements in relation to a denial of access are complied with.

(5) Grounds shall not be specified in any arrangements for the purposes of subsection (4)(a) unless they are grounds for the time being set out for the purposes of this subsection in the code of practice issued by the Secretary of State under subsection (6).

(6) The Secretary of State shall issue, and may from time to time revise, a code of practice as to the carrying out by **[**[F223]local policing bodies**]** and independent custody visitors of their functions under the arrangements.

(7) Before issuing or revising a code of practice under this section, the Secretary of State shall consult with—
[[F224](a) **[**[F225]such persons as appear to the Secretary of State to represent the views of police and crime commissioners;
(aa) the Mayor's Office for Policing and Crime;
(ab) the Common Council of the City of London;**]**
(b) the Association of Chief Police Officers; and**]**
(c) such other persons as he thinks fit.

(8) The Secretary of State shall lay any code of practice issued by him under this section, and any revisions of any such code, before Parliament.

(9) **[**[F226]Local policing bodies**]** and independent custody visitors shall have regard to the code of practice for the time being in force under subsection (6) in the carrying out of their functions under the preceding provisions of this section.

(10) In this section "detainee", in relation to arrangements made under this section, means a person detained in a police station in the police area of the **[**[F227]local policing body**]** .

Textual Amendments

F219 Words in s. 51(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 299(2)**; S.I. 2011/3019, art. 3, Sch. 1

F220 Words in s. 51(2)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 299(4)(a)**; S.I. 2011/3019, art. 3, Sch. 1

F221 Words in s. 51(2)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 299(4)(b)**; S.I. 2011/3019, art. 3, Sch. 1

F222 Words in s. 51(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 299(5)**; S.I. 2011/3019, art. 3, Sch. 1

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F223 Words in s. 51(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 299(6)**; S.I. 2011/3019, art. 3, Sch. 1

F224 S. 51(7)(a)(b) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 6, 53, **Sch. 4 para. 16**; S.I. 2007/709, **art. 3(d)** (subject to arts. 6, 7)

F225 S. 51(7)(a)-(ab) substituted for s. 51(7)(a) (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 299(7)**; S.I. 2011/3019, art. 3, Sch. 1 (with Sch. 2 para. 71)

F226 Words in s. 51(9) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 299(8)**; S.I. 2011/3019, art. 3, Sch. 1

F227 Words in s. 51(10) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 299(9)(a)**; S.I. 2011/3019, art. 3, Sch. 1

52 Detention reviews for detained persons who are asleep

(1) In section 40 of the 1984 Act (review of police detention), in subsection (8) for the words from "the substitution" to the end there shall be substituted " the modifications specified in subsection (8A) ".

(2) After that subsection there shall be inserted—

"(8A) The modifications are—

(a) the substitution of references to the person whose detention is under review for references to the person arrested;

(b) the substitution of references to the review officer for references to the custody officer; and

(c) in subsection (6), the insertion of the following paragraph after paragraph (a)—

("') asleep;""

(3) In subsection (10) of that section—

(a) for "(6)" there shall be substituted " (6B) "; and

(b) for the words from "the substitution" to the end there shall be substituted " the modifications specified in subsection (10A) ".

(4) After that subsection there shall be inserted—

"(10A) The modifications are—

(a) the substitution of a reference to the person whose detention is under review for any reference to the person arrested or to the person charged; and

(b) in subsection (5), the insertion of the following paragraph after paragraph (a)—

("') asleep;""

53 Persons suspected of offences connected with transport systems

(1) In section 34(6) of the 1984 Act (persons treated as arrested for an offence), after "1988" there shall be inserted " or section 30(2) of the Transport and Works Act 1992 (c. 42) ".

(2) In section 62(11) of that Act (provisions of the Road Traffic Act 1988 (c. 52) relating to the taking of specimens not to be affected by provisions of that section)—

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(a) for "affects" there shall be substituted " applies to the taking of a specimen for the purposes of any of the provisions of "; and

(b) after "Road Traffic Act 1988" there shall be inserted " or of sections 26 to 38 of the Transport and Works Act 1992 ".

Blood specimens

54 Persons authorised to take intimate samples from persons in police detention

(1) For subsection (9) of section 62 of the 1984 Act (persons who may take intimate samples) there shall be substituted—

"(9) In the case of an intimate sample which is a dental impression, the sample may be taken from a person only by a registered dentist.

(9A) In the case of any other form of intimate sample, except in the case of a sample of urine, the sample may be taken from a person only by—

(a) a registered medical practitioner; or

(b) a registered health care professional."

(2) In section 65 of the 1984 Act (interpretation of Part 5 of that Act), in subsection (1) after the definition of "registered dentist" there shall be inserted—

""registered health care professional" means a person (other than a medical practitioner) who is—

(a) a registered nurse; or

(b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order made by the Secretary of State;".

(3) After that subsection, there shall be inserted—

"(1A) A health care profession is any profession mentioned in section 60(2) of the Health Act 1999 (c. 8) other than the profession of practising medicine and the profession of nursing.

(1B) An order under subsection (1) shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament."

Commencement Information

I8 S. 54 wholly in force at 1.4.2003; s. 54 not in force at Royal Assent, see s. 108(2); s. 54(2)(3) in force for certain purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(d)**; s. 54 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(e)**

55 Extension of role of health care professionals

(1) In subsection (4) of section 7 of the Road Traffic Act 1988 (constable to decide if specimen is of blood or urine) for the words from "shall be decided" onwards there shall be substituted " and, in the case of a specimen of blood, the question who is to be

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asked to take it shall be decided (subject to subsection (4A)) by the constable making the requirement ".

(2) After that subsection there shall be inserted—

"(4A) Where a constable decides for the purposes of subsection (4) to require the provision of a specimen of blood, there shall be no requirement to provide such a specimen if—

(a) the medical practitioner who is asked to take the specimen is of the opinion that, for medical reasons, it cannot or should not be taken; or

(b) the registered health care professional who is asked to take it is of that opinion and there is no contrary opinion from a medical practitioner;

and, where by virtue of this subsection there can be no requirement to provide a specimen of blood, the constable may require a specimen of urine instead."

(3) In subsection (2) of section 11 of that Act (interpretation of sections 3A to 10 of that Act), after the definition of "prescribed limit" there shall be inserted—

""registered health care professional" means a person (other than a medical practitioner) who is—

(a) a registered nurse; or

(b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order made by the Secretary of State."

(4) After that subsection there shall be inserted—

"(2A) A health care profession is any profession mentioned in section 60(2) of the Health Act 1999 (c. 8) other than the profession of practising medicine and the profession of nursing.

(2B) An order under subsection (2) shall be made by statutory instrument; and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(5) For subsection (4) of that section there shall be substituted—

"(4) A person provides a specimen of blood if and only if—

(a) he consents to the taking of such a specimen from him; and

(b) the specimen is taken from him by a medical practitioner or, if it is taken in a police station, either by a medical practitioner or by a registered health care professional."

Commencement Information

I9 S. 55 wholly in force at 1.4.2003; s. 55 not in force at Royal Assent, see s. 108(2); s. 55(2)(3) in force for certain purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(d)**; s. 55 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(e)**

56 Specimens taken from persons incapable of consenting

(1) After section 7 of the Road Traffic Act 1988 (c. 52) there shall be inserted—

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"7A Specimens of blood taken from persons incapable of consenting

(1) A constable may make a request to a medical practitioner for him to take a specimen of blood from a person ("the person concerned") irrespective of whether that person consents if—

(a) that person is a person from whom the constable would (in the absence of any incapacity of that person and of any objection under section 9) be entitled under section 7 to require the provision of a specimen of blood for a laboratory test;

(b) it appears to that constable that that person has been involved in an accident that constitutes or is comprised in the matter that is under investigation or the circumstances of that matter;

(c) it appears to that constable that that person is or may be incapable (whether or not he has purported to do so) of giving a valid consent to the taking of a specimen of blood; and

(d) it appears to that constable that that person's incapacity is attributable to medical reasons.

(2) A request under this section—

(a) shall not be made to a medical practitioner who for the time being has any responsibility (apart from the request) for the clinical care of the person concerned; and

(b) shall not be made to a medical practitioner other than a police medical practitioner unless—

(i) it is not reasonably practicable for the request to made to a police medical practitioner; or

(ii) it is not reasonably practicable for such a medical practitioner (assuming him to be willing to do so) to take the specimen.

(3) It shall be lawful for a medical practitioner to whom a request is made under this section, if he thinks fit—

(a) to take a specimen of blood from the person concerned irrespective of whether that person consents; and

(b) to provide the sample to a constable.

(4) If a specimen is taken in pursuance of a request under this section, the specimen shall not be subjected to a laboratory test unless the person from whom it was taken—

(a) has been informed that it was taken; and

(b) has been required by a constable to give his permission for a laboratory test of the specimen; and

(c) has given his permission.

(5) A constable must, on requiring a person to give his permission for the purposes of this section for a laboratory test of a specimen, warn that person that a failure to give the permission may render him liable to prosecution.

(6) A person who, without reasonable excuse, fails to give his permission for a laboratory test of a specimen of blood taken from him under this section is guilty of an offence.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(7) In this section "police medical practitioner" means a medical practitioner who is engaged under any agreement to provide medical services for purposes connected with the activities of a police force."

(2) In section 9 of that Act (protection of hospital patients), for subsection (2) there shall be substituted—

"(1A) While a person is at a hospital as a patient, no specimen of blood shall be taken from him under section 7A of this Act and he shall not be required to give his permission for a laboratory test of a specimen taken under that section unless the medical practitioner in immediate charge of his case—

(a) has been notified of the proposal to take the specimen or to make the requirement; and

(b) has not objected on the ground specified in subsection (2).

(2) The ground on which the medical practitioner may object is—

(a) in a case falling within subsection (1), that the requirement or the provision of the specimen or (if one is required) the warning required by section 7(7) of this Act would be prejudicial to the proper care and treatment of the patient; and

(b) in a case falling within subsection (1A), that the taking of the specimen, the requirement or the warning required by section 7A(5) of this Act would be so prejudicial."

(3) In section 34(3) of the Road Traffic Offenders Act 1988 (c. 53) (disqualification for certain offences where offender has previous conviction)—

(a) the word "and" at the end of paragraph (b) shall be omitted; and

(b) after paragraph (c) there shall be inserted—

"(d) section 7A(6) (failing to allow a specimen to be subjected to laboratory test) where that is an offence involving obligatory disqualification;".

(4) In Schedule 1 to the Road Traffic Offenders Act 1988 (offences to which sections 1, 11 and 12(1) of that Act apply), in the Table, after the entry beginning "RTA section 7" there shall be inserted—

"RTA section 7A	Failing to allow specimen of blood to be subjected to laboratory test	Sections 11 and 12(1)."

(5) In Part 1 of Schedule 2 to the Road Traffic Offenders Act 1988 (prosecution and punishment of offences under the Traffic Acts), after the entry beginning "RTA section 7" there shall be inserted—

"RTA section 7A	Failing to allow specimen to be subjected to laboratory test	Summarily	(a) Where the test would be for ascertaining ability to drive or proportion	(a) Obligatory in the case mentioned in column 4(a) (b) Discretionary	Obligatory	3-11, in case mentioned in column 4(a) 10, in any other case."

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

	of alcohol at the time offender was driving or attempting to drive, 6 months or level 5 on the standard scale or both. (b) In any other case, 3 months or level 4 on the standard scale or both	in any other case

(6) In section 143(6)(b) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (power to forfeit property used for the purposes of an offence under section 7 of the Road Traffic Act 1988 (c. 52))—

(a) after "7" there shall be inserted " or 7A "; and

(b) after "test" there shall be inserted " or to give permission for such a test ".

57 Use of specimens taken from persons incapable of consenting

(1) In subsection (2) of section 15 of the Road Traffic Offenders Act 1988 (c. 53) (evidence of blood alcohol level)—

(a) after "provided by" there shall be inserted " or taken from "; and

(b) after the word "provided", in the second place where it occurs, there shall be inserted " or taken ".

(2) In subsection (3)(a) of that section (rebutting the assumption in subsection (2)), after "provided the specimen" there shall be inserted " or had it taken from him ".

(3) In subsection (4) of that section (circumstances in which a specimen of blood is to be disregarded), for the words from "unless" to the end there shall be substituted "unless —

(a) it was taken from the accused with his consent and either—

(i) in a police station by a medical practitioner or a registered health care professional; or

(ii) elsewhere by a medical practitioner;

or

(b) it was taken from the accused by a medical practitioner under section 7A of the Road Traffic Act 1988 and the accused subsequently gave his permission for a laboratory test of the specimen."

(4) After subsection (5) of that section, there shall be inserted—

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(5A) Where a specimen of blood was taken from the accused under section 7A of the Road Traffic Act 1988, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution unless—

(a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen taken from the accused was divided at the time it was taken; and

(b) any request to be supplied with the other part which was made by the accused at the time when he gave his permission for a laboratory test of the specimen was complied with."

(5) In subsection (1) of section 16 of that Act (documentary evidence as to specimens), after "15(5)" there shall be inserted " and (5A) ".

(6) In subsection (2) of that section (documentary evidence as to consent), after the words "medical practitioner", in both places where they occur, there shall be inserted " or a registered health care professional ".

Commencement Information

I10 S. 57 wholly in force at 1.4.2003; s. 57 not in force at Royal Assent, see s. 108(2); s. 57(1)-(5) (except for certain words in subsection (3)) in force at 1.10.2002 by S.I. 2002/2306, **art. 2(d)(v)**; s. 57 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(e)**

58 Equivalent provision for offences connected with transport systems

(1) In subsection (6) of section 31 of the Transport and Works Act 1992 (c. 42) (constable to decide if specimen is of blood or urine), for the words from "shall be decided" onwards there shall be substituted " and, in the case of a specimen of blood, the question who is to be asked to take it shall be decided (subject to subsection (6A)) by the constable making the requirement ".

(2) After that subsection there shall be inserted—

"(6A) Where a constable decides for the purposes of subsection (6) to require the provision of a specimen of blood, there shall be no requirement to provide such a specimen if—

(a) the medical practitioner who is asked to take the specimen is of the opinion that, for medical reasons, it cannot or should not be taken; or

(b) the registered health care professional who is asked to take it is of that opinion and there is no contrary opinion from a medical practitioner,

and, where by virtue of this subsection there can be no requirement to provide a specimen of blood, the constable may require a specimen of urine instead."

(3) After subsection (9) of that section there shall be inserted—

"(9A) In this section "health care professional" means a person (other than a medical practitioner) who is—

(a) a registered nurse; or

(b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order made by the Secretary of State.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(9B) A health care profession is any profession mentioned in section 60(2) of the Health Act 1999 (c. 8) other than the profession of practising medicine and the profession of nursing.

(9C) An order under subsection (9A)(b) shall be made by statutory instrument; and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(4) After section 31 of that Act there shall be inserted—

"**31A Specimens of blood taken from persons incapable of consenting**

(1) A constable may make a request to a medical practitioner for him to take a specimen of blood from a person ("the person concerned") irrespective of whether that person consents if—

(a) that person is a person from whom the constable would (in the absence of any incapacity of that person and of any objection under section 33) be entitled under section 31 to require the provision of a specimen of blood for a laboratory test;

(b) it appears to that constable that that person has been involved in—

(i) an accident that constitutes or is comprised in the matter that is under investigation or the circumstances of that matter; or

(ii) a dangerous incident (within the meaning given by section 29(3)) that constitutes or is comprised in that matter or those circumstances;

(c) it appears to that constable that that person is or may be incapable (whether or not he has purported to do so) of giving a valid consent to the taking of a specimen of blood; and

(d) it appears to that constable that that person's incapacity is attributable to medical reasons.

(2) A request under this section—

(a) shall not be made to a medical practitioner who for the time being has any responsibility (apart from the request) for the clinical care of the person concerned; and

(b) shall not be made to a medical practitioner other than a police medical practitioner unless—

(i) it is not reasonably practicable for the request to made to a police medical practitioner; or

(ii) it is not reasonably practicable for such a medical practitioner (assuming him to be willing to do so) to take the specimen.

(3) It shall be lawful for a medical practitioner to whom a request is made under this section, if he thinks fit—

(a) to take a specimen of blood from the person concerned irrespective of whether that person consents; and

(b) to provide the sample to a constable.

(4) If a specimen is taken in pursuance of a request under this section, the specimen shall not be subjected to a laboratory test unless the person from whom it was taken—

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) has been informed that it was taken; and
(b) has been required by a constable to give his permission for a laboratory test of the specimen; and
(c) has given his permission.

(5) A constable must, on requiring a person to give his permission for the purposes of this section for a laboratory test of a specimen, warn that person that a failure to give the permission, may render him liable to prosecution.

(6) A person who, without reasonable excuse, fails to give his permission for a laboratory test of a specimen of blood taken from him under this section is guilty of an offence.

(7) In this section "police medical practitioner" means a medical practitioner who is engaged under any agreement to provide medical services for purposes connected with the activities of a police force."

(5) In section 33 of that Act (protection of hospital patients), for subsection (2) there shall be substituted—

"(1A) While a person is at a hospital as a patient, no specimen of blood shall be taken from him under section 31A of this Act and he shall not be required to give his permission for a laboratory test of a specimen taken under that section unless the medical practitioner in immediate charge of his case—
(a) has been notified of the proposal to take the specimen or to make the requirement; and
(b) has not objected on the ground specified in subsection (2).

(2) The ground on which the medical practitioner may object is—
(a) in a case falling within subsection (1), that the requirement or the provision of the specimen or (if one is required) the warning required by section 31(9) of this Act would be prejudicial to the proper care and treatment of the patient; and
(b) in a case falling within subsection (1A), that the taking of the specimen, the requirement or the warning required by section 31A(5) of this Act would be so prejudicial."

(6) In subsection (1)(a) of section 34 of that Act (evidence of blood alcohol level) after "provided by" there shall be inserted " or taken from ".

(7) In subsection (2)(a) of that section (rebutting the assumption in subsection (1)(b)), after "provided the specimen" there shall be inserted " or had it taken from him ".

(8) After subsection (3) of that section there shall be substituted—

"(3A) Where a specimen of blood was taken from the accused under section 31A, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution in the proceedings unless—
(a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen taken from the accused was divided at the time it was taken; and
(b) any request to be supplied with the other part which was made by the accused at the time when he gave his permission for a laboratory test of the specimen was complied with."

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(9) In section 35(3) of that Act (documentary evidence as to consent) after the words "practitioner", in both places where it occurs, there shall be inserted " or a registered health care professional ".

(10) After subsection (2) of section 38 of that Act (interpretation of Chapter 1 of Part 2 of that Act) there shall be inserted—

"(2A) In this Chapter "registered health care professional" means a person (other than a medical practitioner) who is—

(a) a registered nurse; or

(b) a registered member of a health care profession which is designated for the purposes of this paragraph by an order made by the Secretary of State.

(2B) A health care profession is any profession mentioned in section 60(2) of the Health Act 1999 (c. 8) other than the profession of practising medicine and the profession of nursing.

(2C) An order under subsection (2A)(b) shall be made by statutory instrument; and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(11) For subsection (5) of that section there shall be substituted—

"(5) For the purposes of this Chapter, a person provides a specimen of blood if and only if—

(a) he consents to the taking of such a specimen from him; and

(b) the specimen is taken from him by a medical practitioner or, if it is taken in a police station, either by a medical practitioner or by a registered health care professional."

Commencement Information

I11 S. 58 wholly in force at 1.4.2003; s. 58 not in force at Royal Assent, see s. 108(2); s. 58(3)(4)-(8)(10) in force at 1.10.2002 by S.I. 2002/2306, arts. {2(d)(v)},{4(d)}; s. 58 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(e)**

Seizure of motor vehicles

59 Vehicles used in manner causing alarm, distress or annoyance

(1) Where a constable in uniform has reasonable grounds for believing that a motor vehicle is being used on any occasion in a manner which—

(a) contravenes section 3 or 34 of the Road Traffic Act 1988 (c. 52) (careless and inconsiderate driving and prohibition of off-road driving), and

(b) is causing, or is likely to cause, alarm, distress or annoyance to members of the public,

he shall have the powers set out in subsection (3).

(2) A constable in uniform shall also have the powers set out in subsection (3) where he has reasonable grounds for believing that a motor vehicle has been used on any occasion in a manner falling within subsection (1).

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) Those powers are—

(a) power, if the motor vehicle is moving, to order the person driving it to stop the vehicle;

(b) power to seize and remove the motor vehicle;

(c) power, for the purposes of exercising a power falling within paragraph (a) or (b), to enter any premises on which he has reasonable grounds for believing the motor vehicle to be;

(d) power to use reasonable force, if necessary, in the exercise of any power conferred by any of paragraphs to (a) to (c).

(4) A constable shall not seize a motor vehicle in the exercise of the powers conferred on him by this section unless—

(a) he has warned the person appearing to him to be the person whose use falls within subsection (1) that he will seize it, if that use continues or is repeated; and

(b) it appears to him that the use has continued or been repeated after the warning.

(5) Subsection (4) does not require a warning to be given by a constable on any occasion on which he would otherwise have the power to seize a motor vehicle under this section if—

(a) the circumstances make it impracticable for him to give the warning;

(b) the constable has already on that occasion given a warning under that subsection in respect of any use of that motor vehicle or of another motor vehicle by that person or any other person;

(c) the constable has reasonable grounds for believing that such a warning has been given on that occasion otherwise than by him; or

(d) the constable has reasonable grounds for believing that the person whose use of that motor vehicle on that occasion would justify the seizure is a person to whom a warning under that subsection has been given (whether or not by that constable or in respect the same vehicle or the same or a similar use) on a previous occasion in the previous twelve months.

(6) A person who fails to comply with an order under subsection (3)(a) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(7) Subsection (3)(c) does not authorise entry into a private dwelling house.

(8) The powers conferred on a constable by this section shall be exercisable only at a time when regulations under section 60 are in force.

(9) In this section—

"driving" has the same meaning as in the Road Traffic Act 1988 (c. 52);

"motor vehicle" means any mechanically propelled vehicle, whether or not it is intended or adapted for use on roads; and

"private dwelling house" does not include any garage or other structure occupied with the dwelling house, or any land appurtenant to the dwelling house.

60 Retention etc. of vehicles seized under section 59

(1) The Secretary of State may by regulations make provision as to—

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) the removal and retention of motor vehicles seized under section 59; and
(b) the release or disposal of such motor vehicles.

(2) Regulations under subsection (1) may, in particular, make provision—
(a) for the giving of notice of the seizure of a motor vehicle under section 59 to a person who is the owner of that vehicle or who, in accordance with the regulations, appears to be its owner;
(b) for the procedure by which a person who claims to be the owner of a motor vehicle seized under section 59 may seek to have it released;
(c) for requiring the payment of fees, charges or costs in relation to the removal and retention of such a motor vehicle and to any application for its release;
(d) as to the circumstances in which a motor vehicle seized under section 59 may be disposed of;
(e) as to the destination—
(i) of any fees or charges payable in accordance with the regulations; and
(ii) of the proceeds (if any) arising from the disposal of a motor vehicle seized under section 59;
(f) for the delivery to a local authority, in circumstances prescribed by or determined in accordance with the regulations, of any motor vehicle seized under section 59.

(3) Regulations under subsection (1) must provide that a person who would otherwise be liable to pay any fee or charge under the regulations shall not be liable to pay it if—
(a) the use by reference to which the motor vehicle in question was seized was not a use by him; and
(b) he did not know of the use of the vehicle in the manner which led to its seizure, had not consented to its use in that manner and could not, by the taking of reasonable steps, have prevented its use in that manner.

(4) In this section—
"local authority"—
(a) in relation to England, means the council of a county, metropolitan district or London borough, the Common Council of the City of London or Transport for London; and
(b) in relation to Wales, means the council of a county or county borough;
"motor vehicle" has the same meaning as in section 59.

Anti-social behaviour

61 Anti-social behaviour orders

(1) Section 1 of the Crime and Disorder Act 1998 (c. 37) (anti-social behaviour orders) shall be amended as follows.

(2) For paragraph (b) of subsection (1) (authority to be satisfied that order is necessary to protect persons), there shall be substituted—
"(b) that such an order is necessary to protect relevant persons from further anti-social acts by him."

(3) The words after that paragraph (which specify the authorities who, as relevant authorities, are entitled to apply for anti-social behaviour orders) shall be omitted.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) After subsection (1) there shall be inserted—

"(1A) In this section and sections 1B and 1E "relevant authority" means—

(a) the council for a local government area;

(b) the chief officer of police of any police force maintained for a police area;

(c) the chief constable of the British Transport Police Force; or

(d) any person registered under section 1 of the Housing Act 1996 (c. 52) as a social landlord who provides or manages any houses or hostel in a local government area.

(1B) In this section "relevant persons" means—

(a) in relation to a relevant authority falling within paragraph (a) of subsection (1A), persons within the local government area of that council;

(b) in relation to a relevant authority falling within paragraph (b) of that subsection, persons within the police area;

(c) in relation to a relevant authority falling within paragraph (c) of that subsection—

(i) persons who are on or likely to be on policed premises in a local government area; or

(ii) persons who are in the vicinity of or likely to be in the vicinity of such premises;

(d) in relation to a relevant authority falling within paragraph (d) of that subsection—

(i) persons who are residing in or who are otherwise on or likely to be on premises provided or managed by that authority; or

(ii) persons who are in the vicinity of or likely to be in the vicinity of such premises."

(5) Subsection (2)(which is superseded by the provision made by section 66 of this Act) shall cease to have effect.

(6) In subsection (3) (which identifies the court to which an application should be made), for the words from "the place" to the end there shall be substituted " the local government area or police area concerned ".

(7) For subsection (6) (nature of prohibitions which may be imposed by order) there shall be substituted—

"(6) The prohibitions that may be imposed by an anti-social behaviour order are those necessary for the purpose of protecting persons (whether relevant persons or persons elsewhere in England and Wales) from further anti-social acts by the defendant."

(8) In subsection (10) of that section (penalty for contravention of order), for "shall be" there shall be substituted " is guilty of an offence and ".

(9) In subsection (12) of that section (interpretation)—

(a) after "In this section—" there shall be inserted—

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Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

""British Transport Police Force" means the force of constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);";

and

(b) after the definition of "local government area" there shall be inserted—

""policed premises" has the meaning given by section 53(3) of the British Transport Commission Act 1949."

(10) Nothing in this section applies in relation to any application made under section 1 of the Crime and Disorder Act 1998 (c. 37) before the coming into force of this section.

62 Power of Secretary of State to add to relevant authorities

(1) After section 1 of the Crime and Disorder Act 1998 (c. 37) there shall be inserted—

"**1A Power of Secretary of State to add to relevant authorities**

The Secretary of State may by order provide that the chief officer of a body of constables maintained otherwise than by a police authority is, in such cases and circumstances as may be prescribed by the order, to be a relevant authority for the purposes of section 1 above."

(2) In subsection (2) of section 114 of that Act (negative resolution procedure for orders) after "section" there shall be inserted " 1A, ".

63 Orders in county court proceedings

After section 1A of the Crime and Disorder Act 1998 (which is inserted by section 62), there shall be inserted—

"**1B Orders in county court proceedings**

(1) This section applies to any proceedings in a county court ("the principal proceedings").

(2) If a relevant authority—

(a) is a party to the principal proceedings, and

(b) considers that a party to those proceedings is a person in relation to whom it would be reasonable for it to make an application under section 1,

it may make an application in those proceedings for an order under subsection (4).

(3) If a relevant authority—

(a) is not a party to the principal proceedings, and

(b) considers that a party to those proceedings is a person in relation to whom it would be reasonable for it to make an application under section 1,

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it may make an application to be joined to those proceedings to enable it to apply for an order under subsection (4) and, if it is so joined, may apply for such an order.

(4) If, on an application for an order under this subsection, it is proved that the conditions mentioned in section 1(1) are fulfilled as respects that other party, the court may make an order which prohibits him from doing anything described in the order.

(5) Subject to subsection (6), the party to the principal proceedings against whom an order under this section has been made and the relevant authority on whose application that order was made may apply to the county court which made an order under this section for it to be varied or discharged by a further order.

(6) Except with the consent of the relevant authority and the person subject to the order, no order under this section shall be discharged before the end of the period of two years beginning with the date of service of the order.

(7) Subsections (5) to (7) and (10) to (12) of section 1 apply for the purposes of the making and effect of orders made under this section as they apply for the purposes of the making and effect of anti-social behaviour orders."

64 Orders on conviction in criminal proceedings

After section 1B of the Crime and Disorder Act 1998 (c. 37) (which is inserted by section 63), there shall be inserted—

"**1C Orders on conviction in criminal proceedings**

(1) This section applies where a person (the "offender") is convicted of a relevant offence.

(2) If the court considers—
  (a) that the offender has acted, at any time since the commencement date, in an anti-social manner, that is to say in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself, and
  (b) that an order under this section is necessary to protect persons in any place in England and Wales from further anti-social acts by him,

it may make an order which prohibits the offender from doing anything described in the order.

(3) The court may make an order under this section whether or not an application has been made for such an order.

(4) An order under this section shall not be made except—
  (a) in addition to a sentence imposed in respect of the relevant offence; or
  (b) in addition to an order discharging him conditionally.

(5) An order under this section takes effect on the day on which it is made, but the court may provide in any such order that such requirements of the order as it may specify shall, during any period when the offender is detained in legal custody, be suspended until his release from that custody.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) An offender subject to an order under this section may apply to the court which made it for it to be varied or discharged.

(7) In the case of an order under this section made by a magistrates' court, the reference in subsection (6) to the court by which the order was made includes a reference to any magistrates' court acting for the same petty sessions area as that court.

(8) No application may be made under subsection (6) for the discharge of an order before the end of the period of two years beginning with the day on which the order takes effect.

(9) Subsections (7), (10) and (11) of section 1 apply for the purposes of the making and effect of orders made by virtue of this section as they apply for the purposes of the making and effect of anti-social behaviour orders.

(10) In this section—

"the commencement date" has the same meaning as in section 1 above;

"the court" in relation to an offender means—

(a) the court by or before which he is convicted of the relevant offence; or

(b) if he is committed to the Crown Court to be dealt with for that offence, the Crown Court; and

"relevant offence" means an offence committed after the coming into force of section 64 of the Police Reform Act 2002 (c. 30)."

65 Interim orders

(1) After section 1C of the Crime and Disorder Act 1998 (c. 37)(which is inserted by section 64), there shall be inserted—

"**1D Interim orders**

(1) The applications to which this section applies are—

(a) an application for an anti-social behaviour order; and

(b) an application for an order under section 1B.

(2) If, before determining an application to which this section applies, the court considers that it is just to make an order under this section pending the determination of that application ("the main application"), it may make such an order.

(3) An order under this section is an order which prohibits the defendant from doing anything described in the order.

(4) An order under this section—

(a) shall be for a fixed period;

(b) may be varied, renewed or discharged;

(c) shall, if it has not previously ceased to have effect, cease to have effect on the determination of the main application.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
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(5) Subsections (6), (8) and (10) to (12) of section 1 apply for the purposes of the making and effect of orders under this section as they apply for the purposes of the making and effect of anti-social behaviour orders."

(2) In section 4(1) of that Act (appeals), after "an anti-social behaviour order" there shall be inserted " , an order under section 1D above, ".

Commencement Information

I12 S. 65 wholly in force at 1.4.2003; s. 65 not in force at Royal Assent, see s. 108(2); s. 65 in force for certain purposes at 2.12.2002 by S.I. 2002/2750, **art. 2(a)(vii)**; s. 65 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(f)**

66 Consultation requirements

After section 1D of the Crime and Disorder Act 1998 (c. 37)(which is inserted by section 65), there shall be inserted—

"1E Consultation requirements

(1) This section applies to—
  (a) applications for an anti-social behaviour order; and
  (b) applications for an order under section 1B.

(2) Before making an application to which this section applies, the council for a local government area shall consult the chief officer of police of the police force maintained for the police area within which that local government area lies.

(3) Before making an application to which this section applies, a chief officer of police shall consult the council for the local government area in which the person in relation to whom the application is to be made resides or appears to reside.

(4) Before making an application to which this section applies, a relevant authority other than a council for a local government area or a chief officer of police shall consult—
  (a) the council for the local government area in which the person in relation to whom the application is to be made resides or appears to reside; and
  (b) the chief officer of police of the police force maintained for the police area within which that local government area lies."

Commencement Information

I13 S. 66 wholly in force at 1.4.2003; s. 66 not in force at Royal Assent, see s. 108(2); s. 66 in force for certain purposes at 2.12.2002 by S.I. 2002/2750, **art. 2(a)(vii)**; s. 66 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(f)**

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Sex offenders

67 Sex offenders: England and Wales

F228 . . . . . .

Textual Amendments

F228 S. 67 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, **Sch. 7**; S.I. 2004/874, **art. 2**

68 Interim orders for sex offenders: England and Wales

F229 . . . . . .

Textual Amendments

F229 S. 68 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, **Sch. 7**; S.I. 2004/874, **art. 2**

69 Sex offender orders made in Scotland or Northern Ireland

F230 . . . . . .

Textual Amendments

F230 S. 69 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, **Sch. 7**; S.I. 2004/874, **art. 2**; S.S.I. 2004/138, **art. 2**

70 Sex offenders: Scotland

F231 . . . . . .

Textual Amendments

F231 S. 70 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, **Sch. 7**; S.I. 2004/874, **art. 2**; S.S.I. 2004/138, **art. 2**

71 Sex offender orders made in England and Wales or Northern Ireland

F232 . . . . . .

Textual Amendments

F232 S. 71 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, **Sch. 7**; S.I. 2004/874, **art. 2**; S.S.I. 2004/138, **art. 2**

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72 Sex offenders: Northern Ireland

F233 . . . . . .

Textual Amendments

F233 S. 72 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, **Sch. 7**; S.I. 2004/874, **art. 2**; S.S.I. 2004/138, **art. 2**

73 Interim orders for sex offenders: Northern Ireland

F234 . . . . . .

Textual Amendments

F234 S. 73 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, **Sch. 7**; S.I. 2004/874, **art. 2**; S.S.I. 2004/138, **art. 2**

74 Sex offender orders made in England and Wales or Scotland

F235 . . . . . .

Textual Amendments

F235 S. 74 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 140, 141, **Sch. 7**; S.I. 2004/874, **art. 2**; S.S.I. 2004/138, **art. 2**

The British Transport Police

75 Removal of truants to designated places

(1) In section 16 of the Crime and Disorder Act 1998 (c. 37) (removal of truants to designated place), after subsection (3) there shall be inserted—

"(3A) The power of a police officer of or above the rank of superintendent under subsection (2) to specify any area falling within a police area shall be exercisable by such an officer who is a member of the British Transport Police as if the reference in that subsection to an area in the police area were a reference to—

(a) any area in or in the vicinity of any policed premises; or

(b) the whole or any part of any such premises;

and references in subsection (3) to the specified area shall have effect accordingly."

(2) In subsection (5) of that section (interpretation)—

(a) before the definition of "local authority" there shall be inserted—

""British Transport Police" means the force of constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);"

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and

(b) after the definition of "local authority" there shall be inserted—

""policed premises" has the meaning given by section 53(3) of the British Transport Commission Act 1949;".

76 Amendments to Part 3 of the Road Traffic Offenders Act 1988

(1) Part 3 of the Road Traffic Offenders Act 1988 (c. 53) (fixed penalties) shall be amended as follows.

(2) In section 54(9) (meaning of authorised person for the purposes of fixed penalty provisions), at the end there shall be inserted "or a person authorised for those purposes by or on behalf of the chief constable of the British Transport Police."

(3) In section 75(1) (conditional offers in England and Wales), at the end there shall be inserted "or, if the constable is a member of the British Transport Police, by or on behalf of the chief constable of the British Transport Police."

(4) [F236] . . . . . .

(5) In section 87 (guidance from the Secretary of State), after "areas" there shall be inserted " and to the chief constable of the British Transport Police ".

(6) In section 89 (interpretation of Part 3), after the definition of "authorised person" there shall be inserted—

""British Transport Police" means the force of constables appointed under the British Transport Commission Act 1949 (c. xxix);".

Textual Amendments

F236 S. 76(4) repealed (31.3.2009) by Road Safety Act 2006 (c. 49), ss. 59, 61, **Sch. 7(2)**; S.I. 2008/3164, **art. 3(d)**

Property in possession of NCS

77 Application of the Police (Property) Act 1897 to NCS

(1) After section 2 of the Police (Property) Act 1897 (c. 30) there shall be inserted—

"**2A Application to NCS**

(1) This Act applies to property which has come into the possession of the National Crime Squad as it applies to property that has come into the possession of the police.

(2) In relation to property that has come into the possession of the National Crime Squad—

(a) the reference in section 1(1) to an officer of police is a reference to a member of that Squad; and

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(b) references in section 2 to the property remaining in the possession of the police are references to its remaining in the possession of that Squad.

(3) The power to make regulations under section 2 has effect in relation to property that has come into the possession of the National Crime Squad as if—

(a) the relevant authority for the purposes of subsection (2A) of that section were the Service Authority for that Squad; and

(b) the reference in subsection (2A)(c) of that section to police purposes were a reference to the purposes of that Squad."

(2) In section (2) of that Act (regulations), for subsection (2B) there shall be substituted—

"(2B) The relevant authority for the purposes of subsection (2A) is the police authority."

PART 5

THE MINISTRY OF DEFENCE POLICE

78 Ministry of Defence police serving with other forces

After section 2A of the Ministry of Defence Police Act 1987 (c. 4) (provision of assistance to other forces) there shall be inserted—

"**2B Constables serving with other forces**

(1) This section applies where a member of the Ministry of Defence Police serves with a relevant force under arrangements made between the chief officer of that force and the chief constable of the Ministry of Defence Police.

(2) The member of the Ministry of Defence Police—

(a) shall be under the direction and control of the chief officer of the relevant force; and

(b) shall have the same powers and privileges as a member of that force.

(3) In this section—

"British Transport Police Force" has the same meaning as in section 2 above;

"chief officer" means—

(a) any chief officer of police of a police force for a police area in Great Britain;

(b) the chief constable of the Police Service of Northern Ireland;

(c) the Director General of the National Criminal Intelligence Service;

(d) the Director General of the National Crime Squad;

(e) the chief constable of the British Transport Police Force; or

(f) the chief constable of the United Kingdom Atomic Energy Authority Constabulary;

"relevant force" means—

(a) any police force for a police area in Great Britain;

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(b) the Police Service of Northern Ireland;
(c) the National Criminal Intelligence Service;
(d) the National Crime Squad;
(e) the British Transport Police Force; or
(f) the United Kingdom Atomic Energy Authority Constabulary;

"United Kingdom Atomic Energy Authority Constabulary" has the same meaning as in section 2 above."

79 Disciplinary matters

(1) After section 3 of the Ministry of Defence Police Act 1987 (c. 4) there shall be inserted—

"**3A Regulations relating to disciplinary matters**

(1) The Secretary of State shall by regulations made by statutory instrument establish, or make provision for the establishment of, procedures for cases in which a member of the Ministry of Defence Police may be dealt with by suspension, dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution.

(2) The regulations may provide—
(a) for decisions which would otherwise fall to be taken by the Secretary of State or the chief constable of the Ministry of Defence Police to be taken instead—
(i) by a person or persons appointed in accordance with the regulations; or
(ii) by the Ministry of Defence Police Committee;
and
(b) for decisions taken by or on behalf of the Secretary of State or the chief constable of the Ministry of Defence Police to be reviewed by a person or persons appointed by or in accordance with the regulations.

(3) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—
(a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, the Ministry of Defence Police Committee, the chief constable of the Ministry of Defence Police or other persons; or
(b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.

(4) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(2) After section 4 of that Act there shall be inserted—

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"**4A Appeals against dismissal etc.**

(1) Subject to subsection (2) below, a member of the Ministry of Defence Police who is dismissed, required to resign or reduced in rank by a decision taken—
   (a) in proceedings under regulations made in accordance with section 3A above, or
   (b) in proceedings for the purposes of any procedures established in accordance with an agreement or order under section 60 of the Police (Northern Ireland) Act 1998 (c. 32),

   may appeal to an appeals tribunal.

(2) Subsection (1) above does not apply in the case of a person who has a right to apply to some other person for a review of the decision; and in that case that person may appeal to an appeals tribunal from any decision of that other person as a result of which he is dismissed, required to resign or reduced in rank.

(3) The Secretary of State may by regulations made by statutory instrument—
   (a) make provision equivalent, subject to such modifications as the Secretary of State thinks fit, to that made in relation to police appeals tribunals by any provision of Schedule 6 to the Police Act 1996 (c. 16) or Schedule 3 to the Police (Scotland) Act 1967 (c. 77);
   (b) make provision as to procedure on appeals to appeals tribunals under this section; and
   (c) make provision enabling an appeals tribunal to require any person to attend a hearing and to give evidence or produce documents.

(4) Regulations made by virtue of subsection (3)(c) above may, in particular, apply subsections (2) and (3) of section 250 of the Local Government Act 1972 (c. 70) or subsections (4) and (5) of section 210 of the Local Government (Scotland) Act 1973 (c. 65) with such modifications as may be set out in the regulations.

(5) Where an appeals tribunal allows an appeal it may, if it considers that it is appropriate to do so, make an order dealing with the appellant in a way which—
   (a) appears to the tribunal to be less severe than the way in which he was dealt with by the decision appealed against; and
   (b) is a way in which he could have been dealt with by the person who made the decision.

(6) Any statutory instrument containing regulations under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this section "an appeals tribunal" means a tribunal constituted in accordance with regulations under subsection (3) above."

(3) In section 1 of that Act (establishment of Ministry of Defence Police), for subsection (5) there shall be substituted—

"(5) The Secretary of State shall appoint a committee, to be known as the Ministry of Defence Police Committee—

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(a) to advise him with respect to such matters concerning the Ministry of Defence Police as he may from time to time require; and

(b) to exercise such other functions as may be conferred on it by or under this Act;

and the Secretary of State may make regulations concerning the membership and the procedure of the Committee."

(4) After section 6 of that Act there shall be inserted—

"**6A Powers to make regulations**

Any power of the Secretary of State under this Act to make regulations shall include power to make different provision for different purposes."

80 Functions of inspectors of constabulary

Before section 5 of the Ministry of Defence Police Act 1987 (c. 4) there shall be inserted—

"4B **Functions of inspectors of constabulary**

(1) The inspectors of constabulary shall inspect, and report to the Secretary of State on, the efficiency and effectiveness of the Ministry of Defence Police.

(2) The Secretary of State may at any time require the inspectors of constabulary to carry out an inspection under this section of the Ministry of Defence Police and to report to him on that inspection.

(3) A requirement under subsection (2) may include a requirement for the inspection to be confined to a particular part of the Ministry of Defence Police, to particular matters or to particular activities of the Ministry of Defence Police.

(4) The inspectors of constabulary shall carry out such other duties for the purposes of furthering the efficiency and effectiveness of the Ministry of Defence Police as the Secretary of State may from time to time direct.

(5) Before carrying out any inspection by virtue of subsection (1) in Scotland, the inspectors of constabulary shall consult the Scottish inspectors with respect to the scope and conduct of the proposed inspection.

(6) In this section—

"the inspectors of constabulary" means Her Majesty's Inspectors of Constabulary appointed under section 54 of the Police Act 1996 (c. 16);

"the Scottish inspectors" means the inspectors of constabulary appointed under section 33 of the Police (Scotland) Act 1967 (c. 77).

4C **Publication of reports**

(1) Subject to subsection (2) below, the Secretary of State shall arrange for any report received by him under section 4B above to be published in such manner as appears to him to be appropriate.

(2) The Secretary of State may exclude from publication under subsection (1) above any part of a report if, in his opinion, the publication of that part—

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(a) would be against the interests of national security; or
(b) might jeopardise the safety of any person.

(3) The Secretary of State shall—
(a) send a copy of the published report to the chief constable of the Ministry of Defence Police; and
(b) invite the chief constable to submit comments on the published report to the Secretary of State before such date as the Secretary of State may specify.

(4) The Secretary of State shall arrange for—
(a) any comments submitted by the chief constable in accordance with subsection (3) above, and
(b) any response that the Secretary of State may prepare to the published report or to any comments submitted by the chief constable,

to be published in such manner as he considers appropriate."

81 Exemptions from firearms legislation

(1) After section 16A of the Firearms (Amendment) Act 1988 (c. 45) there shall be inserted—

"**16B Possession of firearms on Ministry of Defence Police premises**

(1) A person who is being trained or assessed in the use of firearms under the supervision of a member of the Ministry of Defence Police may, without holding a certificate or obtaining the authority of the Secretary of State under section 5 of the principal Act, have in his possession a firearm and ammunition on relevant premises for the purposes of the training or assessment.

(2) In this section "relevant premises" means premises used for any purpose of the Ministry of Defence Police."

(2) **[**[F237]After Article 12A of the Firearms (Northern Ireland) Order 1981 (S.I. 1981/155 (N.I. 2)) there is inserted—

12B " **Possession of firearms on Ministry of Defence Police premises**

(1) A person who is being trained or assessed in the use of firearms under the supervision of a member of the Ministry of Defence Police may, without holding a firearm certificate or obtaining the authority of the Secretary of State under Article 6, have in his possession a firearm and ammunition on relevant premises for the purposes of the training or assessment.

(2) In this Article "relevant premises" means premises used for any purpose of the Ministry of Defence Police."**]**

Textual Amendments

F237 S. 81(2) repealed (N.I.) (1.2.2005) by The Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3)), arts. 1(3), 82, **Sch. 8** (with art. 81); S.R. 2005/4, **art. 3** (with arts. 4-7)

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PART 6

MISCELLANEOUS

Appointment and attestation of police officers etc.

82 Nationality requirements applicable to police officers etc.

(1) Irrespective of his place of birth, a person of any nationality may be—

(a) a member of a police force maintained for any police area in England and Wales or Scotland;

(b) a member of the Police Service of Northern Ireland or of the Police Service of Northern Ireland Reserve;

(c) [F238] . . . . . .

(d) a member of the British Transport Police Force;

[[F239](e) a member of the Civil Nuclear Constabulary; **[**[F240]or**]]**

(f) [F241] . . . . . .

(g) a special constable;

and, accordingly, irrespective of his place of birth such a person may be attested or appointed, and hold office, as a constable.

(2) Subsection (1) is subject to any provision falling within subsection which relates to qualification for appointment as a constable or as a special constable or for membership of, or for particular ranks, offices or positions with—

(a) any force or constabulary; **[**[F242]or**]**

(b) the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve; [F243]. . .

(c) [F243] . . . . . .

(3) Provision falls within this subsection if it is—

(a) provision made by regulations made under section 50 or 51 of the 1996 Act (regulations for police constables and for special constables);

(b) provision made by regulations made under section 26 of the Police (Scotland) Act 1967 (c. 77) (regulations about the government and administration of police forces);

(c) provision made under section 25 or 26 of the Police (Northern Ireland) Act 1998 (c. 32) (regulations for police constables and for the constables in the Police Service of Northern Ireland Reserve); **[**[F244]and**]**

(d) [F245] . . . . . .

(e) provision given effect to by any arrangements made for the purpose of regulating appointment to membership of the British Transport Police Force, **[**[F246]or the Civil Nuclear Constabulary**]**, or to particular ranks or positions with that Force or Constabulary.

(4) Without prejudice to the generality of any power conferred apart from this section, the provision falling within subsection (3) that may be made by any such regulations, terms and conditions or arrangements as are mentioned in that subsection may include provision imposing any of the following requirements—

(a) requirements with respect to the competence in written and spoken English of candidates for appointment;

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(b) requirements with respect to the immigration status of such candidates;

(c) requirements with respect to nationality in the case of particular ranks, offices or positions;

and, in a case where the power to make provision with respect to qualification for appointment as a constable or as a special constable, or for membership of a force **[**[F247]or Service**]** , is exercisable by any such regulations as are mentioned in that subsection, the regulations made must impose requirements with respect to all the matters mentioned in paragraphs (a) and (b).

(5) [F248]. . . . . .

Textual Amendments

F238 S. 82(1)(c) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 185(2), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F239 S. 82(1)(e) substituted (1.4.2005) by Energy Act 2004 (c. 20), ss. 69, 198(2), **Sch. 14 para. 11(a)**; S.I. 2005/877, **art. 2(1)**, Sch. 1

F240 Word in s. 82(1)(e) inserted (8.5.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 161, 178, **Sch. 13 para. 12(2)(a)**; S.I. 2006/1085, **art. 2(c)**

F241 S. 82(1)(f) repealed (8.5.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 161, 174, 178, Sch. 13 para. 12(2)(b), **Sch. 17 Pt. 2**; S.I. 2006/1085, **art. 2(c)(d)**

F242 Word in s. 82(2)(a) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 185(3)(a)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))

F243 S. 82(2)(c) and preceding word repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 185(3)(b), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F244 Word in s. 82(3)(c) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 185(4)(a)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))

F245 S. 82(3)(d) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 185(4)(b), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F246 Words in s. 82(3)(e) substituted (8.5.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 161, 178, **Sch. 13 para. 12(3)**; S.I. 2006/1085, **art. 2(c)**

F247 Words in s. 82(4) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 178, **Sch. 4 para. 185(5)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 10 (subject to art. 4(2)-(7))

F248 S. 82(5) repealed (8.5.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 161, 174, 178, Sch. 13 para. 12(4), **Sch. 17 Pt. 2**; S.I. 2006/1085, **art. 2(c)(d)**

Modifications etc. (not altering text)

C56 S. 82 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(jjj)**

Commencement Information

I14 S. 82 wholly in force; s. 82 not in force at Royal Assent, see s. 108(2); s. 82(4) in force at 1.10.2002 by S.I. 2002/2306, **art. 2(f)(i)**; s. 82 in force to the extent not already in force at 3.2.2003 by S.I. 2002/2750, **art. 5**

83 Attestation of constables

For Schedule 4 to the 1996 Act there shall be substituted—

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"SCHEDULE 4

FORM OF DECLARATION

'I.....of.....do solemnly and sincerely declare and affirm that I will well and truly serve the Queen in the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all people; and that I will, to the best of my power, cause the peace to be kept and preserved and prevent all offences against people and property; and that while I continue to hold the said office I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law.'"

84 . . . . . .

F249 . . . . . .

Textual Amendments

F249 S. 84 repealed (19.4.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116, **Sch. 8 Pt. 1**; S.I. 2010/999, **art. 2(d)**

85 Director General of NCIS

F250 . . . . . .

Textual Amendments

F250 Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

86 Police members of NCIS

F251 . . . . . .

Textual Amendments

F251 Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

87 Police members of NCS

F252 . . . . . .

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F252 Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

88 Regulations for NCIS

F253 . . . . . .

Textual Amendments

F253 Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

89 Regulations for NCS

F254 . . . . . .

Textual Amendments

F254 Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

90 Supplementary provisions about police membership of NCIS

F255 . . . . . .

Textual Amendments

F255 Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

91 Supplementary provisions about police membership of NCS

F256 . . . . . .

Textual Amendments

F256 Ss. 85-91 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 186, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
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Bodies with functions in relation to the police

92 Police authorities to produce three-year strategy plans

(1) After section 6 of the 1996 Act there shall be inserted—

"6A Three-year strategy plans

(1) Every police authority maintaining a police force for a police area in England and Wales shall, before the beginning of every relevant three-year period, issue a plan ("a three-year strategy plan") which sets out the authority's medium and long term strategies for the policing of that area during that period.

(2) Before a three-year strategy plan for any period is issued by a police authority, a draft of a plan setting out medium and long term strategies for the policing of the authority's area during that period must have been—
   (a) prepared by the chief officer of police of the police force maintained by that authority; and
   (b) submitted by him to the police authority for its consideration.

(3) In preparing the draft plan, the chief officer of police of a police force shall have regard to the views, obtained in accordance with arrangements under section 96, of people in the police area in question.

(4) A police authority which has issued a three-year strategy plan for any period may modify that plan at any time during that period.

(5) It shall be the duty, in issuing, preparing or modifying a three-year strategy plan or a draft of such a plan, of every police authority or chief officer of police to have regard to the National Policing Plan in force at that time.

(6) The Secretary of State —
   (a) shall issue guidance to police authorities and chief officers of police as to the matters to be contained in any three-year strategy plan, and as to the form to be taken by any such plan; and
   (b) may from time to time revise and modify that guidance;

   and it shall be the duty of every police authority and chief officer of police to take account of any guidance under this subsection when issuing, preparing or modifying any such plan or any draft plan prepared for the purposes of subsection (2).

(7) Before issuing or revising any guidance under subsection (6) the Secretary of State shall consult with—
   (a) persons whom he considers to represent the interests of police authorities;
   (b) persons whom he considers to represent the interests of chief officers of police; and
   (c) such other persons as he thinks fit.

(8) A police authority which is proposing to issue or modify any plan under this section shall submit that plan, or the modifications, to the Secretary of State.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(9) Where a police authority issues a three-year strategy plan or modifies such a plan, it shall—

(a) send a copy of the plan or the modified plan to the Secretary of State; and

(b) cause the plan or modified plan to be published;

and the copy of any modified plan sent to the Secretary of State and the publication of any modified plan must show the modifications, or be accompanied by or published with a document which sets them out or describes them.

(10) If the Secretary of State considers that there are grounds for thinking that—

(a) a police authority's three-year strategy plan, or

(b) any proposals by a police authority for such a plan, or for the modification of such a plan,

may not be consistent with any National Policing Plan applicable to a financial year wholly or partly comprised in the period to which the strategy plan applies, he shall, before informing the police authority of his conclusions on whether or not it is in fact so inconsistent, consult with the persons mentioned in subsection (11).

(11) Those persons are—

(a) the police authority in question;

(b) the chief officer of police of the police force maintained by that authority;

(c) persons whom the Secretary of State considers to represent the interests of police authorities; and

(d) persons whom the Secretary of State considers to represent the interests of chief officers of police.

(12) Before a police authority—

(a) issues a three-year strategy plan that differs in any material respect from the draft submitted to it by the chief officer of police of the force maintained by that authority, or

(b) modifies its three-year strategy plan,

it shall consult with that chief officer.

(13) Any best value performance plan prepared by a police authority under section 6 of the Local Government Act 1999 (c. 27) for any financial year must be consistent with any three-year strategy plan which sets out the authority's current strategies for policing its area during any period which includes the whole or any part of that financial year.

(14) The Secretary of State may by regulations make provision for—

(a) the procedure to be followed on the submission to him of any plan or modifications for the purposes of this section; and

(b) the periods which are to constitute relevant three-year periods for the purposes of this section;

and those regulations may provide for a period of less than three years to be the first period treated as a relevant three-year period for the purposes of this section.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(15) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(2) In section 8 of that Act (local policing plans), after subsection (2) there shall be inserted—

"(2A) The local policing plan for any financial year must be consistent with any three-year strategy plan under section 6A which sets out the authority's current strategies for the policing of its area during any period which includes the whole or any part of that financial year."

(3) In section 9(2) of that Act (annual report by police authorities to include assessment of extent to which local policing plan carried out), for the words from "the local policing plan" onwards there shall be substituted ", during that year proposals have been implemented, and things have been done, in accordance with the following plans —

(a) the three-year strategy plan issued under section 6A for the period that includes that year; and

(b) the local policing plan issued for that year under section 8."

Commencement Information

I15 S. 92 wholly in force at 1.11.2002; s. 92 not in force at Royal Assent, see s. 108(2); s. 92(1) in force for certain purposes at 1.10.2002 by S.I. 2002/2306, **art. 2(f)(v)** and s. 92 in force to the extent not already in force at 1.11.2002 by S.I. 2002/2306, **art. 5(b)**

93 Quorum for the Service Authorities under the 1997 Act

F257 . . . . . .

Textual Amendments

F257 S. 93 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 187, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

94 Expenses of members of police authorities etc.

F258 . . . . . .

Textual Amendments

F258 S. 94 repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(B)**; S.I. 2007/709, **art. 3(s)(iv)** (subject to arts. 6, 7)

95 Duties under the Health and Safety at Work etc. Act 1974

F259 . . . . . .

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F259 S. 95 repealed (7.4.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 158(4)(a), 174(2), 178(1), **Sch. 17 Pt. 1**

96 President of ACPO

If a person who holds the office of constable becomes the president of the Association of Chief Police Officers [F260]. . . , he shall, while he is the president of that Association—

(a) continue to hold the office of constable; and

(b) hold that office with the rank of chief constable.

Textual Amendments

F260 Words in s. 96 repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 6, 52, 53, Sch. 4 para. 17, **Sch. 15 Pt. 1(B)**; S.I. 2007/709, **art. 3(r)(iii)** (subject to arts. 6, 7)

97 Crime and disorder reduction partnerships

(1) The Crime and Disorder Act 1998 (c. 37) shall be amended as follows.

(2) In section 5 (authorities responsible for strategies), in subsection (1), after paragraph (b) there shall be inserted—

"(c) every police authority any part of whose police area so lies;

(d) every fire authority any part of whose area so lies;

(e) if the local government area is in England, every Primary Care Trust the whole or any part of whose area so lies; and

(f) if the local government area is in Wales, every health authority the whole or any part of whose area so lies."

(3) After subsection (1) of that section there shall be inserted—

"(1A) The Secretary of State may by order provide in relation to any two or more local government areas in England—

(a) that the functions conferred by sections 6 to 7 below are to be carried out in relation to those areas taken together as if they constituted only one area; and

(b) that the persons who for the purposes of this Chapter are to be taken to be responsible authorities in relation to the combined area are the persons who comprise every person who (apart from the order) would be a responsible authority in relation to any one or more of the areas included in the combined area.

(1B) The Secretary of State shall not make an order under subsection (1A) above unless—

(a) an application for the order has been made jointly by all the persons who would be the responsible authorities in relation to the combined area or the Secretary of State has first consulted those persons; and

(b) he considers it would be in the interests of reducing crime and disorder, or of combatting the misuse of drugs, to make the order."

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) In subsection (2) of that section (consultation)—

(a) for paragraphs (a) and (b) there shall be substituted—

"(b) every local probation board any part of whose area lies within the area;"

(b) at the end of paragraph (c) there shall be inserted "; and

(d) where they are acting in relation to an area in Wales, every person or body which is of a description which is for the time being prescribed by an order under this subsection of the National Assembly for Wales;".

(5) In subsection (3) of that section, at the end there shall be inserted "and, in the case of the responsible authorities for an area in Wales, of any person or body of a description for the time being prescribed by an order under this subsection of the National Assembly for Wales."

(6) After subsection (4) of that section, there shall be inserted—

"(5) In this section—

"fire authority" means—

(a) any fire authority constituted by a combination scheme under the Fire Services Act 1947 (c. 41);

(b) any metropolitan county fire and civil defence authority; or

(c) the London Fire and Emergency Planning Authority; and

"police authority" means—

(a) any police authority established under section 3 of the Police Act 1996 (c. 16); or

(b) the Metropolitan Police Authority."

(7) [F261] . . . . . .

(8) [F261] . . . . . .

(9) [F261] . . . . . .

(10) [F261] . . . . . .

(11) [F261] . . . . . .

(12) [F261] . . . . . .

(13) In section 114—

(a) in subsection (1) (powers of Ministers exercisable by statutory instrument), after "Minister of the Crown" there shall be inserted " or of the National Assembly for Wales "; and

(b) in subsection (2) (orders subject to negative resolution procedure), for "5(2) or (3) or 10(6) above, or" there shall be substituted " 5(1A), (2) or (3), 6A(1) or 10(6) above (other than one made by the National Assembly for Wales), or containing ".

(14) In section 115(2) (authorities to which information may be disclosed for purposes connected with that Act), in paragraph (d)—

(a) in sub-paragraph (i), after "London borough council" there shall be inserted " , a parish council "; and

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(b) in sub-paragraph (ii), for "or a county borough council" there shall be substituted " , a county borough council or a community council ".

(15) Section 5(1) (as amended by subsection (2) shall have effect in relation to a local government area in England at any time when that area or a part of it comprises or contains an area that is not included in the area of a Primary Care Trust, as if the reference to a Primary Care Trust the whole or part of whose area lies within the local government area included a reference to any health authority or strategic health authority whose area comprises or includes the area for which there is no Primary Care Trust.

Textual Amendments

F261 S. 97(7)-(12) repealed (1.8.2007 for E. and 19.11.2007 for W.) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 3**; S.I. 2007/1614, **art. 3(e)(ii)**; S.I. 2007/3073, **art. 2(c)(ii)**

Commencement Information

I16 S. 97 partly in force; s. 97 not in force at Royal Assent, see s. 108(2); s. 97(1)(3)(4)(7)(9) in force (E.) and s. 97(10)(11)(13)(14) in force at 1.10.2002 by S.I. 2002/2306, arts. {2(f)(viii)}, {3(a)}; s. 97 in force for certain purposes for W. at 1.4.2003 by S.I. 2003/525, **art. 2**; s. 97(2) in force for certain purposes and s. 97(6)(12) in force at 1.4.2003 by S.I. 2003/808, **art. 2(j)**; s. 97(5)(8) in force for E. at 23.2.2004 by S.I. 2004/119, **art. 2**; s. 97 in force in so far as not already in force for E. at 30.4.2004 by S.I. 2004/913, **art. 3(a)**

98 Secretary of State's functions in relation to strategies

F262 . . . . . .

Textual Amendments

F262 S. 98 repealed (1.8.2007 for E. and 19.11.2007 for W.) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 3**; S.I. 2007/1614, **art. 3(e)(ii)**; S.I. 2007/3073, **art. 2(c)(ii)**

99 Power to modify functions and structure of PITO

F263 . . . . . .

Textual Amendments

F263 S. 99 repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, **art. 3(q)** (subject to arts. 6, 7)

100 Metropolitan Police Authority housing

(1) In section 4(e) of the Housing Act 1985 (c. 68) (which defines local authorities for the purposes of the provisions of that Act, including those relating to secure tenancies), the words "the Metropolitan Police Authority" shall be omitted.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In paragraph 12(2)(g) of Schedule 1 to the Housing Act 1988 (c. 50) (local authority tenancies that cannot be assured tenancies), the words "and the Metropolitan Police Authority" shall be omitted.

(3) Nothing in subsection (1) or in any repeal made by this Act for the purposes of that subsection shall affect—

(a) the operation of Part 5 of the Housing Act 1985 (c. 68) (the right to buy) in relation to any case in which a person who had acquired a right to buy under that Part before the day on which this Act is passed either—

(i) had served a notice under section 122 of that Act (tenant's notice claiming right to buy) on the Metropolitan Police Authority before that day; or

(ii) serves such a notice on that Authority in the period of three months beginning with that day;

or

(b) the extent to which, in any other case, any period falling before the day on which this Act is passed falls at any subsequent time to be treated as a period qualifying under any of the provisions of Schedule 4 to that Act.

(4) A tenancy which becomes an assured tenancy by virtue of this section shall be an assured shorthold tenancy unless (whenever it was entered into) it—

(a) falls within any of paragraphs 1 to 3 of Schedule 2A to the Housing Act 1988 (c. 50); or

(b) was an assured tenancy, but not an assured shorthold tenancy, immediately before it became a secure tenancy.

101 Provision of goods and services by police authorities

For section 18 of the 1996 Act (supply of goods and services) there shall be substituted—

"**18 Supply of goods and services**

(1) Subsections (1) to (3) of section 1 of the Local Authorities (Goods and Services) Act 1970 (c. 39) (supply of goods and services by local authorities)—

(a) shall apply, with the modification set out in subsection (2), to a police authority established under section 3 of this Act and to the Metropolitan Police Authority as they apply to a local authority; and

(b) shall also apply with that modification in their application to the Common Council of the City of London in its capacity as the police authority for the City of London police force.

(2) The modification is that references in those subsections to a public body shall be read as references to any person."

Liability for unlawful acts of constables etc.

102 Liability for wrongful acts of constables etc.

(1) Each of the enactments specified in subsection (2) shall be amended as follows—

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(a) for the words "torts committed by", in each place where they occur, there shall be substituted " any unlawful conduct of "; and

(b) for "in respect of any such tort" there shall be substituted " , in the case of a tort, ".

(2) The enactments are—

(a) section 88(1) of the 1996 Act (liability of chief officers);

(b) section 97(9) of that Act (liability of the Secretary of State);

(c) [F264] . . . . . .

(d) [F264] . . . . . .

(e) section 27(8) of the Police (Northern Ireland) Act 1998 (c. 32) (liability of the Secretary of State);

(f) section 29(1) of that Act (liability of the chief constable of the Police Service of Northern Ireland);

(g) paragraph 7(3) of Schedule 3 to that Act (liability of the Police Ombudsman); and

(h) [F265] . . . . . .

(3) [F265] . . . . . .

(4) In each of the enactments specified in subsection (5), for "a tort committed by" there shall be substituted " any unlawful conduct of ".

(5) The enactments are—

(a) section 88(4)(a) of the 1996 Act (payments in respect of tort proceedings against constables and special constables);

(b) [F266] . . . . . .

(c) [F266] . . . . . .

(d) section 29(3)(a) of the Police (Northern Ireland) Act 1998 (payments in respect of tort proceedings against police officers in Northern Ireland); and

(e) paragraph 7(4)(a) of Schedule 3 to that Act (payment in respect of tort proceedings against police officers serving with, or assisting, the Police Ombudsman).

(6) In section 42(6) of the 1997 Act (application to Scotland), paragraph (a) shall be omitted.

(7) In section 39 (1) of the Police (Scotland) Act 1967 (c. 77) (liability for wrongful acts of constables)—

(a) for "in reparation in respect of any wrongful act or omission" there shall be substituted " for any unlawful conduct "; and

(b) for "in respect of a wrongful act or omission" there shall be substituted " for any unlawful conduct ".

(8) In section 39(4) of that Act, for "wrongful act or omission" there shall be substituted " unlawful conduct ".

Textual Amendments

F264 S. 102(2)(c)(d) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 188(2), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F265 S. 102(2)(h)(3) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, **art. 3(q)** (subject to arts. 6, 7)

F266 S. 102(5)(b)(c) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 188(3), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

Commencement Information

I17 S. 102 wholly in force; s. 102 not in force at Royal Assent, see s. 108(2)(5); s. 102(1) - (6) in force at 1.10.2002 by S.I. 2002/2306, **art. 2(f)(xi)**; s. 102(7)(8) in force at 1.10.2002 by S.S.I. 2002/420, **art. 2**

International joint investigation teams

103 Liability in respect of members of teams

(1) In section 88 of the 1996 Act (liability for wrongful acts of constables), after subsection (5) there shall be inserted—

"(6) This section shall have effect where an international joint investigation team has been formed under the leadership of a constable who is a member of a police force as if—

(a) any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither a constable nor an employee of the police authority were unlawful conduct of a constable under the direction and control of the chief officer of police of that force; and

(b) subsection (4) applied, in the case of the police authority maintaining that force, to every member of that team to whom it would not apply apart from this subsection.

(7) In this section "international joint investigation team" means any investigation team formed in accordance with—

(a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;

(b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or

(c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.

(8) A statutory instrument containing an order under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(2) [F267] . . . . . .

(3) [F267] . . . . . .

(4) In section 39 of the Police (Scotland) Act 1967 (c. 77) (liability for wrongful acts of constables), after subsection (4) there shall be inserted—

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"(5) This section shall have effect where an international joint investigation team has been formed under the leadership of a constable of a police force as if—

(a) any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither a constable nor an employee of the police authority were unlawful conduct of a constable under the direction and control of the chief constable of that force; and

(b) subsection (4) applied, in the case of the police authority maintaining that force, to every member of that team to whom it would not apply apart from this subsection.

(6) In this section "international joint investigation team" means any investigation team formed in accordance with—

(a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;

(b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or

(c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State with the consent of the Scottish Ministers.

(7) A statutory instrument containing an order under subsection (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(5) In section 29 of the Police (Northern Ireland) Act 1998 (c. 32) (liability for wrongful acts of constables), after subsection (5) there shall be inserted—

"(6) This section shall have effect where an international joint investigation team has been formed under the leadership of a constable who is a member of the Police Service of Northern Ireland as if any unlawful conduct, in the performance or purported performance of his functions as such, of any member of that team who is neither—

(a) a constable, nor

(b) an employee of the Board,

were unlawful conduct of a constable under the direction and control of the Chief Constable.

(7) In this section "international joint investigation team" means any investigation team formed in accordance with—

(a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;

(b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or

(c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(8) A statutory instrument containing an order under subsection (7) shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(6) Where—

(a) any sums are paid by virtue of this section out of a police fund [F268]. . . or by the Chief Constable of the Police Service of Northern Ireland, and

(b) in pursuance of any international obligation, the Secretary of State receives any sum by way of reimbursement, in whole or in part, of the sums paid out of that fund or by that Chief Constable,

the Secretary of State shall pay into that fund or (as the case may be) to that Chief Constable the sums received by him by way of reimbursement.

(7) Where—

(a) any sums are paid by virtue of this section by a police authority in Scotland or a joint police board there, and

(b) in pursuance of an international obligation, the Secretary of State receives any sum by way of reimbursement, in whole or in part, of the sums so paid,

the Secretary of State shall pay the sum received by him by way of reimbursement to the Scottish Ministers who shall pay it to that authority or board.

Textual Amendments

F267 S. 103(2)(3) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 189(2), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F268 Words in s. 103(6) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 189(3), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

Commencement Information

I18 S. 103 wholly in force; s. 103 not in force at Royal Assent, see s. 108(2)(5); s. 103(1)-(3)(5)-(7) in force at 1.10.2002 by S. I. 2002/2306, **art. 2(f)(xii)**; s. 103(4) in force at 1.10.2002 by S.S.I. 2002/420, **art. 2**

104 Assaults on members of teams

(1) In section 89 of the 1996 Act (assaults on constables), after subsection (3) there shall be inserted—

"(4) In this section references to a person assisting a constable in the execution of his duty include references to any person who is neither a constable nor in the company of a constable but who—

(a) is a member of an international joint investigation team that is led by a member of a police force or by a member of the National Criminal Intelligence Service or of the National Crime Squad; and

(b) is carrying out his functions as a member of that team.

(5) In this section "international joint investigation team" means any investigation team formed in accordance with—

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
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(a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;

(b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or

(c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.

(6) A statutory instrument containing an order under subsection (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(2) In section 41 of the Police (Scotland) Act 1967 (c. 77) (assaults on constables), after subsection (3) there shall be inserted—

"(4) In this section references to a person assisting a constable in the execution of his duty include references to any person who is neither a constable nor in the company of a constable but who—

(a) is a member of an international joint investigation team that is led by a constable of a police force or by a member of the National Criminal Intelligence Service or of the National Crime Squad; and

(b) is carrying out his functions as a member of that team.

(5) In this section "international joint investigation team" means any investigation team formed in accordance with—

(a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;

(b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or

(c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State with the consent of the Scottish Ministers.

(6) A statutory instrument containing an order under subsection (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament."

(3) In section 66 of the Police (Northern Ireland) Act 1998 (c. 32) (assaults on constables), after subsection (4) there shall be inserted—

"(5) In this section references to a person assisting a constable in the execution of his duty include references to any person who is neither a constable nor in the company of a constable but who—

(a) is a member of an international joint investigation team that is led by a member of the Police Service of Northern Ireland; and

(b) is carrying out his functions as a member of that team.

(6) In this section "international joint investigation team" means any investigation team formed in accordance with—

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(a) any framework decision on joint investigation teams adopted under Article 34 of the Treaty on European Union;

(b) the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, and the Protocol to that Convention, established in accordance with that Article of that Treaty; or

(c) any international agreement to which the United Kingdom is a party and which is specified for the purposes of this section in an order made by the Secretary of State.

(7) A statutory instrument containing an order under subsection (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament."

Commencement Information

I19 S. 104 wholly in force; s. 104 not in force at Royal Assent, see s. 108(2)(5); s. 104(1)(3) in force at 1.10.2002 by S.I. 2002/2306, **art. 2(f)(xiii)**; s. 104(2) in force at 1.10.2002 by S.S.I. 2002/420, **art. 2**

PART 7

SUPPLEMENTAL

105 Powers of Secretary of State to make orders and regulations

(1) Every power conferred by this Act on the Secretary of State to make orders or regulations shall be exercisable by statutory instrument.

(2) A statutory instrument containing an order or regulations made in exercise of any such power, other than an order to which subsection (3) applies, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) This subsection applies to—

(a) any order under section 9(7) or 108; and

(b) any order that is required to be approved in draft by virtue of section 19(3) **[**[F269], 38A(4)**][**[F270]or 41B**]**[F271]. . . **[**[F272]or paragraph 15A(2) of Schedule 4 or paragraph 9A(2) of Schedule 5**]** .

(4) Every power of the Secretary of State to make an order or regulations under this Act, other than an order under section 9(7) or 108, shall include power—

(a) to make different provision for different cases;

(b) to make provision subject to such exemptions and exceptions as the Secretary of State thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as the Secretary of State thinks fit.

(5) Every power of the Secretary of State to make provision by regulations under Part 2 shall include power to make provision for any of the matters that may be provided for to be determined, in accordance with the regulations, by the Independent Police Complaints Commission.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F269 Words in s. 105(3)(b) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 4**; S.I. 2007/709, **art. 3(h)** (subject to arts. 6, 7)

F270 Words in s. 105(3)(b) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 14 para. 46**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

F271 Words in s. 105(3)(b) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, **art. 3(q)** (subject to arts. 6, 7)

F272 Words in s. 105(3)(b) inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 89(2)**, 93; S.I. 2003/3300, **art. 2(f)(iv)**

106 General interpretation

In this Act—

"the 1984 Act" means the Police and Criminal Evidence Act 1984 (c. 60);

"the 1996 Act" means the Police Act 1996 (c. 16);

"the 1997 Act" means the Police Act 1997 (c. 50);

[[F273]the Association of Chief Police Officers" means the Association of Chief Police Officers of England, Wales and Northern Ireland;**]**

[[F274]"the British Transport Police Force" means the force of constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);**]**

"modifications" includes omissions, alterations and additions, and cognate expressions shall be construed accordingly.

Textual Amendments

F273 Words in s. 106 inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 6, 53, **Sch. 4 para. 18**; S.I. 2007/709, **art. 3(d)** (subject to arts. 6, 7)

F274 S. 106: definition of "British Transport Police Force" ceased to have effect (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(jjj)**

Modifications etc. (not altering text)

C57 S. 106 amended (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), ss. 73, 120, **Sch. 5 para. 4** (with s. 72); S.I. 2004/1572, **art. 3(jjj)**

107 Consequential amendments and repeals

(1) Schedule 7 (which makes minor and consequential amendments) shall have effect.

(2) The enactments specified in Schedule 8 (which include provisions that are spent or have ceased to be of any practical utility) are hereby repealed to the extent specified in the second column of that Schedule.

Commencement Information

I20 S. 107 partly in force; s. 107(2) in force at Royal Assent for certain purposes, see s. 108(2)(3); s. 107 in force for certain purposes at 1.10.2002 by S.I.2002/2306, **art. 2(g)(i)**; s. 107 in force for certain purposes at 2.12.2002 by S.I. 2002/2750, **art. 2(b)(i)**; s. 107(2) in force for certain purposes at

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1.4.2003 by S.I. 2003/808, **art. 2(k)**; s. 107 in force for certain purposes at 1.4.2004 by S.I. 2004/913, **art. 2(c)**; s. 107 in force for certain purposes for E. at 30.4.2004 by S.I. 2004/913, **art. 3(b)**; s. 107(2) in force for certain purposes at 1.6.2004 by S.I. 2004/1319, **art. 2(e)**; s. 107(1) in force in so far as not already in force and s. 107(1)(2) in force for certain purposes at 23.12.2004 by S.I. 2004/3338, **art. 3(a)**

108 Short title, commencement and extent

(1) This Act may be cited as the Police Reform Act 2002.

(2) This Act, except—

(a) the provisions specified in subsection (3) (which come into force on the day on which this Act is passed), and

(b) the provisions to which subsections (4) and (5) apply,

shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed under this subsection for different purposes or different areas.

(3) The provisions coming into force on the day on which this Act is passed are—

(a) section 100, the entries in Schedule 8 relating to the Housing Act 1985 (c. 68), the Housing Act 1988 (c. 50), paragraphs 51 and 59 of Schedule 27 to the Greater London Authority Act 1999 (c. 29) and paragraph 74 of Schedule 6 to the Criminal Justice and Police Act 2001 (c. 16) and section 107(2) (so far as relating to those entries); and

(b) sections 105 and 106 and this section.

(4) The provisions of sections 97 and 98, so far as they relate to local government areas in Wales, shall come into force on such day as the National Assembly for Wales may by order made by statutory instrument appoint; and different days may be appointed under this subsection for different purposes or different areas.

(5) Sections 70 and 71, and sections 102 to 104 so far as they amend the Police (Scotland) Act 1967 (c. 77), shall come into force on such day as the Scottish Ministers may by order appoint; and different days may be appointed under this subsection for different purposes or different areas.

(6) Subject to subsections (7) to (9), this Act extends to England and Wales only.

(7) This Act extends to the United Kingdom so far as it makes the following provision—

(a) the provision contained in Part 5;

(b) the provision contained in section 82;

(c) [F275] . . . . . .

(d) the provision contained in section 103(6);

(e) [F276] . . . . . .

(8) Section 96 also extends to Northern Ireland.

(9) Subject to subsection (10), this Act, so far as it amends or repeals any enactment (other than one that extends to England and Wales only), has the same extent as the enactment amended or repealed.

(10) The amendments and repeals made by this Act—

(a) in section 96 of the Road Traffic Regulation Act 1984 (c. 27) (traffic wardens),

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(b) in sections 103 and 183 of the Road Traffic Act 1988 (c. 52) (driving while disqualified), and

(c) Part 3 of the Road Traffic Offenders Act 1988 (c. 53) (fixed penalties),

do not extend to Scotland.

Subordinate Legislation Made

P1 S. 108(2) power partly exercised: 1.10.2002 and 1.11.2002 appointed for specified provisions by {S.I. 2002/2306}, arts. 2-5;
S. 108(2) power partly exercised: 2.12.2002, 1.1.2003 and 3.2.2003 appointed for specified provisions by {S.I. 2002/2750}, arts. 2-5

P2 S. 108(2) power partly exercised: 1.4.2003 appointed for specified provisions and purposes by {S.I. 2003/808}, art. 2

P3 S. 108(2) power partly exercised: 15.11.2003 appointed for specified provisions and purposes by {S.I. 2003/2593}, art. 2

P4 S. 108(2) power partly exercised: 23.2.2004 appointed for specified provision for E. by {S.I. 2004/119}, art. 2

P5 S. 108(2) power partly exercised: 9.3.2004 appointed for specified provision by {S.I. 2004/636}, art. 2

P6 S. 108(2) power partly exercised: different dates appointed for specified provisions and purposes by {S.I. 2004/913}, arts. 2, 3

P7 S. 108(2) power partly exercised: 1.6.2004 appointed for specified provisions by {S.I. 2004/1319}, art. 2

P8 S. 108(2) power partly exercised: 23.12.2004 appointed for specified provisions and purposes by {S.I. 2004/3338}, arts. 2, 3

P9 S. 108(4) power fully exercised: 1.4.2003 appointed for specified provisions and purposes by {S.I. 2003/525}, art. 2

P10 S. 108(5) power fully exercised: 1.10.2002 appointed by {S.S.I. 2002/420}, art .2

Textual Amendments

F275 S. 108(7)(c) repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, **art. 3(q)** (subject to arts. 6, 7)

F276 S. 108(7)(e) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 10, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

[F277][F277]SCHEDULE 1

. . . . . .

Textual Amendments

F277 Sch. 1 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 12, 13(oo) (subject to art. 4(2)-(7))

SCHEDULE 2

Section 9

THE INDEPENDENT POLICE COMPLAINTS COMMISSION

Modifications etc. (not altering text)

C58 Sch. 2 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(3)(6)**, Sch. 2

Chairman

1 (1) The chairman of the Commission shall hold office as chairman of the Commission in accordance with the terms of his appointment.

(2) A person who has been sentenced to a term of imprisonment of three months or more shall not, at any time in the five years following the day on which he was sentenced, be appointed as chairman of the Commission; and an appointment made in contravention of this sub-paragraph shall have no effect.

(3) The appointment of the chairman of the Commission shall be for a term not exceeding five years; but the chairman shall be eligible for re-appointment at the end of his term of office.

(4) The chairman of the Commission may be removed from office by Her Majesty either—

(a) at his own request; or

(b) on being advised by the Secretary of State that there are grounds falling with sub-paragraph (5) for the removal of the chairman.

(5) The following are grounds for removing the chairman from office—

(a) that he has failed without reasonable excuse to carry out the functions of his office for a continuous period of three months;

(b) that he has become a person falling within one or more paragraphs of section 9(3);

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(c) that he has, since his appointment, been sentenced to imprisonment for a term of three months or more;

(d) that he is a person who—

(i) has had a bankruptcy order made against him;

(ii) has had his estate sequestrated; or

(iii) has made a composition or arrangement with, or granted a trust deed for, his creditors;

(e) that he is subject to—

(i) a disqualification order under the Company Directors Disqualification Act 1986 (c. 46) or under **[**[F278]the Company Directors Disqualification (Northern Ireland) Order 2002**]** (S.I. 1989/2404 (N.I. 18)); or

(ii) an order made under section 429(2)(b) of the Insolvency Act 1986 (c. 45) (failure to pay under county court administration order);

(f) that he has acted improperly in relation to his duties; or

(g) that he is otherwise unable or unfit to perform his duties.

(6) For the purposes of this paragraph a sentence of imprisonment for any term the whole or part of which is suspended shall be taken to be a sentence of imprisonment for the whole term.

Textual Amendments

F278 Words in Sch. 2 para. 1(5)(e)(i) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 197(a)** (with art. 10)

Ordinary members of the Commission

2 (1) Subject to the provisions of this Schedule, a person shall hold office as an ordinary member in accordance with the terms of his appointment.

(2) An appointment as an ordinary member may be to whole or to part time membership of the Commission.

(3) A person who has been sentenced to a term of imprisonment of three months or more shall not, at any time in the five years following the day on which he is sentenced, be appointed as an ordinary member; and an appointment made in contravention of this sub-paragraph shall have no effect.

(4) A person shall not be appointed to be an ordinary member for a term of more than five years; but an ordinary member shall be eligible for re-appointment at the end of his term of office.

(5) An ordinary member may at any time resign his office as a member of the Commission by notice in writing to the Secretary of State.

(6) The Secretary of State may at any time remove a person from office as an ordinary member if he is satisfied that that person—

(a) has failed without reasonable excuse to carry out the functions of his office for a continuous period of three months beginning not earlier than six months before that time;

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(b) has become a person falling within one or more paragraphs of section 9(3);

(c) has, since his appointment, been sentenced to imprisonment for a term of three months or more;

(d) is a person who—

(i) has had a bankruptcy order made against him;

(ii) has had his estate sequestrated; or

(iii) has made a composition or arrangement with, or granted a trust deed for, his creditors;

(e) is subject to—

(i) a disqualification order under the Company Directors Disqualification Act 1986 (c. 46) or under **[**[F279]the Company Directors Disqualification (Northern Ireland) Order 2002**]**(S.I. 1989/2404 (N.I. 18)); or

(ii) an order made under section 429(2)(b) of the Insolvency Act 1986 (c. 45) (failure to pay under county court administration order);

(f) has acted improperly in relation to his duties; or

(g) is otherwise unable or unfit to perform his duties.

(7) For the purposes of this paragraph a sentence of imprisonment for any term the whole or part of which is suspended shall be taken to be a sentence of imprisonment for the whole term.

(8) In this paragraph "ordinary member" means a member of the Commission other than the chairman.

Textual Amendments

F279 Words in Sch. 2 para. 2(6)(e)(i) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009 (S.I. 2009/1941), art. 2(1), **Sch. 1 para. 197(b)** (with art. 10)

Deputy Chairmen

3 (1) The Secretary of State may appoint not more than two deputy chairmen of the Commission from amongst its members.

(2) A person who ceases to hold office as a member of the Commission shall cease at the same time to hold office as deputy chairman of the Commission.

(3) A person shall hold office as a deputy chairman of the Commission in accordance with the terms of his appointment.

(4) A deputy chairman of the Commission may at any time resign his office as a deputy chairman by notice in writing to the Secretary of State.

(5) A deputy chairman of the Commission who is reappointed as a member from the time that would otherwise have been the end of his term of office as a member shall cease to be a deputy chairman at that time unless he is also reappointed to that office.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Remuneration, pensions etc. of members

4 (1) The Secretary of State may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of the chairman, deputy chairmen and members of the Commission, or any of them, as he may determine.

(2) Where—

(a) a person ceases, otherwise than on the expiry of his term of office, to hold office as chairman, deputy chairman or member of the Commission, and

(b) it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation,

the Secretary of State may direct the Commission to make a payment to that person of such amount as the Secretary of State may determine.

The Chief Executive

5 Subject to sub-paragraphs (3) and (5), it shall be for the Commission to appoint the person to be its chief executive.

(1) The Commission shall have a chief executive.

(2)

(3) The approval of the Secretary of State shall be required for any appointment by the Commission of a person to be its chief executive.

(4) Subject to sub-paragraph (5), the Commission's chief executive shall be appointed on such terms and conditions and shall have such functions as the Commission may, with the approval of the Secretary of State, determine.

(5) The first appointment of a person to be the chief executive of the Commission shall be made by the Secretary of State, instead of by the Commission; and the terms and conditions on which that appointment is made shall also be determined by the Secretary of State, instead of by the Commission.

Commencement Information

I21 Sch. 2 para. 5 wholly in force at 1.4.2003; Sch. 2 para. 5 not in force at Royal Assent, see s. 108(2); Sch. 2 para. 5(5) in force at 1.10.2002 by S.I. 2002/2306, **art. 2(b)(ii)**; Sch. 2 para. 5 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(a)**

Staff

6 (1) The Commission may appoint such employees, on such terms and conditions, as appear to it to be appropriate.

(2) The Commission may make arrangements with—

(a) the chief officer of police of any police force maintained for a police area in England and Wales,

(b) the chief constable of any police force maintained for a police area in Scotland, or

(c) the Chief Constable of the Police Service of Northern Ireland,

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under which members of his force are engaged on temporary service with the Commission.

(3) The Commission may make such other arrangements for its staffing as it thinks fit.

(4) A member of a police force on temporary service with the Commission shall be under the direction and control of the Commission.

(5) The approval of the Secretary of State as to numbers and as to the terms and conditions of staff shall be required for the exercise by the Commission of its powers under this paragraph.

Modifications etc. (not altering text)

C59 Sch. 2 para. 6 applied (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 5**

C60 Sch. 2 para. 6 applied (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 5**

Superannuation and insurance

7 (1) Where a person who—

(a) is employed by the Commission, and

(b) is by reference to that employment a participant in a scheme under section 1 of the Superannuation Act 1972 (c. 11),

is appointed as the chairman or as a deputy chairman of the Commission or as a member of it, the Treasury may determine that his service in that office shall be treated for the purposes of the scheme as service as an employee of the Commission; and his rights under the scheme shall not be affected by anything done under paragraph 4.

(2) The Employers' Liability (Compulsory Insurance) Act 1969 (c. 57) shall not require insurance to be effected by the Commission.

Liability for acts of seconded staff

8 (1) The Commission shall be liable in respect of unlawful conduct of seconded constables in the carrying out, or purported carrying out, of their functions as members of the Commission's staff in the like manner as an employer is liable in respect of any unlawful conduct of his employees in the course of their employment.

(2) Accordingly, the Commission shall be treated in the case of any such unlawful conduct which is a tort, as a joint tortfeasor.

(3) In this paragraph "seconded constables" means persons serving as members of the Commission's staff without being employed by it.

Power of Commission to set up regional offices

9 If it appears to the Commission that it is necessary to do so in order to carry out its functions efficiently, the Commission may, with the consent of the Secretary of State, set up regional offices in places in England and Wales.

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Proceedings

10 (1) The arrangements for the proceedings of the Commission (including the quorum for meetings and the establishment of committees) shall be such as the Commission may determine.

(2) The arrangements may include provision for the committees established under the arrangements to include members of the Commission's staff and other persons who are not members of the Commission.

(3) The arrangements may include provision for persons selected by the Commission to attend meetings of the Commission or of any committee established by it.

(4) The Commission may—

(a) pay such remuneration and allowances as it may determine to members of committees established by it who are neither members of the Commission nor members of its staff; and

(b) make such payments for the reimbursement of expenses incurred by persons attending meetings in accordance with arrangements made by virtue of sub-paragraph (3) as it may determine.

(5) The arrangements may provide for the carrying out, under the general direction of the Commission, of any of the Commission's functions—

(a) by a committee established by the Commission;

(b) by one or more of the members of the Commission; or

(c) by the chief executive or by one or more members of the Commission's staff.

F280(6) . . . . . .

Textual Amendments

F280 Sch. 2 para. 10(6) omitted (15.11.2011) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 3**; S.I. 2011/2515, art. 3(f)

11 The validity of any proceedings of the Commission or of any of its committees shall not be affected by—

(a) any defect in the appointment of the chairman, a deputy chairman or any member of the Commission; or

(b) any vacancy in the office of chairman or among the members of the Commission.

Authentication of the Commission's seal

12 The application of the seal of the Commission shall be authenticated by the signature of—

(a) any member of the Commission; or

(b) any other person who has been authorised by the Commission (whether generally or specially) for that purpose.

Evidence of documents

13 A document purporting to be—

(a) duly executed by the Commission under its seal, or

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(b) signed on its behalf,

shall be received in evidence and shall, unless the contrary is shown, be taken to be so executed or signed.

Payments by the Secretary of State

14 The Secretary of State may pay to the Commission—

(a) sums equal to any amounts paid or falling to be paid by it under any provision of this Act (other than paragraph 15); and

(b) such other sums as appear to him to be appropriate for enabling it to meet the expenses incurred or to be incurred by it in the carrying out of its functions.

Other receipts by the Commission

15 (1) The Commission shall pay to the Secretary of State all sums received by it (otherwise than under paragraph 14) in the course of, or in connection with, the carrying out of its functions.

(2) Sub-paragraph (1) shall not apply where the Secretary of State so directs.

(3) Any sums received by the Secretary of State under this paragraph shall be paid into the Consolidated Fund.

Borrowing

16 The Commission shall not borrow money unless authorised to do so (whether generally or specially) by the Secretary of State.

Accounts

17 (1) The Commission shall—

(a) keep proper accounts and proper records in relation to the accounts;

(b) prepare in respect of each financial year of the Commission a statement of accounts in such form as the Secretary of State may direct; and

(c) send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of August in the financial year of the Commission following that to which the statement relates.

(2) The Comptroller and Auditor General shall—

(a) examine, certify and report on every statement received by him by virtue of this paragraph; and

(b) lay copies of every such statement, and of his report on it, before Parliament.

Financial year of the Commission

18 The following are financial years of the Commission—

(a) the period beginning with the day on which the Commission is established and ending with 31st March falling next after that day; and

(b) every subsequent period of twelve months ending with 31st March.

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SCHEDULE 3

Section 13

HANDLING OF COMPLAINTS AND CONDUCT MATTERS ETC.

PART 1

HANDLING OF COMPLAINTS

Duties to preserve evidence relating to complaints

1 (1) Where a complaint is made about the conduct of a chief officer, it shall be the duty of the **[**[F281]local policing body**]** maintaining his force to secure that all such steps as are appropriate for the purposes of Part 2 of this Act are taken, both initially and from time to time after that, for obtaining and preserving evidence relating to the conduct complained of.

(2) Where—

(a) a complaint is made to a chief officer about the conduct of a person under his direction and control, or

(b) a chief officer becomes aware that a complaint about the conduct of a person under his direction or control has been made to the Commission or to a **[**[F282]local policing body**]** ,

the chief officer 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) The chief officer's duty under sub-paragraph (2) must be performed as soon as practicable after the complaint is made or, as the case may be, he becomes aware of it.

(4) After that, he shall be under a duty, until he is satisfied that it is no longer necessary to do so, to continue to take the steps from time to time appearing 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.

(5) It shall be the duty of a **[**[F283]local policing body**]** to comply with all such directions as may be given to it by the Commission in relation to the performance of its duty under sub-paragraph (1).

(6) It shall be the duty of a chief officer to take all such specific steps for obtaining or preserving evidence relating to any conduct that is the subject-matter of a complaint as he may be directed to take for the purposes of this paragraph by the **[**[F284]local policing body**]** maintaining his force or by the Commission.

Textual Amendments

F281 Words in Sch. 3 para. 1(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(2)(a)**; S.I. 2011/3019, art. 3, Sch. 1

F282 Words in Sch. 3 para. 1(2)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(2)(a)**; S.I. 2011/3019, art. 3, Sch. 1

F283 Words in Sch. 3 para. 1(5) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(2)(a)**; S.I. 2011/3019, art. 3, Sch. 1

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F284 Words in Sch. 3 para. 1(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(2)(b)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C61 Sch. 3 para. 1 applied (with modifications) (1.4.2006) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(5)(6)**, Sch. 3

Commencement Information

I22 Sch. 3 para. 1 wholly in force at 1.4.2004; Sch. 3 para. 1 not in force at Royal Assent see s. 108(2); Sch. 3 para. 1 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 1 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Initial handling and recording of complaints

2 **[**[F285](1) Where a complaint is made to the Commission, it shall give notification of the complaint to the appropriate authority.

(1A) But the Commission need not give that notification if the Commission considers that there are exceptional circumstances that justify its not being given.**]**

(2) Where a complaint is made to a **[**[F286]local policing body**]**, it shall—

(a) determine whether or not it is itself the appropriate authority; and

(b) if it determines that it is not, give notification of the complaint to the person who is.

(3) Where a complaint is made to a chief officer, he shall—

(a) determine whether or not he is himself the appropriate authority; and

(b) if he determines that he is not, give notification of the complaint to the person who is.

[F287](4) . . . . . .

(5) Where the Commission, a **[**[F288]local policing body**]** or a chief officer gives notification of a complaint under any of sub-paragraphs (1) to (3) [F289]..., the person who gave the notification [F290]... shall notify the complainant—

(a) that the notification has been given and of what it contained; or

[F291](b) . . . . . .

(6) Where—

(a) a **[**[F292]local policing body**]** determines, in the case of any complaint made to **[**[F293]the body**]**, that it is itself the appropriate authority,

(b) a chief officer determines, in the case of any complaint made to that chief officer, that he is himself the appropriate authority, or

(c) a complaint is notified to a **[**[F294]local policing body**]** or chief officer under this paragraph,

[[F295]the body**]** or chief officer shall record the complaint.

(7) Nothing in this paragraph shall require the notification or recording by any person of any complaint about any conduct if—

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(a) that person is satisfied that the subject-matter of the complaint has been, or is already being, dealt with by means of criminal or disciplinary proceedings against the person whose conduct it was; or

(b) the complaint has been withdrawn.

[[F296](8) Nothing in this paragraph shall require the recording by any person of any complaint about any conduct if that person considers that the complaint falls within a description of complaints specified in regulations made by the Secretary of State for the purposes of this paragraph.**]**

Textual Amendments

F285 Sch. 3 para. 2(1) (1A) substituted for Sch. 3 para. 2(1) (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 8(2)**; S.I. 2011/3019, art. 3, Sch. 1; S.I. 2012/2892, art. 2(g) (with art. 6)

F286 Words in Sch. 3 para. 2(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(3)(a)**; S.I. 2011/3019, art. 3, Sch. 1

F287 Sch. 3 para. 2(4) omitted (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 8(3)**; S.I. 2011/3019, art. 3, Sch. 1; S.I. 2012/2892, art. 2(g) (with art. 6)

F288 Words in Sch. 3 para. 2(5) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(3)(a)**; S.I. 2011/3019, art. 3, Sch. 1

F289 Words in Sch. 3 para. 2(5) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 8(4)(a)(i)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F290 Words in Sch. 3 para. 2(5) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 8(4)(a)(ii)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F291 Sch. 3 para. 2(5)(b) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 8(4)(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F292 Words in Sch. 3 para. 2(6)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(3)(b)(i)**; S.I. 2011/3019, art. 3, Sch. 1

F293 Words in Sch. 3 para. 2(6)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(3)(b)(ii)**; S.I. 2011/3019, art. 3, Sch. 1

F294 Words in Sch. 3 para. 2(6)(c) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(3)(c)**; S.I. 2011/3019, art. 3, Sch. 1

F295 Words in Sch. 3 para. 2(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(3)(d)**; S.I. 2011/3019, art. 3, Sch. 1

F296 Sch. 3 para. 2(8) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 8(5)**; S.I. 2012/2892, art. 2(g) (with art. 6)

Modifications etc. (not altering text)

C62 Sch. 3 para. 2 applied (with modifications) (1.4.2006) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(5)(6)**, Sch. 3

Commencement Information

I23 Sch. 3 para. 2 wholly in force at 1.4.2004; Sch. 3 para. 2 not in force at Royal Assent see s. 108(2); Sch. 3 para. 2 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 2 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

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Failures to notify or record a complaint

Failures to notify or record a complaint

3 (1) This paragraph applies where anything which is or purports to be a complaint in relation to which paragraph (2) has effect is received by a **[**[F297]local policing body**]** or chief officer (whether in consequence of having been made directly or of a notification under that paragraph).

(2) If the **[**[F298]local policing body**]** or chief officer decides not to take action under paragraph (2) for notifying or recording the whole or any part of what has been received, **[**[F299]the body**]** or chief officer shall notify the complainant of the following matters—

(a) the decision to take no action and, if that decision relates to only part of what was received, the part in question;

(b) the grounds on which the decision was made; and

(c) that complainant's right to appeal against that decision under this paragraph.

(3) The complainant shall have a right of appeal to the Commission against any failure by the **[**[F300]local policing body**]** or chief officer to make a determination under paragraph 2 or to notify or record anything under that paragraph.

[[F301](3A) But the complainant has no right of appeal under sub-paragraph (3) in either of the following cases.

(3B) The first case is where, by virtue of paragraph 2(7), there is no requirement to record the complaint.

(3C) The second case is where—

(a) the complaint relates to a direction and control matter, and

(b) the appeal relates to a failure by a local policing body.**]**

(4) On an appeal under this paragraph, the Commission shall—

(a) determine whether any action under paragraph 2 should have been taken in the case in question; and

(b) if the Commission finds in the complainant's favour, give such directions as the Commission considers appropriate to the **[**[F300]local policing body**]** or chief officer as to the action to be taken for making a determination, or for notifying or recording what was received;

and it shall be the duty of a **[**[F300]local policing body**]** or chief officer to comply with any directions given under paragraph (b).

(5) Directions under sub-paragraph (4)(b) may require action taken in pursuance of the directions to be treated as taken in accordance with any such provision of paragraph 2 as may be specified in the direction.

(6) The Commission—

(a) shall give notification both to the **[**[F302]local policing body**]** or, as the case may be, the chief officer and to the complainant of any determination made by it under this paragraph; and

(b) shall give notification to the complainant of any direction given by it under this paragraph to the **[**[F302]local policing body**]** or chief officer.

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(7) The Secretary of State may by regulations make provision—

(a) for the form and manner in which appeals under this paragraph are to be brought;

(b) for the period within which any such appeal must be brought; and

(c) for the procedure to be followed by the Commission when dealing with or disposing of any such appeal.

Textual Amendments

F297 Words in Sch. 3 para. 3(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(4)(a)**; S.I. 2011/3019, art. 3, Sch. 1

F298 Words in Sch. 3 para. 3(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(4)(b)(i)**; S.I. 2011/3019, art. 3, Sch. 1

F299 Words in Sch. 3 para. 3(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(4)(b)(ii)**; S.I. 2011/3019, art. 3, Sch. 1

F300 Words in Sch. 3 para. 3(3)(4) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(4)(c)**; S.I. 2011/3019, art. 3, Sch. 1; S.I. 2011/3019, art. 3, Sch. 1

F301 Sch. 3 para. 3(3A)-(3C) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 16**; S.I. 2012/2892, art. 2(g) (with art. 6)

F302 Words in Sch. 3 para. 3(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(4)(c)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C63 Sch. 3 para. 3 applied (with modifications) (1.4.2006) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(5)(6)**, Sch. 3

C64 Sch. 3 para. 3(3) restricted (1.4.2004) by The Independent Police Complaints Commission (Transitional Provisions) Order 2004 (S.I. 2004/671), **art. 4(2)**

Commencement Information

I24 Sch. 3 para. 3 wholly in force at 1.4.2004; Sch. 3 para. 3 not in force at Royal Assent see s. 108(2); Sch. 3 para. 3 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 3 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Reference of complaints to the Commission

4 (1) It shall be the duty of the appropriate authority to refer a complaint to the Commission if—

(a) the complaint is one alleging that the conduct complained of has resulted in death or serious injury;

(b) the complaint is of a description specified for the purposes of this sub-paragraph in regulations made by the Secretary of State; or

(c) the Commission notifies the appropriate authority that it requires the complaint in question to be referred to the Commission for its consideration.

(2) In a case where there is no obligation under sub-paragraph (1) to make a reference, the appropriate authority may refer a complaint to the Commission if that authority considers that it would be appropriate to do so so by reason of—

(a) the gravity of the subject-matter of the complaint; or

(b) any exceptional circumstances.

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(3) In a case in which a reference under sub-paragraph (1) or (2) is neither made nor required to be made, a **[**[F303]local policing body**]** may refer a complaint to the Commission if—

(a) it is one in relation to which the chief officer of police of the police force maintained by **[**[F304]that body**]** is the appropriate authority; and

(b) the **[**[F303]local policing body**]** considers that it would be appropriate to do so reason of—

(i) the gravity of the subject-matter of the complaint; or

(ii) any exceptional circumstances.

(4) Where there is an obligation under this paragraph to refer a complaint to the Commission, it must be so referred within such period as may be provided for by regulations made by the Secretary of State.

(5) Subject to sub-paragraph (7), the following powers—

(a) the power of the Commission by virtue of sub-paragraph (1)(c) to require a complaint to be referred to it, and

(b) the power of a **[**[F305]local policing body**]** or chief officer to refer a complaint to the Commission under sub-paragraph (2) or (3),

shall each be exercisable at any time irrespective of whether the complaint is already being investigated by any person or has already been considered by the Commission.

(6) A **[**[F306]local policing body**]** or chief officer which refers a complaint to the Commission under this paragraph shall give a notification of the making of the reference—

(a) to the complainant, and

(b) except in a case where it appears to **[**[F307]that body**]** or chief officer that to do so might prejudice a possible future investigation of the complaint, to the person complained against.

(7) A complaint that has already been referred to the Commission under this paragraph on a previous occasion—

(a) shall not be required to be referred again under this paragraph unless the Commission so directs; and

(b) shall not be referred in exercise of any power conferred by this paragraph unless the Commission consents.

[[F308](8) In a case where—

(a) a complaint relates to a direction and control matter, and

(b) there is no obligation under this paragraph for the appropriate authority to refer the complaint to the Commission,

the appropriate authority may refer the complaint to the Commission under this paragraph only if the Commission consents.**]**

Textual Amendments

F303 Words in Sch. 3 para. 4(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(5)(a)(i)**; S.I. 2011/3019, art. 3, Sch. 1

F304 Words in Sch. 3 para. 4(3)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(5)(a)(ii)**; S.I. 2011/3019, art. 3, Sch. 1

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F305 Words in Sch. 3 para. 4(5)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(5)(b)**; S.I. 2011/3019, art. 3, Sch. 1

F306 Words in Sch. 3 para. 4(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(5)(c)(i)**; S.I. 2011/3019, art. 3, Sch. 1

F307 Words in Sch. 3 para. 4(6)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(5)(c)(ii)**; S.I. 2011/3019, art. 3, Sch. 1

F308 Sch. 3 para. 4(8) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 5(2)**; S.I. 2012/2892, art. 2(g) (with art. 6)

Modifications etc. (not altering text)

C65 Sch. 3 para. 4 applied (with modifications) (1.4.2006) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(5)(6)**, Sch. 3

Commencement Information

I25 Sch. 3 para. 4 wholly in force at 1.4.2004; Sch. 3 para. 4 not in force at Royal Assent see s. 108(2); Sch. 3 para. 4 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 4 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Duties of Commission on references under paragraph 4

5 (1) It shall be the duty of the Commission in the case of every complaint referred to it by a **[**[F309]local policing body**]** or chief officer, to determine whether or not it is necessary for the complaint to be investigated.

(2) Where the Commission determines under this paragraph that it is not necessary for a complaint to be investigated, it may, if it thinks fit, refer the complaint back to the appropriate authority to be dealt with by that authority in accordance with paragraph 6.

(3) Where the Commission refers a complaint back under sub-paragraph (2), it shall give a notification of the making of the reference back—

(a) to the complainant, and

(b) except in a case where it appears to the Commission that to do so might prejudice a possible future investigation of the complaint, to the person complained against.

Textual Amendments

F309 Words in Sch. 3 para. 5(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(6)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C66 Sch. 3 para. 5 applied (with modifications) (1.4.2006) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(5)(6)**, Sch. 3

Commencement Information

I26 Sch. 3 para. 5 wholly in force at 1.4.2004; Sch. 3 para. 5 not in force at Royal Assent see s. 108(2); Sch. 3 para. 5 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 5 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Handling of complaints by the appropriate authority

[[F310]6 (1) This paragraph applies where a complaint has been recorded by the appropriate authority.

(2) But this paragraph does not apply to a complaint if it is one that has been, or must be, referred to the Commission under paragraph 4, unless the complaint is for the time being—

(a) referred back to the authority under paragraph 5, or

(b) the subject of a determination under paragraph 15.

(3) Subject to paragraph 7, the appropriate authority shall determine whether or not the complaint is suitable for being subjected to local resolution.

(4) If the appropriate authority determines that the complaint is suitable for being subjected to local resolution, it shall make arrangements for it to be so subjected.

(5) If the appropriate authority determines that the complaint is not so suitable, it shall make arrangements for the complaint to be investigated by the authority on its own behalf.

(6) A determination that a complaint is suitable for being subjected to local resolution may not be made unless the following conditions are both met.

(7) The first condition is that the appropriate authority is satisfied that the conduct complained of (even if it were proved) would not justify the bringing of any criminal or disciplinary proceedings against the person whose conduct is complained of.

(8) The second condition is that the appropriate authority is satisfied that the conduct complained of (even if it were proved) would not involve the infringement of a person's rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998).

(9) In a case where this paragraph applies to a complaint by virtue of sub-paragraph (2)(b), a determination that the complaint is suitable for being subjected to local resolution may not be made unless the Commission approves the determination.

(10) No more than one application may be made to the Commission for the purposes of sub-paragraph (9) in respect of the same complaint.

(11) Sub-paragraph (9) (where applicable) is in addition to sub-paragraphs (6) to (8).**]**

Textual Amendments

F310 Sch. 3 para. 6 substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 9(1)**; S.I. 2012/2892, art. 2(g) (with art. 6)

[**[F311]*Disapplication of] *requirements of Schedule*

Textual Amendments

F311 Words in Sch. 3 para. 7 heading substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 10(2)**; S.I. 2012/2892, art. 2(g) (with art. 6)

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

7 (1) If, in a case in which paragraph (6) applies, the appropriate authority considers—

(a) that it should handle the complaint otherwise than in accordance with this Schedule or should take no action in relation to it, and

(b) that the complaint falls within a description of complaints specified in regulations made by the Secretary of State for the purposes of this paragraph,

the appropriate authority may [F312]... handle the complaint in whatever manner (if any) that authority thinks fit.

[[F313](1A) But, in a case where paragraph 6 applies by virtue of paragraph 6(2)(a) or (b), the appropriate authority may not handle the complaint in whatever manner (if any) the authority thinks fit unless—

(a) the authority applies to the Commission, in accordance with the regulations, for permission to so handle the complaint, and

(b) the Commission gives permission.**]**

[[F314](2) The appropriate authority shall notify the complainant—

(a) that the appropriate authority has decided to handle the complaint as permitted by sub-paragraph (1) (in a case where the appropriate authority is not required to apply for permission under sub-paragraph (1A) to so handle the complaint); or

(b) about the making of the application under sub-paragraph (1A) (in a case where the appropriate authority makes such an application).**]**

(3) Where such an application is made to the Commission, it shall, in accordance with regulations made by the Secretary of State—

(a) consider the application and determine whether to grant the permission applied for; and

(b) notify its decision to the appropriate authority and the complainant.

(4) Where an application is made under this paragraph in respect of any complaint, the appropriate authority shall not, while the application is being considered by the Commission, take any action in accordance with the provisions of this Schedule (other than under paragraph 1) in relation to that complaint.

(5) **[**[F315]Where the complaint is to be handled in whatever manner (if any) the authority thinks fit (whether or not the Commission's permission is needed), the authority—**]**

(a) shall not be required by virtue of any of the provisions of this Schedule (other than paragraph 1) to take any action in relation to the complaint; but

(b) may handle the complaint in whatever manner it thinks fit, or take no action in relation to the complaint, and for the purposes of handling the complaint may take any step that it could have taken, or would have been required to take, **[**[F316]if it were not proceeding in accordance with this paragraph**]**.

(6) Where **[**[F317]the appropriate authority applies to the Commission under sub-paragraph (1A) and**]** the Commission determines that no permission should be granted [F318]...—

(a) it shall refer the matter back to the appropriate authority for the making of a determination under **[**[F319]paragraph 6(3)**]**; and

(b) the authority shall then make that determination.

(7) No more than one application may be made to the Commission under this paragraph in respect of the same complaint.

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[[F320](8) The complainant shall have a right of appeal to the relevant appeal body against any decision by the appropriate authority under this paragraph to handle the complaint otherwise than in accordance with this Schedule or to take no action in relation to it.

(9) But the complainant has no right of appeal in either of the following cases.

(10) The first case is where the appeal relates to a decision for which the Commission has given permission under this paragraph.

(11) The second case is where the complaint relates to a direction and control matter.

(12) On an appeal under this paragraph, subject to sub-paragraphs (13) and (14), the relevant appeal body shall—

(a) determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and

(b) if the relevant appeal body finds in the complainant's favour, give such directions as the relevant appeal body thinks appropriate to the local policing body or chief officer as to the action to be taken for handling the complaint in accordance with this Schedule or handling it otherwise than in accordance with this Schedule;

and it shall be the duty of a local policing body or chief officer to comply with any directions given under paragraph (b).

(13) Sub-paragraph (12) does not apply in a case where a particular chief officer of police is—

(a) the person in respect of whose decision the appeal is made under this paragraph, and

(b) the relevant appeal body in relation to the appeal.

(14) In such a case—

(a) the appeal shall determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and

(b) if the appeal finds in the complainant's favour, the chief officer of police must take such action as the chief officer thinks appropriate for handling the complaint in accordance with this Schedule or handling it otherwise than in accordance with this Schedule.**]**

Textual Amendments

F312 Words in Sch. 3 para. 7(1) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 10(4)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F313 Sch. 3 para. 7(1A) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 10(5)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F314 Sch. 3 para. 7(2) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 10(6)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F315 Sch. 3 para. 7(5) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 10(7)(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F316 Words in Sch. 3 para. 7(5)(b) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 10(7)(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F317 Words in Sch. 3 para. 7(6) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 10(8)(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)

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F318 Words in Sch. 3 para. 7(6) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 10(8)(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F319 Words in Sch. 3 para. 7(6)(a) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 9(2)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F320 Sch. 3 para. 7(8)-(14) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 17(2)**; S.I. 2012/2892, art. 2(g) (with art. 6)

Modifications etc. (not altering text)

C67 Sch. 3 para. 7 applied (with modifications) (1.4.2006) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(5)(6)**, Sch. 3

Commencement Information

I27 Sch. 3 para. 7 wholly in force at 1.4.2004; Sch. 3 para. 7 not in force at Royal Assent see s. 108(2); Sch. 3 para. 7 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 7 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Local resolution of complaints

8 (1) The arrangements made by the appropriate authority for subjecting any complaint to local resolution may include the appointment of a person who—

(a) is serving with the police, and

(b) is under the direction and control of the chief officer of police of the relevant force,

to secure the local resolution of the complaint.

(2) The Secretary of State may by regulations make provision—

(a) for the different descriptions of procedures that are to be available for dealing with a complaint where it is decided it is to be subjected to local resolution;

(b) for requiring a person complained against in a case in which the complaint is subjected to local resolution to be given an opportunity of commenting, in such manner as may be provided for in the regulations, on the complaint;

(c) for requiring that, on the making of an application in accordance with the regulations, a record of the outcome of any procedure for the local resolution of any complaint is to be given to the complainant.

(3) A statement made by any person for the purposes of the local resolution of any complaint shall not be admissible in any subsequent criminal, civil or disciplinary proceedings except to the extent that it consists of an admission relating to a matter that has not been subjected to local resolution.

(4) If, after attempts have been made to resolve a complaint using local resolution, it appears to the appropriate authority—

(a) that the resolution of the complaint in that manner is impossible, or

(b) that the complaint is, for any other reason, not suitable for such resolution,

it shall make arrangements for the complaint to be investigated by that authority on its own behalf.

(5) The local resolution of any complaint shall be discontinued if—

(a) any arrangements are made under sub-paragraph (4);

(b) the Commission notifies the appropriate authority that it requires the complaint to be referred to the Commission under paragraph 4; or

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(c) the complaint is so referred otherwise than in pursuance of such a notification.

(6) A person who has participated in any attempt to resolve a complaint using local resolution shall be disqualified for appointment under any provision of this Schedule to investigate that complaint, or to assist with the carrying out of the investigation of that complaint.

Modifications etc. (not altering text)

C68 Sch. 3 para. 8 applied (with modifications) (1.4.2006) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(5)(6)**, Sch. 3

Commencement Information

I28 Sch. 3 para. 8 wholly in force at 1.4.2004; Sch. 3 para. 8 not in force at Royal Assent see s. 108(2); Sch. 3 para. 8 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 8 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

***[F321** Appeals relating to complaints dealt with other than by investigation*

Textual Amendments

F321 Sch. 3 para. 8A substituted for Sch. 3 para. 9 (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 18**; S.I. 2012/2892, art. 2(g) (with art. 6)

8A (1) The complainant shall have a right of appeal to the relevant appeal body against the outcome of any complaint that is—

(a) subjected to local resolution, or

(b) handled otherwise than in accordance with this Schedule.

(2) But the complainant has no right of appeal if the complaint relates to a direction and control matter.

(3) On an appeal under this paragraph, subject to sub-paragraphs (4) and (5), the relevant appeal body shall—

(a) determine whether the outcome of the complaint is a proper outcome; and

(b) if the relevant appeal body finds in the complainant's favour, give such directions as the relevant appeal body thinks appropriate to the appropriate authority as to the action to be taken in relation to the complaint;

and it shall be the duty of the appropriate authority to comply with any directions given under paragraph (b).

(4) Sub-paragraph (3) does not apply in a case where a chief officer of police is the relevant appeal body in relation to the appeal.

(5) In such a case—

(a) the appeal shall determine whether the outcome of the complaint is a proper outcome; and

(b) if the appeal finds in the complainant's favour, the chief officer of police must take such action as the chief officer thinks appropriate in relation to the complaint.**]**

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PART 2

HANDLING OF CONDUCT MATTERS

Conduct matters arising in civil proceedings

10 (1) This paragraph applies where—

(a) a **[**[F322]local policing body**]** or chief officer has received notification (whether or not under this paragraph) that civil proceedings relating to any matter have been brought by a member of the public against **[**[F323]that body**]** or chief officer, or it otherwise appears to a **[**[F322]local policing body**]** or chief officer that such proceedings are likely to be so brought; and

(b) it appears to **[**[F323]that body**]** or chief officer (whether at the time of the notification or at any time subsequently) that those proceedings involve or would involve a conduct matter.

(2) **[**[F324]The authority**]** or chief officer—

(a) shall consider whether it or, as the case may be, he is the appropriate authority in relation to the conduct matter in question; and

(b) if it or he is not, shall notify the person who is the appropriate authority about the proceedings, or the proposal to bring them, and about the circumstances that make it appear as mentioned in sub-paragraph (1)(b).

(3) Where a **[**[F325]local policing body**]** or chief officer determines for the purposes of this paragraph that it or, as the case may be, he is the appropriate authority in relation to any conduct matter, it or he shall **[**[F326]determine whether the matter is one which it or he is required to refer to the Commission under paragraph 13 or is one which it would be appropriate to so refer**]**.

[[F327](4) In a case where the appropriate authority determines that the matter is one which it or he is required to refer to the Commission under paragraph 13, or is one which it would be appropriate to so refer, it or he shall record the matter.

(4A) In any other case, the appropriate authority shall determine whether the matter falls within a description of matters specified in regulations made by the Secretary of State for the purposes of this sub-paragraph.

(4B) In a case where the appropriate authority determines that the matter does not fall within such a description, it or he shall record the matter.

(4C) In any other case, the appropriate authority may (but need not) record the matter.

(4D) In a case where the appropriate authority—

(a) records a matter under this paragraph, and

(b) is not required to refer the matter to the Commission under paragraph 13 and does not do so,

the appropriate authority may deal with the matter in such other manner (if any) as it or he may determine.**]**

(5) Nothing in **[**[F328]sub-paragraph (4) or (4B)**]** shall require the appropriate authority to record any conduct matter if it is satisfied that the matter has been, or is already being, dealt with by means of criminal or disciplinary proceedings against the person to whose conduct the matter relates.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) For the purposes of this paragraph civil proceedings involve a conduct matter if—
- (a) they relate to such a matter; or
- (b) they are proceedings that relate to a matter in relation to which a conduct matter, or evidence of a conduct matter, is or may be relevant.

(7) The Secretary of State may by regulations provide for the times at which, or the periods within which, any requirement of this paragraph is to be complied with; and the period from which any such period is to run shall be such time as may be specified in those regulations or as may be determined in a manner set out in the regulations.

Textual Amendments

F322 Words in Sch. 3 para. 10(1)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(2)(a)(i)**; S.I. 2011/3019, art. 3, Sch. 1

F323 Words in Sch. 3 para. 10(1)(a)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(2)(a)(ii)**; S.I. 2011/3019, art. 3, Sch. 1

F324 Words in Sch. 3 para. 10(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(2)(b)**; S.I. 2011/3019, art. 3, Sch. 1

F325 Words in Sch. 3 para. 10(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(2)(c)**; S.I. 2011/3019, art. 3, Sch. 1

F326 Words in Sch. 3 para. 10(3) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 11(2)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F327 Sch. 3 para. 10(4)-(4D) substituted for Sch. 3 para. 10(4) (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 11(3)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F328 Words in Sch. 3 para. 10(5) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 11(4)**; S.I. 2012/2892, art. 2(g) (with art. 6)

Modifications etc. (not altering text)

C69 Sch. 3 para. 10 excluded by The Independent Police Complaints Commission (Transitional Provisions) Order 2004 (S.I. 2004/671), art. 4(3) (as inserted (15.4.2004) by The Independent Police Complaints Commission (Transitional Provisions) (Amendment) Order 2004 (S.I. 2004/1092), **art. 2(5)**)

C70 Sch. 3 para. 10 applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Commencement Information

I29 Sch. 3 para. 10 wholly in force at 1.4.2004; Sch. 3 para. 10 not in force at Royal Assent see s. 108(2); Sch. 3 para. 10 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 10 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Recording etc. of conduct matters in other cases

11 (1) **[**[F329]This paragraph applies where—**]**
- (a) a conduct matter comes (otherwise than as mentioned in paragraph 10) to the attention of the **[**[F330]local policing body**]** or chief officer who is the appropriate authority in relation to that matter, and
- (b) it appears to the appropriate authority that the conduct involved in that matter falls within sub-paragraph (2),

[F331] . . . . . .

(2) Conduct falls within this sub-paragraph if (assuming it to have taken place)—

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(a) it appears to have resulted in the death of any person or in serious injury to any person;

(b) a member of the public has been adversely affected by it; or

(c) it is of a description specified for the purposes of this sub-paragraph in regulations made by the Secretary of State.

[[F332](3) The appropriate authority must determine whether the matter is one which it or he is required to refer to the Commission under paragraph 13, or is one which it would be appropriate to so refer.

(3A) In a case where the appropriate authority determines that the matter is one which it or he is required to refer to the Commission under paragraph 13, or is one which it would be appropriate to so refer, it or he shall record the matter.

(3B) In any other case, the appropriate authority shall determine whether the matter falls within a description of matters specified in regulations made by the Secretary of State for the purposes of this sub-paragraph.

(3C) In a case where the appropriate authority determines that the matter does not fall within such a description, it or he shall record the matter.

(3D) In any other case, the appropriate authority may (but need not) record the matter.

(3E) In a case where the appropriate authority—

(a) records a matter under this paragraph, and

(b) is not required to refer the matter to the Commission under paragraph 13 and does not do so,

the appropriate authority may deal with the matter in such other manner (if any) as it or he may determine.**]**

(4) Nothing in **[**[F333]sub-paragraph (3A) or (3C)**]** shall require the appropriate authority to record any conduct matter if it is satisfied that the matter has been, or is already being, dealt with by means of criminal or disciplinary proceedings against the person to whose conduct the matter relates.

(5) If it appears to the Commission—

(a) that any matter that has come to its attention is a recordable conduct matter, but

(b) that that matter has not been recorded by the appropriate authority,

the Commission may direct the appropriate authority to record that matter; and it shall be the duty of that authority to comply with the direction.

Textual Amendments

F329 Words in Sch. 3 para. 11(1) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 12(2)(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F330 Words in Sch. 3 para. 11(1)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(3)**; S.I. 2011/3019, art. 3, Sch. 1

F331 Words in Sch. 3 para. 11(1)(b) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 12(2)(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F332 Sch. 3 para. 11(3)-(3E) substituted for Sch. 3 para. 11(3) (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 12(3)**; S.I. 2012/2892, art. 2(g) (with art. 6)

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Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F333 Words in Sch. 3 para. 11(4) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 12(4)**; S.I. 2012/2892, art. 2(g) (with art. 6)

Modifications etc. (not altering text)

C71 Sch. 3 para. 11 excluded (15.4.2004) by The Independent Police Complaints Commission (Transitional Provisions) Order 2004 (S.I. 2004/671), art. 4(3) (as inserted (15.4.2004) by The Independent Police Complaints Commission (Transitional Provisions) (Amendment) Order 2004 (S.I. 2004/1092), **art. 2(5)**)

C72 Sch. 3 para. 11 applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Commencement Information

I30 Sch. 3 para. 11 wholly in force at 1.4.2004; Sch. 3 para. 11 not in force at Royal Assent see s. 108(2); Sch. 3 para. 11 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 11 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Duties to preserve evidence relating to conduct matters

12 (1) Where a recordable conduct matter that relates to the conduct of a chief officer comes to the attention of the **[**[F334]local policing body**]** maintaining his force, it shall be the duty of **[**[F335]that body**]** to secure that all such steps as are appropriate for the purposes of Part 2 of this Act are taken, both initially and from time to time after that, for obtaining and preserving evidence relating to that matter.

(2) Where a chief officer becomes aware of any recordable conduct matter relating to the conduct of a person under his direction and control, it shall be his duty to 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 that matter.

(3) The chief officer's duty under sub-paragraph (2) must be performed as soon as practicable after he becomes aware of the matter in question.

(4) After that, he shall be under a duty, until he is satisfied that it is no longer necessary to do so, to continue to take the steps from time to time appearing to him to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving evidence relating to the matter.

(5) It shall be the duty of a **[**[F336]local policing body**]** to comply with all such directions as may be given to it by the Commission in relation to the performance of any duty imposed on it by virtue of sub-paragraph (1).

(6) It shall be the duty of the chief officer to take all such specific steps for obtaining or preserving evidence relating to any recordable conduct matter as he may be directed to take for the purposes of this paragraph by the **[**[F337]local policing body**]** maintaining his force or by the Commission.

Textual Amendments

F334 Words in Sch. 3 para. 12(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(4)(a)(i)**; S.I. 2011/3019, art. 3, Sch. 1

F335 Words in Sch. 3 para. 12(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(4)(a)(ii)**; S.I. 2011/3019, art. 3, Sch. 1

F336 Words in Sch. 3 para. 12(5) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(4)(b)**; S.I. 2011/3019, art. 3, Sch. 1

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F337 Words in Sch. 3 para. 12(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(4)(c)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C73 Sch. 3 para. 12 applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Commencement Information

I31 Sch. 3 para. 12 wholly in force at 1.4.2004; Sch. 3 para. 12 not in force at Royal Assent see s. 108(2); Sch. 3 para. 12 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 12 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Reference of conduct matters to the Commission

13 (1) It shall be the duty of a **[**[F338]local policing body**]** or a chief officer to refer a recordable conduct matter to the Commission if, in a case (whether or not falling within paragraph 10) in which **[**[F339]the body**]** or chief officer is the appropriate authority—

(a) that matter relates to any incident or circumstances in or in consequence of which any person has died or suffered serious injury;

(b) that matter is of a description specified for the purposes of this sub-paragraph in regulations made by the Secretary of State; or

(c) the Commission notifies the appropriate authority that it requires that matter to be referred to the Commission for its consideration.

(2) In any case where there is no obligation under sub-paragraph (1) to make a reference, the appropriate authority may refer a recordable conduct matter to the Commission if that authority considers that it would be appropriate to do so by reason of—

(a) the gravity of the matter; or

(b) any exceptional circumstances.

(3) In a case in which a reference under sub-paragraph (1) or (2) is neither made nor required to be made, a **[**[F340]local policing body**]** maintaining any police force may refer any recordable conduct matter to the Commission if—

(a) it is one in relation to which the chief officer of police of that force is the appropriate authority; and

(b) the **[**[F341]local policing body**]** considers that it would be appropriate to do so by reason of—

(i) the gravity of the matter; or

(ii) any exceptional circumstances.

(4) Where there is an obligation under this paragraph to refer any matter to the Commission, it must be so referred within such period as may be provided for by regulations made by the Secretary of State.

(5) Subject to sub-paragraph (7), the following powers—

(a) the power of the Commission by virtue of sub-paragraph (1)(c) to require a matter to be referred to it, and

(b) the power of a **[**[F342]local policing body**]** or chief officer to refer any matter to the Commission under sub-paragraph (2) or (3),

shall each be exercisable at any time irrespective of whether the matter is already being investigated by any person or has already been considered by the Commission.

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(6) Where—

(a) a **[**[F343]local policing body**]** or chief officer refers a matter to the Commission under this paragraph, and

(b) **[**[F344]that body**]** or chief officer does not consider that to do so might prejudice a possible future investigation of that matter,

[[F344]that body**]** or chief officer shall give a notification of the making of the reference to the person to whose conduct that matter relates.

(7) A matter that has already been referred to the Commission under this paragraph on a previous occasion—

(a) shall not be required to be referred again under this paragraph unless the Commission so directs; and

(b) shall not be referred in exercise of any power conferred by this paragraph unless the Commission consents.

Textual Amendments

F338 Words in Sch. 3 para. 13(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(5)(a)(i)**; S.I. 2011/3019, art. 3, Sch. 1

F339 Words in Sch. 3 para. 13(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(5)(a)(ii)**; S.I. 2011/3019, art. 3, Sch. 1

F340 Words in Sch. 3 para. 13(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(5)(b)(i)**; S.I. 2011/3019, art. 3, Sch. 1

F341 Words in Sch. 3 para. 13(3)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(5)(b)(ii)**; S.I. 2011/3019, art. 3, Sch. 1

F342 Words in Sch. 3 para. 13(5)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(5)(c)**; S.I. 2011/3019, art. 3, Sch. 1

F343 Words in Sch. 3 para. 13(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(5)(d)(i)**; S.I. 2011/3019, art. 3, Sch. 1

F344 Words in Sch. 3 para. 13(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(5)(d)(ii)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C74 Sch. 3 para. 13 applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Commencement Information

I32 Sch. 3 para. 13 wholly in force at 1.4.2004; Sch. 3 para. 13 not in force at Royal Assent see s. 108(2); Sch. 3 para. 13 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 13 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Duties of Commission on references under paragraph 13

14 (1) It shall be the duty of the Commission, in the case of every recordable conduct matter referred to it by a **[**[F345]local policing body**]** or chief officer under paragraph 13, to determine whether or not it is necessary for the matter to be investigated.

(2) Where the Commission determines under this paragraph that it is not necessary for a recordable conduct matter to be investigated, it may if it thinks fit refer the matter

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back to the appropriate authority to be dealt with by that authority in such manner (if any) as that authority may determine.

(3) Where—

(a) the Commission refers a matter back to the appropriate authority under this paragraph, and

(b) the Commission does not consider that to do so might prejudice a possible future investigation of that matter,

the Commission shall give a notification of the making of the reference to the person to whose conduct that matter relates.

Textual Amendments

F345 Words in Sch. 3 para. 14(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(6)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C75 Sch. 3 para. 14 applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Commencement Information

I33 Sch. 3 para. 14 wholly in force at 1.4.2004; Sch. 3 para. 14 not in force at Royal Assent see s. 108(2); Sch. 3 para. 14 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 14 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

[F346 PART 2A

HANDLING OF DEATH AND SERIOUS INJURY (DSI) MATTERS

Textual Amendments

F346 Sch. 3 Pt. 2A (paras. 14A-14D) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 12**; S.I. 2005/1521, **art. 3(1)(w)**

Duty to record DSI matters

14A (1) Where a DSI matter comes to the attention of the **[**F347local policing body**]** or chief officer who is the appropriate authority in relation to that matter, it shall be the duty of the appropriate authority to record that matter.

(2) If it appears to the Commission—

(a) that any matter that has come to its attention is a DSI matter, but

(b) that that matter has not been recorded by the appropriate authority,

the Commission may direct the appropriate authority to record that matter; and it shall be the duty of that authority to comply with the direction.

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Textual Amendments

F347 Words in Sch. 3 para. 14A(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 302(2)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C76 Sch. 3 para. 14A applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Duty to preserve evidence relating to DSI matters

14B (1) Where—

(a) a DSI matter comes to the attention of a **[**[F348]local policing body**]** , and

(b) the relevant officer in relation to that matter is the chief officer of the force maintained by **[**[F349]that body**]**,

it shall be the duty of **[**[F349]that body**]** to secure that all such steps as are appropriate for the purposes of Part 2 of this Act are taken, both initially and from time to time after that, for obtaining and preserving evidence relating to that matter.

(2) Where—

(a) a chief officer becomes aware of a DSI matter, and

(b) the relevant officer in relation to that matter is a person under his direction and control,

it shall be his duty to 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 that matter.

(3) The chief officer's duty under sub-paragraph (2) must be performed as soon as practicable after he becomes aware of the matter in question.

(4) After that, he shall be under a duty, until he is satisfied that it is no longer necessary to do so, to continue to take the steps from time to time appearing to him to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving evidence relating to the matter.

(5) It shall be the duty of a **[**[F350]local policing body**]** to comply with all such directions as may be given to it by the Commission in relation to the performance of any duty imposed on it by virtue of sub-paragraph (1).

(6) It shall be the duty of the chief officer to take all such specific steps for obtaining or preserving evidence relating to any DSI matter as he may be directed to take for the purposes of this paragraph by the **[**[F351]local policing body**]** maintaining his force or by the Commission.

Textual Amendments

F348 Words in Sch. 3 para. 14B(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 302(3)(a)(i)**; S.I. 2011/3019, art. 3, Sch. 1

F349 Words in Sch. 3 para. 14B(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 302(3)(a)(ii)**; S.I. 2011/3019, art. 3, Sch. 1

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F350 Words in Sch. 3 para. 14B(5) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 302(3)(b)**; S.I. 2011/3019, art. 3, Sch. 1

F351 Words in Sch. 3 para. 14B(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 302(3)(c)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C77 Sch. 3 para. 14B applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Reference of DSI matters to the Commission

14C (1) It shall be the duty of the appropriate authority to refer a DSI matter to the Commission.

(2) The appropriate authority must do so within such period as may be provided for by regulations made by the Secretary of State.

(3) A matter that has already been referred to the Commission under this paragraph on a previous occasion shall not be required to be referred again under this paragraph unless the Commission so directs.

Modifications etc. (not altering text)

C78 Sch. 3 para. 14C applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Duties of Commission on references under paragraph 14C

14D (1) It shall be the duty of the Commission, in the case of every DSI matter referred to it by a **[**[F352]local policing body**]** or a chief officer, to determine whether or not it is necessary for the matter to be investigated.

(2) Where the Commission determines under this paragraph that it is not necessary for a DSI matter to be investigated, it may if it thinks fit refer the matter back to the appropriate authority to be dealt with by that authority in such manner (if any) as that authority may determine.**]**

Textual Amendments

F352 Words in Sch. 3 para. 14D(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 302(4)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

C79 Sch. 3 para. 14D applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

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PART 3

INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS

Power of the Commission to determine the form of an investigation

15 (1) This paragraph applies where—

(a) a complaint **[**[F353], recordable conduct matter or DSI matter**]** is referred to the Commission; and

(b) the Commission determines that it is necessary for the complaint or matter to be investigated.

(2) It shall be the duty of the Commission to determine the form which the investigation should take.

(3) In making a determination under sub-paragraph (2) the Commission shall have regard to the following factors—

(a) the seriousness of the case; and

(b) the public interest.

(4) The only forms which the investigation may take in accordance with a determination made under this paragraph are—

(a) an investigation by the appropriate authority on its own behalf;

(b) an investigation by that authority under the supervision of the Commission;

(c) an investigation by that authority under the management of the Commission;

(d) an investigation by the Commission.

(5) The Commission may at any time make a further determination under this paragraph to replace an earlier one.

(6) Where a determination under this paragraph replaces an earlier determination under this paragraph, or relates to a complaint or matter in relation to which the appropriate authority has already begun an investigation on its own behalf, the Commission may give—

(a) the appropriate authority, and

(b) any person previously appointed to carry out the investigation,

such directions as it considers appropriate for the purpose of giving effect to the new determination.

(7) It shall be the duty of a person to whom a direction is given under sub-paragraph (6) to comply with it.

(8) The Commission shall notify the appropriate authority of any determination that it makes under this paragraph in relation to a particular complaint **[**[F353], recordable conduct matter or DSI matter**]** .

Textual Amendments

F353 Words in Sch. 3 para. 15(1)(a)(8) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 13**; S.I. 2005/1521, **art. 3(1)(w)**

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Modifications etc. (not altering text)

C80 Sch. 3 para. 15 applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Commencement Information

I34 Sch. 3 para. 15 wholly in force at 1.4.2004; Sch. 3 para. 15 not in force at Royal Assent see s. 108(2); Sch. 3 para. 15 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 15 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Investigations by the appropriate authority on its own behalf

16 (1) This paragraph applies if the appropriate authority is required by virtue of—

(a) any determination made by that authority under **[**[F354]paragraph 6(3)**]** (whether following the recording of a complaint or on a reference back under paragraph 5(2)) or under paragraph 8(4), or

(b) any determination made by the Commission under paragraph 15,

to make arrangements for a complaint**[**[F355], recordable conduct matter or DSI matter**]** to be investigated by the appropriate authority on its own behalf.

(2) This paragraph also applies if—

(a) a determination falls to be made by that authority under paragraph **[**[F356]10(4D)**]**, or **[**[F357]11(3E)**]** or 14(2) in relation to any recordable conduct matter **[**[F358]or under paragraph 14D(2) in relation to any DSI matter**]**; and

(b) the appropriate authority determine that it is necessary for the matter to be investigated by the authority on its own behalf.

(3) Subject to sub-paragraph (4) **[**[F359]or (5)**]**, it shall be the duty of the appropriate authority to appoint—

(a) a person serving with the police (whether under the direction and control of the chief officer of police of the relevant force or of the chief officer of another force), or

[[F360](b) a member of the staff of the Serious Organised Crime Agency,**][**[F361]or

(c) a member of the staff of the National Policing Improvement Agency who is a constable,**]**

to investigate the complaint or matter.

(4) The person appointed under this paragraph to investigate any complaint or **[**[F362]conduct matter**]**—

(a) in the case of an investigation relating to any conduct of a chief officer, must not be a person under that chief officer's direction and control; and

(b) in the case of an investigation relating to any conduct of the Commissioner of Police of the Metropolis or of the Deputy Commissioner of Police of the Metropolis, must be the person nominated by the Secretary of State for appointment under this paragraph.

[[F363](5) The person appointed under this paragraph to investigate any DSI matter—

(a) in relation to which the relevant officer is a chief officer, must not be a person under that chief officer's direction and control;

(b) in relation to which the relevant officer is the Commissioner of Police of the Metropolis or the Deputy Commissioner of Police of the Metropolis, must

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be the person nominated by the Secretary of State for appointment under this paragraph.**]**

Textual Amendments

F354 Words in Sch. 3 para. 16(1)(a) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 9(2)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F355 Words in Sch. 3 para. 16(1) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 14(2)**; S.I. 2005/1521, **art. 3(1)(w)**

F356 Words in Sch. 3 para. 16(2)(a) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 11(5)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F357 Words in Sch. 3 para. 16(2)(a) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 12(5)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F358 Words in Sch. 3 para. 16(2)(a) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 14(3)**; S.I. 2005/1521, **art. 3(1)(w)**

F359 Words in Sch. 3 para. 16(3) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 14(4)**; S.I. 2005/1521, **art. 3(1)(w)**

F360 Sch. 3 para. 16(3)(b) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 11(2)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F361 Sch. 3 para. 16(3)(c) and preceding word inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 89(2)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F362 Words in Sch. 3 para. 16(4) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 14(5)**; S.I. 2005/1521, **art. 3(1)(w)**

F363 Sch. 3 para. 16(5) added (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 14(6)**; S.I. 2005/1521, **art. 3(1)(w)**

Modifications etc. (not altering text)

C81 Sch. 3 para. 16 applied (with modifications) (E.W.) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Commencement Information

I35 Sch. 3 para. 16 wholly in force at 1.4.2004; Sch. 3 para. 16 not in force at Royal Assent see s. 108(2); Sch. 3 para. 16 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 16 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Investigations supervised by the Commission

17 (1) This paragraph applies where the Commission has determined that it should supervise the investigation by the appropriate authority of any complaint **[**[F364], recordable conduct matter or DSI matter**]** .

(2) On being given notice of that determination, the appropriate authority shall, if it has not already done so, appoint—

(a) a person serving with the police (whether under the direction and control of the chief officer of police of the relevant force or of the chief officer of another force), or

[[F365](b) a member of the staff of the Serious Organised Crime Agency,**[**[F366] or

(c) a member of the staff of the National Policing Improvement Agency who is a constable,**]]**

to investigate the complaint or matter.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) The Commission may require that no appointment is made under sub-paragraph (2) unless it has given notice to the appropriate authority that it approves the person whom that authority proposes to appoint.

(4) Where a person has already been appointed to investigate the complaint or matter, or is selected under this sub-paragraph for appointment, and the Commission is not satisfied with that person, the Commission may require the appropriate authority, as soon as reasonably practicable after being required to do so—

(a) to select another person falling within sub-paragraph (2)(a) **[**[F367], (b) or (c)**]** to investigate the complaint or matter; and

(b) to notify the Commission of the person selected.

(5) Where a selection made in pursuance of a requirement under sub-paragraph (4) has been notified to the Commission, the appropriate authority shall appoint that person to investigate the complaint or matter if, but only if, the Commission notifies the authority that it approves the appointment of that person.

(6) A person appointed under this paragraph to investigate any complaint or **[**[F368]conduct matter**]**—

(a) in the case of an investigation relating to any conduct of a chief officer, must not be a person under that chief officer's direction and control; and

(b) in the case of an investigation relating to any conduct of the Commissioner of Police of the Metropolis or of the Deputy Commissioner of Police of the Metropolis, must be the person nominated by the Secretary of State for appointment under this paragraph.

[[F369](6A) The person appointed under this paragraph to investigate any DSI matter—

(a) in relation to which the relevant officer is a chief officer, must not be a person under that chief officer's direction and control;

(b) in relation to which the relevant officer is the Commissioner of Police of the Metropolis or the Deputy Commissioner of Police of the Metropolis, must be the person nominated by the Secretary of State for appointment under this paragraph.**]**

(7) The person appointed to investigate the complaint or matter shall comply with all such requirements in relation to the carrying out of that investigation as may, in accordance with regulations made for the purposes of this sub-paragraph by the Secretary of State, be imposed by the Commission in relation to that investigation.

Textual Amendments

F364 Words in Sch. 3 para. 17(1) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 15(2)**; S.I. 2005/1521, **art. 3(1)(w)**

F365 Sch. 3 para. 17(2)(b) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 11(3)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))

F366 Sch. 3 para. 17(2)(c) and preceding word inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 89(3)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F367 Words in Sch. 3 para. 17(4) substituted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 89(4)**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)

F368 Words in Sch. 3 para. 17(6) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 15(3)**; S.I. 2005/1521, **art. 3(1)(w)**

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F369 Sch. 3 para. 17(6A) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 15(4)**; S.I. 2005/1521, **art. 3(1)(w)**

Modifications etc. (not altering text)

C82 Sch. 3 para. 17 applied (with modifications) (E.W.) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Commencement Information

I36 Sch. 3 para. 17 wholly in force at 1.4.2004; Sch. 3 para. 17 not in force at Royal Assent see s. 108(2); Sch. 3 para. 17 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 17 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Investigations managed by the Commission

18 (1) This paragraph applies where the Commission has determined that it should manage the investigation by the appropriate authority of any complaint **[**[F370], recordable conduct matter or DSI matter**]** .

(2) Sub-paragraphs (2) to **[**[F371](6A)**]** of paragraph 17 shall apply as they apply in the case of an investigation which the Commission has determined is one that it should supervise.

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

Textual Amendments

F370 Words in Sch. 3 para. 18(1) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 16(2)**; S.I. 2005/1521, **art. 3(1)(w)**

F371 Word in Sch. 3 para. 18(2) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 16(3)**; S.I. 2005/1521, **art. 3(1)(w)**

Modifications etc. (not altering text)

C83 Sch. 3 para. 18 applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Commencement Information

I37 Sch. 3 para. 18 wholly in force at 1.4.2004; Sch. 3 para. 18 not in force at Royal Assent see s. 108(2); Sch. 3 para. 18 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 18 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Investigations by the Commission itself

19 (1) This paragraph applies where the Commission has determined that it should itself carry out the investigation of a complaint **[**[F372], recordable conduct matter or DSI matter**]** .

(2) The Commission shall designate both—

(a) a member of the Commission's staff to take charge of the investigation on behalf of the Commission, and

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(b) all such other members of the Commission's staff as are required by the Commission to assist him.

(3) The person designated under sub-paragraph (2) to be the person to take charge of an investigation relating to any conduct of the Commissioner of Police of the Metropolis or of the Deputy Commissioner of Police of the Metropolis must be the person nominated by the Secretary of State to be so designated under that sub-paragraph.

[[F373](3A) The person designated under sub-paragraph (2) to be the person to take charge of an investigation of a DSI matter in relation to which the relevant officer is the Commissioner of Police of the Metropolis or the Deputy Commissioner of Police of the Metropolis must be the person nominated by the Secretary of State to be so designated under that sub-paragraph.**]**

(4) A member of the Commission's staff who—

(a) is designated under sub-paragraph (2) in relation to any investigation, but

(b) does not already, by virtue of section 97(8) of the 1996 Act, have all the powers and privileges of a constable throughout England and Wales and the adjacent United Kingdom waters,

shall, for the purposes of the carrying out of the investigation and all purposes connected with it, have all those powers and privileges throughout England and Wales and those waters.

(5) A member of the Commission's staff who is not a constable shall not, as a result of sub-paragraph (4), be treated as being in police service for the purposes of—

(a) section 280 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) (person in police service excluded from definitions of "worker" and "employee"); or

(b) section 200 of the Employment Rights Act 1996 (c. 18) (certain provisions of that Act not to apply to persons in police service).

(6) The Secretary of State may by order provide that such provisions of the 1984 Act relating to investigations of offences conducted by police officers as may be specified in the order shall apply, subject to such modifications as may be so specified, to investigations of offences conducted by virtue of this paragraph by members of the Commission's staff designated under sub-paragraph (2).

(7) References in this paragraph to the powers and privileges of a constable—

(a) are references to any power or privilege conferred by or under any enactment (including one passed after the passing of this Act) on a constable; and

(b) shall have effect as if every such power were exercisable, and every such privilege existed, throughout England and Wales and the adjacent United Kingdom waters (whether or not that is the case apart from this sub-paragraph).

(8) In this paragraph "United Kingdom waters" means the sea and other waters within the seaward limits of the United Kingdom's territorial sea.

Textual Amendments

F372 Words in Sch. 3 para. 19(1) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 17(2)**; S.I. 2005/1521, **art. 3(1)(w)**

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F373 Sch. 3 para. 19(3A) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 17(3)**; S.I. 2005/1521, **art. 3(1)(w)**

Modifications etc. (not altering text)

C84 Sch. 3 para. 19 applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

C85 Sch. 3 para. 19(4)(5)(7)(8) applied (with modifications) (16.1.2012) by The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (S.I. 2012/62), regs. 1, **20(3)** (with reg. 3(6))

Commencement Information

I38 Sch. 3 para. 19 wholly in force at 1.4.2004; Sch. 3 para. 19 not in force at Royal Assent see s. 108(2); Sch. 3 para. 19 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 19 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Special procedure where investigation relates to police officer or special constable

[F374 19A Paragraphs 19B to 19E apply to investigations of complaints or recordable conduct matters in cases where the person concerned (see paragraph 19B(11)) is a member of a police force or a special constable.

Textual Amendments

F374 Sch. 3 paras. 19A-19E inserted (3.11.2008 for the purpose of making regulations and 1.12.2008 otherwise) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 5** (with s. 14(1)); S.I. 2008/2712, **art. 2**, Sch. para. 17(b) (subject to arts. 3, 4); S.I. 2008/2993, **art. 2(1)(i)(ii)** (with art. 3)

Assessment of seriousness of conduct under investigation

19B (1) If, during the course of an investigation of a complaint, it appears to the person investigating that there is an indication that a person to whose conduct the investigation relates may have—

(a) committed a criminal offence, or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings,

the person investigating must certify the investigation as one subject to special requirements.

(2) If the person investigating a complaint certifies the investigation as one subject to special requirements, the person must, as soon as is reasonably practicable after doing so, make a severity assessment in relation to the conduct of the person concerned to which the investigation relates.

(3) The person investigating a recordable conduct matter must make a severity assessment in relation to the conduct to which the investigation relates—

(a) as soon as is reasonably practicable after his appointment or designation, or

(b) in the case of a matter recorded in accordance with paragraph 21A(5) or 24B(2), as soon as is reasonably practicable after it is so recorded.

(4) For the purposes of this paragraph a “severity assessment”, in relation to conduct, means an assessment as to—

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(a) whether the conduct, if proved, would amount to misconduct or gross misconduct, and

(b) if the conduct were to become the subject of disciplinary proceedings, the form which those proceedings would be likely to take.

(5) An assessment under this paragraph may only be made after consultation with the appropriate authority.

(6) On completing an assessment under this paragraph, the person investigating the complaint or matter must give a notification to the person concerned that complies with sub-paragraph (7).

(7) The notification must—

(a) give the prescribed information about the results of the assessment;

(b) give the prescribed information about the effect of paragraph 19C and of regulations under paragraph 19D;

(c) set out the prescribed time limits for providing the person investigating the complaint or matter with relevant statements and relevant documents respectively for the purposes of paragraph 19C(2);

(d) give such other information as may be prescribed.

(8) Sub-paragraph (6) does not apply for so long as the person investigating the complaint or matter considers that giving the notification might prejudice—

(a) the investigation, or

(b) any other investigation (including, in particular, a criminal investigation).

(9) Where the person investigating a complaint or matter has made a severity assessment and considers it appropriate to do so, the person may revise the assessment.

(10) On revising a severity assessment, the person investigating the complaint or matter must notify the prescribed information about the revised assessment to the person concerned.

(11) In this paragraph and paragraphs 19C to 19E—

"the person concerned"—

(a) in relation to an investigation of a complaint, means the person in respect of whom it appears to the person investigating that there is the indication mentioned in paragraph 19B(1);

(b) in relation to an investigation of a recordable conduct matter, means the person to whose conduct the investigation relates;

"relevant document"—

(a) means a document relating to any complaint or matter under investigation, and

(b) includes such a document containing suggestions as to lines of inquiry to be pursued or witnesses to be interviewed;

"relevant statement" means an oral or written statement relating to any complaint or matter under investigation.

Textual Amendments

F374 Sch. 3 paras. 19A-19E inserted (3.11.2008 for the purpose of making regulations and 1.12.2008 otherwise) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 5** (with

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s. 14(1)); S.I. 2008/2712, **art. 2**, Sch. para. 17(b) (subject to arts. 3, 4); S.I. 2008/2993, **art. 2(1)(i)(ii)** (with art. 3)

Duty to consider submissions from person whose conduct is being investigated

19C (1) This paragraph applies to—

(a) an investigation of a complaint that has been certified under paragraph 19B(1) as one subject to special requirements, or

(b) an investigation of a recordable conduct matter.

(2) If before the expiry of the appropriate time limit notified in pursuance of paragraph 19B(7)(c)—

(a) the person concerned provides the person investigating the complaint or matter with a relevant statement or a relevant document, or

(b) any person of a prescribed description provides that person with a relevant document,

that person must consider the statement or document.

Textual Amendments

F374 Sch. 3 paras. 19A-19E inserted (3.11.2008 for the purpose of making regulations and 1.12.2008 otherwise) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 5** (with s. 14(1)); S.I. 2008/2712, **art. 2**, Sch. para. 17(b) (subject to arts. 3, 4); S.I. 2008/2993, **art. 2(1)(i)(ii)** (with art. 3)

Interview of person whose conduct is being investigated

19D (1) The Secretary of State may by regulations make provision as to the procedure to be followed in connection with any interview of the person concerned which is held during the course of an investigation within paragraph 19C(1)(a) or (b) by the person investigating the complaint or matter.

(2) Regulations under this paragraph may, in particular, make provision—

(a) for determining how the time at which an interview is to be held is to be agreed or decided,

(b) about the information that must be provided to the person being interviewed,

(c) for enabling that person to be accompanied at the interview by a person of a prescribed description.

Textual Amendments

F374 Sch. 3 paras. 19A-19E inserted (3.11.2008 for the purpose of making regulations and 1.12.2008 otherwise) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 5** (with s. 14(1)); S.I. 2008/2712, **art. 2**, Sch. para. 17(b) (subject to arts. 3, 4); S.I. 2008/2993, **art. 2(1)(i)(ii)** (with art. 3)

Duty to provide certain information to appropriate authority

19E (1) This paragraph applies during the course of an investigation within paragraph 19C(1)(a) or (b).

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) The person investigating the complaint or matter must supply the appropriate authority with such information in that person's possession as the authority may reasonably request for the purpose mentioned in sub-paragraph (3).

(3) That purpose is determining, in accordance with regulations under section 50 or 51 of the 1996 Act, whether the person concerned should be, or should remain, suspended—

(a) from office as constable, and

(b) where that person is a member of a police force, from membership of that force.**]**

Textual Amendments

F374 Sch. 3 paras. 19A-19E inserted (3.11.2008 for the purpose of making regulations and 1.12.2008 otherwise) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 5** (with s. 14(1)); S.I. 2008/2712, **art. 2**, Sch. para. 17(b) (subject to arts. 3, 4); S.I. 2008/2993, **art. 2(1)(i)(ii)** (with art. 3)

Restrictions on proceedings pending the conclusion of an investigation

20 (1) No criminal or disciplinary proceedings shall be brought in relation to any matter which is the subject of an investigation in accordance with the provisions of this Schedule **[**[F375] until—

(a) the appropriate authority has certified the case as a special case under paragraph 20B(3) or 20E(3), or**]**

[[F376](b)**]** a report on that investigation has been submitted to the Commission or to the appropriate authority under paragraph 22 **[**[F377]or 24A**]** .

(2) Nothing in this paragraph shall prevent the bringing of criminal or disciplinary proceedings in respect of any conduct at any time after the discontinuance of the investigation in accordance with the provisions of this Schedule which relates to that conduct.

(3) The restrictions imposed by this paragraph in relation to the bringing of criminal proceedings shall not apply to the bringing of criminal proceedings by the Director of Public Prosecutions in any case in which it appears to him that there are exceptional circumstances which make it undesirable to delay the bringing of such proceedings.

Textual Amendments

F375 Words in Sch. 3 para. 20(1) substituted for word (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 159, 178, **Sch. 11 para. 2(a)**; S.I. 2005/1521, **art. 3(1)(v)**

F376 Words in Sch. 3 para. 20(1) renumbered (1.7.2005) as Sch. 3 para. 20(1)(b) by virtue of Serious Organised Crime and Police Act 2005 (c. 15), ss. 159, 178, **Sch. 11 para. 2(b)**; S.I. 2005/1521, **art. 3(1)(v)**

F377 Words in Sch. 3 para. 20(1) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 18**; S.I. 2005/1521, **art. 3(1)(w)**

Modifications etc. (not altering text)

C86 Sch. 3 para. 20 applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
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C87 Sch. 3 para. 20 applied (with modifications) (16.1.2012) by The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (S.I. 2012/62), regs. 1, **23** (with reg. 3(6))

Commencement Information

I39 Sch. 3 para. 20 wholly in force at 1.4.2004; Sch. 3 para. 20 not in force at Royal Assent see s. 108(2); Sch. 3 para. 20 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 20 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Accelerated procedure in special cases

[F378 20A (1) If, at any time before the completion of his investigation, [F379 the person investigating] a complaint or recordable conduct matter believes that the appropriate authority would, on consideration of the matter, be likely to consider that the special conditions are satisfied, he shall proceed in accordance with the following provisions of this paragraph.

(2) If the person was appointed under paragraph 16, he shall submit to the appropriate authority—

(a) a statement of his belief and the grounds for it; and

(b) a written report on his investigation to that point;

and if he was appointed following a determination made by the Commission under paragraph 15 he shall send a copy of the statement and the report to the Commission.

(3) If the person was appointed under paragraph 17 or 18 or designated under paragraph 19, he shall submit to the appropriate authority—

(a) a statement of his belief and the grounds for it; and

(b) a written report on his investigation to that point;

and shall send a copy of the statement and the report to the Commission.

(4) A person submitting a report under this paragraph shall not be prevented by any obligation of secrecy imposed by any rule of law or otherwise from including all such matters in his report as he thinks fit.

(5) A statement and report may be submitted under this paragraph whether or not a previous statement and report have been submitted; but a second or subsequent statement and report may be submitted only if the person submitting them has grounds to believe that the appropriate authority will reach a different determination under paragraph 20B(2) or 20E(2).

(6) After submitting a report under this paragraph, the person [F380 investigating] the complaint or recordable conduct matter shall continue his investigation to such extent as he considers appropriate.

(7) The special conditions are that—

[F381 (a) there is sufficient evidence, in the form of written statements or other documents, to establish on the balance of probabilities that conduct to which the investigation relates constitutes gross misconduct;]

(c) it is in the public interest for the person whose conduct [F382 it is] to cease to be a member of a police force, or to be a special constable, without delay.

(8) F383 . . . . . .

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(9) In paragraphs 20B to 20H "special report" means a report submitted under this paragraph.

Textual Amendments

F378 Sch. 3 paras. 20A-20I inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 159, 178, **Sch. 11 para. 3**; S.I. 2005/1521, **art. 3(1)(v)**

F379 Words in Sch. 3 para. 20A(1) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 6(2)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F380 Words in Sch. 3 para. 20A(6) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 6(3)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F381 Sch. 3 para. 20A(7)(a) substituted (1.12.2008) for Sch. 3 para. 20A(7)(a)(b) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 6(4)(a)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F382 Words in Sch. 3 para. 20A(7)(c) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 6(4)(b)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F383 Sch. 3 para. 20A(8) repealed (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 149, 153, Sch. 23 para. 6(5), **Sch. 28 Pt. 8** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(k)(ii)** (subject to art. 3)

Investigations managed or carried out by Commission: action by appropriate authority

20B (1) This paragraph applies where —

(a) a statement and special report on an investigation carried out under the management of the Commission, or

(b) a statement and special report on an investigation carried out by a person designated by the Commission,

are submitted to the appropriate authority under paragraph 20A(3).

(2) The appropriate authority shall determine whether the special conditions are satisfied.

[F384(3) If the appropriate authority determines that the special conditions are satisfied then, unless it considers that the circumstances are such as to make it inappropriate to do so, it shall—

(a) certify the case as a special case for the purposes of regulations under section 50(3) or 51(2A) of the 1996 Act; and

(b) take such steps as are required by those regulations in relation to a case so certified.]

(5) F385 . . . . . .

(6) The appropriate authority shall notify the Commission of a certification under sub-paragraph (3).

(7) If the appropriate authority determines—

(a) that the special conditions are not satisfied, or

(b) that, although those conditions are satisfied, the circumstances are such as to make it inappropriate at present to bring disciplinary proceedings,

it shall submit to the Commission a memorandum under this sub-paragraph.

(8) The memorandum required to be submitted under sub-paragraph (7) is one which—

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) notifies the Commission of its determination that those conditions are not satisfied or (as the case may be) that they are so satisfied but the circumstances are such as to make it inappropriate at present to bring disciplinary proceedings; and

(b) (in either case) sets out its reasons for so determining.

(9) In this paragraph "special conditions" has the meaning given by paragraph 20A(7).

Textual Amendments

F378 Sch. 3 paras. 20A-20I inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 159, 178, **Sch. 11 para. 3**; S.I. 2005/1521, **art. 3(1)(v)**

F384 Sch. 3 para. 20B(3) substituted (1.12.2008) for Sch. 3 para. 20B(3)(4) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 7(2)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F385 Sch. 3 para. 20B(5) repealed (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 149, 153, Sch. 23 para. 7(3), **Sch. 28 Pt. 8** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(k)(ii)** (subject to art. 3)

Investigations managed or carried out by Commission: action by Commission

20C (1) On receipt of a notification under paragraph 20B(6), the Commission shall give a notification—

(a) in the case of a complaint, to the complainant and to every person entitled to be kept properly informed in relation to the complaint under section 21; and

(b) in the case of a recordable conduct matter, to every person entitled to be kept properly informed in relation to that matter under that section.

(2) The notification required by sub-paragraph (1) is one setting out—

(a) the findings of the special report;

(b) the appropriate authority's determination under paragraph 20B(2); and

(c) the action that the appropriate authority is required to take as a consequence of that determination.

(3) Subsections (5) to (7) of section 20 shall have effect in relation to the duties imposed on the Commission by sub-paragraph (1) as they have effect in relation to the duties imposed on the Commission by that section.

(4) Except so far as may be otherwise provided by regulations made by virtue of sub-paragraph (3), the Commission shall be entitled (notwithstanding any obligation of secrecy imposed by any rule of law or otherwise) to discharge the duty to give a person mentioned in sub-paragraph (1) notification of the findings of the special report by sending that person a copy of that report.

Textual Amendments

F378 Sch. 3 paras. 20A-20I inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 159, 178, **Sch. 11 para. 3**; S.I. 2005/1521, **art. 3(1)(v)**

Investigations managed or carried out by Commission: action by Commission

20D (1) On receipt of a memorandum under paragraph 20B(7), the Commission shall—

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) consider the memorandum;
(b) determine, in the light of that consideration, whether or not to make a recommendation under paragraph 20H; and
(c) if it thinks fit to do so, make a recommendation under that paragraph.

(2) If the Commission determines not to make a recommendation under paragraph 20H, it shall notify the appropriate authority and the person **[**[F386]investigating the complaint or matter**]** of its determination.

Textual Amendments

F378 Sch. 3 paras. 20A-20I inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 159, 178, **Sch. 11 para. 3**; S.I. 2005/1521, **art. 3(1)(v)**

F386 Words in Sch. 3 para. 20D(2) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 8** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

Other investigations: action by appropriate authority

20E (1) This paragraph applies where—
(a) a statement and a special report on an investigation carried out by an appropriate authority on its own behalf, or
(b) a statement and a special report on an investigation carried out under the supervision of the Commission,

are submitted to the appropriate authority under paragraph 20A(2) or (3).

(2) The appropriate authority shall determine whether the special conditions are satisfied.

[[F387](3) If the appropriate authority determines that the special conditions are satisfied then, unless it considers that the circumstances are such as to make it inappropriate to do so, it shall—
(a) certify the case as a special case for the purposes of regulations under section 50(3) or 51(2A) of the 1996 Act; and
(b) take such steps as are required by those regulations in relation to a case so certified.**]**

(5) [F388] . . . . . .

(6) Where the statement and report were required under paragraph 20A(2) to be copied to the Commission, the appropriate authority shall notify the Commission of a certification under sub-paragraph (3).

(7) If the appropriate authority determines—
(a) that the special conditions are not satisfied, or
(b) that, although those conditions are satisfied, the circumstances are such as to make it inappropriate at present to bring disciplinary proceedings,

it shall notify the person **[**[F389]investigating the complaint or matter**]** of its determination.

(8) In this paragraph "special conditions" has the meaning given by paragraph 20A(7).

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F378 Sch. 3 paras. 20A-20I inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 159, 178, **Sch. 11 para. 3**; S.I. 2005/1521, **art. 3(1)(v)**

F387 Sch. 3 para. 20E(3) substituted (1.12.2008) for Sch. 3 para. 20E(3)(4) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 9(2)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F388 Sch. 3 para. 20E(5) repealed (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 149, 153, Sch. 23 para. 9(3), **Sch. 28 Pt. 8** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(k)(ii)** (subject to art. 3)

F389 Words in Sch. 3 para. 20E(7) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 9(4)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

Other investigations: action by appropriate authority

20F (1) If the appropriate authority certifies a case under paragraph 20E(3), it shall give a notification—

(a) in the case of a complaint, to the complainant and to every person entitled to be kept properly informed in relation to the complaint under section 21; and

(b) in the case of a recordable conduct matter, to every person entitled to be kept properly informed in relation to that matter under that section.

(2) The notification required by sub-paragraph (1) is one setting out—

(a) the findings of the report;

(b) the authority's determination under paragraph 20E(2); and

(c) the action that the authority is required to take in consequence of that determination.

(3) Subsections (5) to (7) of section 20 shall have effect in relation to the duties imposed on the appropriate authority by sub-paragraph (1) as they have effect in relation to the duties imposed on the appropriate authority by that section.

(4) Except so far as may be otherwise provided by regulations made by virtue of sub-paragraph (3), the appropriate authority shall be entitled (notwithstanding any obligation of secrecy imposed by any rule of law or otherwise) to discharge the duty to give a person mentioned in sub-paragraph (1) notification of the findings of the special report by sending that person a copy of that report.

Textual Amendments

F378 Sch. 3 paras. 20A-20I inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 159, 178, **Sch. 11 para. 3**; S.I. 2005/1521, **art. 3(1)(v)**

20G **F390** . . . . . .

Textual Amendments

F378 Sch. 3 paras. 20A-20I inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 159, 178, **Sch. 11 para. 3**; S.I. 2005/1521, **art. 3(1)(v)**

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F390 Sch. 3 para. 20G and preceding cross-heading repealed (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 149, 153, Sch. 23 para. 10, **Sch. 28 Pt. 8** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(k)(ii)** (subject to art. 3)

Special cases: recommendation or direction of Commission

20H (1) Where the appropriate authority has submitted, or is required to submit, a memorandum to the Commission under paragraph 20B(7), the Commission may make a recommendation to the appropriate authority that it should certify the case under paragraph 20B(3).

(2) If the Commission determines to make a recommendation under this paragraph, it shall give a notification—

(a) in the case of a complaint, to the complainant and to every person entitled to be kept properly informed in relation to the complaint under section 21; and

(b) in the case of a recordable conduct matter, to every person entitled to be kept properly informed in relation to that matter under that section.

(3) The notification required by sub-paragraph (2) is one setting out—

(a) the findings of the special report; and

(b) the Commission's recommendation under this paragraph.

(4) Subsections (5) to (7) of section 20 shall have effect in relation to the duties imposed on the Commission by sub-paragraph (2) as they have effect in relation to the duties imposed on the Commission by that section.

(5) Except so far as may be otherwise provided by regulations made by virtue of sub-paragraph (4), the Commission shall be entitled (notwithstanding any obligation of secrecy imposed by any rule of law or otherwise) to discharge the duty to give a person mentioned in sub-paragraph (2) notification of the findings of the special report by sending that person a copy of the report.

(6) It shall be the duty of the appropriate authority to notify the Commission whether it accepts the recommendation and (if it does) to certify the case and proceed accordingly.

(7) If, after the Commission has made a recommendation under this paragraph, the appropriate authority does not certify the case under paragraph 20B(3)—

(a) the Commission may direct the appropriate authority so to certify it; and

(b) it shall be the duty of the appropriate authority to comply with the direction and proceed accordingly.

(8) Where the Commission gives the appropriate authority a direction under this paragraph, it shall supply the appropriate authority with a statement of its reasons for doing so.

(9) The Commission may at any time withdraw a direction given under this paragraph.

(10) The appropriate authority shall keep the Commission informed of whatever action it takes in response to a recommendation or direction.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F378 Sch. 3 paras. 20A-20I inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 159, 178, **Sch. 11 para. 3**; S.I. 2005/1521, **art. 3(1)(v)**

Special cases: recommendation or direction of Commission

20I (1) Where—

(a) the Commission makes a recommendation under paragraph 20H in the case of an investigation of a complaint, and

(b) the appropriate authority notifies the Commission that the recommendation has been accepted,

the Commission shall notify the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21 of that fact and of the steps that have been, or are to be, taken by the appropriate authority to give effect to it.

(2) Where in the case of an investigation of a complaint the appropriate authority—

(a) notifies the Commission that it does not accept the recommendation made by the Commission under paragraph 20H, or

(b) fails to certify the case under paragraph 20B(3) and to proceed accordingly,

it shall be the duty of the Commission to determine what (if any) further steps to take under paragraph 20H.

(3) It shall be the duty of the Commission to notify the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21—

(a) of any determination under sub-paragraph (2) not to take further steps under paragraph 20H; and

(b) where it determines under that sub-paragraph to take further steps under that paragraph, of the outcome of the taking of those steps.**]**

Textual Amendments

F378 Sch. 3 paras. 20A-20I inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 159, 178, **Sch. 11 para. 3**; S.I. 2005/1521, **art. 3(1)(v)**

Power [F391]*... to discontinue an investigation*

21 **[**[F392](1) The Commission may by order require the discontinuance of the investigation of a complaint or matter if (whether on the application of the appropriate authority or otherwise) it appears to the Commission that—

(a) the complaint or matter is of a description specified in regulations made by the Secretary of State for the purposes of this paragraph, and

(b) discontinuance of the investigation is within the Commission's power.

(1A) The appropriate authority that is investigating a complaint or matter may discontinue the investigation if it appears to that authority that—

(a) the complaint or matter is of a description specified in regulations made by the Secretary of State for the purposes of this paragraph, and

(b) discontinuance of the investigation is not within the Commission's power.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(1B) For the purposes of this paragraph—

(a) discontinuance of the investigation of a complaint is within the Commission's power if—

(i) the investigation is being undertaken by the appropriate authority on its own behalf and the complaint is one required to be referred to the Commission under paragraph 4; or

(ii) the investigation is under the supervision or management of the Commission;

(b) discontinuance of the investigation of a matter other than a complaint is within the Commission's power if the investigation is under the supervision or management of the Commission.**]**

(2) The Commission shall not discontinue any investigation that is being carried out in accordance with paragraph 19 except in such cases as may be authorised by regulations made by the Secretary of State.

(3) Where the Commission makes an order under this paragraph or discontinues an investigation being carried out in accordance with paragraph 19, it shall give notification of the discontinuance—

(a) to the appropriate authority;

(b) to every person entitled to be kept properly informed in relation to the subject matter of the investigation under section 21; and

(c) in a case where the investigation that is discontinued is an investigation of a complaint, to the complainant.

[[F393](3A) Where the appropriate authority discontinues an investigation under sub-paragraph (1A), the appropriate authority shall give notification of the discontinuance—

(a) to every person entitled to be kept properly informed in relation to the investigation under section 21; and

(b) in a case where the investigation that is discontinued is an investigation of a complaint, to the complainant.**]**

(4) Where an investigation of a complaint**[**[F394], recordable conduct matter or DSI matter**]** is discontinued **[**[F395]in accordance with an order under sub-paragraph (1)**]**—

(a) the Commission may give the appropriate authority directions to do any such things as it is authorised to direct by regulations made by the Secretary of State;

(b) the Commission may itself take any such steps of a description specified in regulations so made as it considers appropriate for purposes connected with the discontinuance of the investigation; and

(c) subject to the preceding paragraphs, neither the appropriate authority nor the Commission shall take any further action in accordance with the provisions of this Schedule in relation to that complaint or matter.

(5) The appropriate authority shall comply with any directions given to it under sub-paragraph (4).

[[F396](6) Where an investigation of a complaint, recordable conduct matter or DSI matter is discontinued in accordance with sub-paragraph (1A)—

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) the appropriate authority may take any such steps of a description specified in regulations made by the Secretary of State as he or it considers appropriate for purposes connected with the discontinuance of the investigation; and

(b) subject to the preceding paragraphs, neither the appropriate authority nor the Commission shall take any further action in accordance with the provisions of this Schedule in relation to that complaint or matter.**]**

[[F397](7) The complainant shall have a right of appeal to the relevant appeal body against any decision by the appropriate authority under sub-paragraph (1A) to discontinue the investigation of the complaint.

(8) But the complainant has no right of appeal if the complaint relates to a direction and control matter.

(9) On an appeal under this paragraph, subject to sub-paragraphs (10) and (11), the relevant appeal body shall—

(a) determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and

(b) if the relevant appeal body finds in the complainant's favour, give such directions as the relevant appeal body thinks appropriate to the local policing body or chief officer as to the action to be taken for investigating the complaint;

and it shall be the duty of a local policing body or chief officer to comply with any directions given under paragraph (b).

(10) Sub-paragraph (9) does not apply in a case where a particular chief officer of police is—

(a) the person in respect of whose decision an appeal is made under this paragraph, and

(b) the relevant appeal body in relation to the appeal.

(11) In such a case—

(a) the appeal shall determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and

(b) if the appeal finds in the complainant's favour, the chief officer of police must take such action as the chief officer thinks appropriate for investigating the complaint.**]**

Textual Amendments

F391 Words in Sch. 3 para. 21 omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 13(2)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F392 Sch. 3 para. 21(1)-(1B) substituted for Sch. 3 para. 21(1) (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 13(4)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F393 Sch. 3 para. 21(3A) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 13(5)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F394 Words in Sch. 3 para. 21(4) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 19**; S.I. 2005/1521, **art. 3(1)(w)**

F395 Words in Sch. 3 para. 21(4) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 13(6)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F396 Sch. 3 para. 21(6) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 13(7)**; S.I. 2012/2892, art. 2(g) (with art. 6)

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F397 Sch. 3 para. 21(7)-(11) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 19(2)**; S.I. 2012/2892, art. 2(g) (with art. 6)

Modifications etc. (not altering text)

C88 Sch. 3 para. 21 applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Commencement Information

I40 Sch. 3 para. 21 wholly in force at 1.4.2004; Sch. 3 para. 21 not in force at Royal Assent see s. 108(2); Sch. 3 para. 21 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 21 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Procedure where conduct matter is revealed during investigation of DSI matter

[F398 21A (1) If during the course of an investigation of a DSI matter it appears to a person appointed under paragraph 18 or designated under paragraph 19 that there is an indication that a person serving with the police ("the person whose conduct is in question") may have—

(a) committed a criminal offence, or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings,

he shall make a submission to that effect to the Commission.

(2) If, after considering a submission under sub-paragraph (1), the Commission determines that there is such an indication, it shall—

(a) notify the appropriate authority in relation to the DSI matter and (if different) the appropriate authority in relation to the person whose conduct is in question of its determination; and

(b) send to it (or each of them) a copy of the submission under sub-paragraph (1).

(3) If during the course of an investigation of a DSI matter it appears to a person appointed under paragraph 16 or 17 that there is an indication that a person serving with the police ("the person whose conduct is in question") may have—

(a) committed a criminal offence, or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings,

he shall make a submission to that effect to the appropriate authority in relation to the DSI matter.

(4) If, after considering a submission under sub-paragraph (3), the appropriate authority determines that there is such an indication, it shall—

(a) if it is not the appropriate authority in relation to the person whose conduct is in question, notify that other authority of its determination and send to that authority a copy of the submission under sub-paragraph (3); and

(b) notify the Commission of its determination and send to it a copy of the submission under sub-paragraph (3).

(5) Where the appropriate authority in relation to the person whose conduct is in question—

(a) is notified of a determination by the Commission under sub-paragraph (2),

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) (in a case where it is also the appropriate authority in relation to the DSI matter) makes a determination under sub-paragraph (4), or

(c) (in a case where it is not the appropriate authority in relation to the DSI matter) is notified by that other authority of a determination by it under sub-paragraph (4),

it shall record the matter under paragraph 11 as a conduct matter [F399]. . . .

[F400] **[** Where a DSI matter is recorded under paragraph 11 as a conduct matter by virtue (6) of sub-paragraph (5)—

(a) the person investigating the DSI matter shall (subject to any determination made by the Commission under paragraph 15(5)) continue the investigation as if appointed or designated to investigate the conduct matter, and

(b) the other provisions of this Schedule shall apply in relation to that matter accordingly.**]]**

Textual Amendments

F398 Sch. 3 para. 21A inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 20**; S.I. 2005/1521, **art. 3(1)(w)**

F399 Words in Sch. 3 para. 21A(5) repealed (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 149, 153, Sch. 23 para. 11(2), **Sch. 28 Pt. 8** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(k)(ii)** (subject to art. 3)

F400 Sch. 3 para. 21A(6) inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 11(3)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

Modifications etc. (not altering text)

C89 Sch. 3 para. 21A applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Final reports on investigations: complaints, conduct matters and certain DSI matters

[[F401]22(1) This paragraph applies on the completion of an investigation of—

(a) a complaint,**[**[F402] or**]**

(b) a conduct matter, or

(c) [F403]. . . . . .

(2) A person appointed under paragraph 16 shall submit a report on his investigation to the appropriate authority.

(3) A person appointed under paragraph 17 or 18 shall—

(a) submit a report on his investigation to the Commission; and

(b) send a copy of that report to the appropriate authority.

(4) In relation to **[**[F404]a matter that was formerly a DSI matter but has been recorded as a conduct matter in pursuance of paragraph 21A(5)**]**, the references in sub-paragraphs (2) and (3) of this paragraph to the appropriate authority are references to—

(a) the appropriate authority in relation to the DSI matter; and

(b) (where different) the appropriate authority in relation to the person whose conduct is in question.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) A person designated under paragraph 19 as the person in charge of an investigation by the Commission itself shall submit a report on it to the Commission.

(6) A person submitting a report under this paragraph shall not be prevented by any obligation of secrecy imposed by any rule of law or otherwise from including all such matters in his report as he thinks fit.

[[F405](7) The Secretary of State may by regulations make provision requiring a report on an investigation within paragraph 19C(1)(a) or (b)—

(a) to include such matters as are specified in the regulations;

(b) to be accompanied by such documents or other items as are so specified.

(8) A person who has submitted a report under this paragraph on an investigation within paragraph 19C(1)(a) or (b) must supply the appropriate authority with such copies of further documents or other items in that person's possession as the authority may request.

(9) The appropriate authority may only make a request under sub-paragraph (8) in respect of a copy of a document or other item if the authority—

(a) considers that the document or item is of relevance to the investigation, and

(b) requires a copy of the document or the item for either or both of the purposes mentioned in sub-paragraph (10).

(10) Those purposes are—

(a) complying with any obligation under regulations under section 50(3) or 51(2A) of the 1996 Act which the authority has in relation to any person to whose conduct the investigation related;

(b) ensuring that any such person receives a fair hearing at any disciplinary proceedings in respect of any such conduct of his.**]]**

Textual Amendments

F401 Sch. 3 para. 22 substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 21**; S.I. 2005/1521, **art. 3(1)(w)**

F402 Word in Sch. 3 para. 22(1)(a) inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 12(2)(a)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F403 Sch. 3 para. 22(1)(c) repealed (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 149, 153, Sch. 23 para. 12(2)(b), **Sch. 28 Pt. 8** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(k)(ii)** (subject to art. 3)

F404 Words in Sch. 3 para. 22(4) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 12(3)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(ii)** (subject to art. 3)

F405 Sch. 3 para. 22(7)-(10) inserted (3.11.2008 for certain purposes and 1.12.2008 otherwise) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 12(4)** (with s. 14(1)); S.I. 2008/2712, **art. 2**, Sch. para. 17(b) (subject to arts. 3, 4); S.I. 2008/2993, **art. 2(1)(i)(ii)** (subject to art. 3)

Modifications etc. (not altering text)

C90 Sch. 3 para. 22 applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Commencement Information

I41 Sch. 3 para. 22 wholly in force at 1.4.2004; Sch. 3 para. 22 not in force at Royal Assent see s. 108(2); Sch. 3 para. 22 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 22 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Action by the Commission in response to an investigation report ***[****F406****under paragraph 22]***

23 (1) This paragraph applies where—

(a) a report on an investigation carried out under the management of the Commission is submitted to it under sub-paragraph **[**F407(3)**]** of paragraph 22; or

(b) a report on an investigation carried out by a person designated by the Commission is submitted to it under sub-paragraph **[**F408(5)**]** of that paragraph.

(2) On receipt of the report, the Commission—

(a) if it appears that the appropriate authority has not already been sent a copy of the report, shall send a copy of the report to that authority;

[F409(b) shall determine whether the conditions set out in sub-paragraphs (2A) and (2B) are satisfied in respect of the report;**]**

(c) if it determines that **[**F410those conditions are so satisfied**]**, shall notify the Director of Public Prosecutions of the determination and send him a copy of the report; and

(d) shall notify the appropriate authority **[**F411and the persons mentioned in sub-paragraph (5)**]** of its determination under paragraph (b) and of any action taken by it under paragraph (c).

[F412(2A) The first condition is that the report indicates that a criminal offence may have been committed by a person to whose conduct the investigation related.

(2B) The second condition is that—

(a) the circumstances are such that, in the opinion of the Commission, it is appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions, or

(b) any matters dealt with in the report fall within any prescribed category of matters.**]**

(3) The Director of Public Prosecutions shall notify the Commission of any decision of his to take, or not to take, action in respect of the matters dealt with in any report a copy of which has been sent to him under sub-paragraph (2)(c).

(4) It shall be the duty of the Commission to notify the persons mentioned in sub-paragraph (5) if criminal proceedings are brought against any person by the Director of Public Prosecutions in respect of any matters dealt with in a report copied to him under sub-paragraph (2)(c).

(5) **[**F413The**]** persons are—

(a) in the case of a complaint, the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21; and

(b) in the case of a recordable conduct matter, every person entitled to be kept properly informed in relation to that matter under that section.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[[F414](6) On receipt of the report, the Commission shall also notify the appropriate authority that it must—

(a) in accordance with regulations under section 50 or 51 of the 1996 Act, determine—

(i) whether any person to whose conduct the investigation related has a case to answer in respect of misconduct or gross misconduct or has no case to answer, and

[[F415](ia) whether or not any such person's performance is unsatisfactory, and**]**

(ii) what action (if any) the authority is required to, or will in its discretion, take in respect of the matters dealt with in the report, and

(b) determine what other action (if any) the authority will in its discretion take in respect of those matters."

(7) On receipt of a notification under sub-paragraph (6) the appropriate authority shall make those determinations and submit a memorandum to the Commission which—

(a) sets out the determinations the authority has made, and

(b) if the appropriate authority has decided in relation to any person to whose conduct the investigation related that disciplinary proceedings should not be brought against that person, sets out its reasons for so deciding.**]**

(8) On receipt of a memorandum under sub-paragraph (7), the Commission shall—

(a) consider the memorandum and whether the appropriate authority **[**[F416]has made the determinations under sub-paragraph (6)(a)**]** that the Commission considers appropriate in respect of the matters dealt with in the report;

(b) determine, in the light of its consideration of those matters, whether or not to make recommendations under paragraph 27; and

(c) make such recommendations (if any) under that paragraph as it thinks fit.

(9) On the making of a determination under sub-paragraph (8)(b) the Commission shall give a notification—

(a) in the case of a complaint, to the complainant and to every person entitled to be kept properly informed in relation to the complaint under section 21; and

(b) in the case of a recordable conduct matter, to every person entitled to be kept properly informed in relation to that matter under that section.

(10) The notification required by sub-paragraph (9) is one setting out—

(a) the findings of the report;

(b) the Commission's determination under sub-paragraph (8)(b); and

(c) the action which the appropriate authority is to be recommended to take as a consequence of the determination.

(11) Subsections (5) to (7) of section 20 shall have effect in relation to the duties imposed on the Commission by sub-paragraph (9) of this paragraph as they have effect in relation to the duties imposed on the Commission by that section.

(12) Except so far as may be otherwise provided by regulations made by virtue of sub-paragraph (11), the Commission shall be entitled (notwithstanding any obligation of secrecy imposed by any rule of law or otherwise) to discharge the duty to give a person mentioned in sub-paragraph (9) notification of the findings of the report by sending that person a copy of the report.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[[F417](13) In relation to a DSI matter in respect of which a determination has been made under paragraph 21A(2) or (4), the references in this paragraph to the appropriate authority are references to the appropriate authority in relation to the person whose conduct is in question.**]**

Textual Amendments

F406 Words in Sch. 3 para. 23 heading inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 22(1)**; S.I. 2005/1521, **art. 3(1)(w)**

F407 Word in Sch. 3 para. 23(1)(a) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 22(2)(a)**; S.I. 2005/1521, **art. 3(1)(w)**

F408 Word in Sch. 3 para. 23(1)(b) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 22(2)(b)**; S.I. 2005/1521, **art. 3(1)(w)**

F409 Sch. 3 para. 23(2)(b) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 13(2)(a)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F410 Words in Sch. 3 para. 23(2)(c) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 13(2)(b)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F411 Words in Sch. 3 para. 23(2)(d) inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 13(2)(c)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F412 Sch. 3 para. 23(2A)(2B) inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 13(3)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F413 Word in Sch. 3 para. 23(5) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 13(4)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F414 Sch. 3 para. 23(6)(7) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 13(5)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F415 Sch. 3 para. 23(6)(a)(ia) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 14(2)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F416 Words in Sch. 3 para. 23(8)(a) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 13(6)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F417 Sch. 3 para. 23(13) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 22(3)**; S.I. 2005/1521, **art. 3(1)(w)**

Modifications etc. (not altering text)

C91 Sch. 3 para. 23 applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Commencement Information

I42 Sch. 3 para. 23 wholly in force at 1.4.2004; Sch. 3 para. 23 not in force at Royal Assent see s. 108(2); Sch. 3 para. 23 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 23 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

*Action by the appropriate authority in response to an investigation report **[**[F418]under paragraph 22**]***

24 (1) This paragraph applies where—

(a) a report of an investigation is submitted to the appropriate authority in accordance with paragraph **[**[F419]22(2)**]** ; or

(b) a copy of a report on an investigation carried out under the supervision of the Commission is sent to the appropriate authority in accordance with paragraph **[**[F420]22(3)**]** .

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) On receipt of the report or (as the case may be) of the copy, the appropriate authority—

[[F421](a) shall determine whether the conditions set out in sub-paragraphs (2A) and (2B) are satisfied in respect of the report;**]**

(b) if it determines that **[**[F422]those conditions are so satisfied**]**, shall notify the Director of Public Prosecutions of the determination and send him a copy of the report**[**[F423] and

(c) shall notify the persons mentioned in sub-paragraph (5) of its determination under paragraph (a) and of any action taken by it under paragraph (b).**]**

[[F424](2A) The first condition is that the report indicates that a criminal offence may have been committed by a person to whose conduct the investigation related.

(2B) The second condition is that—

(a) the circumstances are such that, in the opinion of the appropriate authority, it is appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions, or

(b) any matters dealt with in the report fall within any prescribed category of matters.**]**

(3) The Director of Public Prosecutions shall notify the appropriate authority of any decision of his to take, or not to take, action in respect of the matters dealt with in any report a copy of which has been sent to him under sub-paragraph (2).

(4) It shall be the duty of the appropriate authority to notify the persons mentioned in sub-paragraph (5) if criminal proceedings are brought against any person by the Director of Public Prosecutions in respect of any matters dealt with in a report copied to him under sub-paragraph (2)(b).

(5) **[**[F425]The**]** persons are—

(a) in the case of a complaint, the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21; and

(b) in the case of a recordable conduct matter, every person entitled to be kept properly informed in relation to that matter under that section.

[[F426](5A) In the case of a report falling within sub-paragraph (1)(b) which relates to a recordable conduct matter, the appropriate authority shall also notify the Commission of its determination under sub-paragraph (2)(a).

(5B) On receipt of such a notification that the appropriate authority has determined that the conditions in sub-paragraphs (2A) and (2B) are not satisfied in respect of the report, the Commission—

(a) shall make its own determination as to whether those conditions are so satisfied, and

(b) if it determines that they are so satisfied, shall direct the appropriate authority to notify the Director of Public Prosecutions of the Commission's determination and to send the Director a copy of the report.

(5C) It shall be the duty of the appropriate authority to comply with any direction given to it under sub-paragraph (5B).**]**

[[F427](6) On receipt of the report or (as the case may be) copy, the appropriate authority shall also—

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) in accordance with regulations under section 50 or 51 of the 1996 Act, determine—

(i) whether any person to whose conduct the investigation related has a case to answer in respect of misconduct or gross misconduct or has no case to answer, and

[[F428](ia) whether or not any such person's performance is unsatisfactory, and**]**

(ii) what action (if any) the authority is required to, or will in its discretion, take in respect of the matters dealt with in the report, and

(b) determine what other action (if any) the authority will in its discretion take in respect of those matters.**]**

(7) On the making of **[**[F429]the determinations**]** under sub-paragraph (6) the appropriate authority shall give a notification—

(a) in the case of a complaint, to the complainant and to every person entitled to be kept properly informed in relation to the complaint under section 21; and

(b) in the case of a recordable conduct matter, to every person entitled to be kept properly informed in relation to that matter under that section.

(8) The notification required by sub-paragraph (7) is one setting out—

(a) the findings of the report;

[[F430](b) the determinations the authority has made under sub-paragraph (6);**]**

(d) the complainant's right of appeal under paragraph 25.

(9) Subsections (5) to (7) of section 20 shall have effect in relation to the duties imposed on the appropriate authority by sub-paragraph (7) of this paragraph as they have effect in relation to the duties imposed on the appropriate authority by that section.

(10) Except so far as may be otherwise provided by regulations made by virtue of sub-paragraph (9), the appropriate authority shall be entitled (notwithstanding any obligation of secrecy imposed by any rule of law or otherwise) to discharge the duty to give a person mentioned in sub-paragraph (7) notification of the findings of the report by sending that person a copy of the report.

[[F431](11) In relation to a DSI matter in respect of which a determination has been made under paragraph 21A(2) or (4), the references in this paragraph to the appropriate authority are references to the appropriate authority in relation to the person whose conduct is in question.**]**

Textual Amendments

F418 Words in Sch. 3 para. 24 heading inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 23(1)**; S.I. 2005/1521, **art. 3(1)(w)**

F419 Words in Sch. 3 para. 24(1)(a) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 23(2)(a)**; S.I. 2005/1521, **art. 3(1)(w)**

F420 Words in Sch. 3 para. 24(1)(b) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 23(2)(b)**; S.I. 2005/1521, **art. 3(1)(w)**

F421 Sch. 3 para. 24(2)(a) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 14(2)(a)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F422 Words in Sch. 3 para. 24(2)(b) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 14(2)(b)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F423 Sch. 3 para. 24(2)(c) and word inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 14(2)(c)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F424 Sch. 3 para. 24(2A)(2B) inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 14(3)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F425 Word in Sch. 3 para. 24(5) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 14(4)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F426 Sch. 3 para. 24(5A)-(5C) inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 14(5)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F427 Sch. 3 para. 24(6) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 14(6)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F428 Sch. 3 para. 24(6)(a)(ia) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 14(3)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F429 Words in Sch. 3 para. 24(7) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 14(7)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F430 Sch. 3 para. 24(8)(b) substituted (1.12.2008) for Sch. 3 para. 24(8)(b)(c) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 14(8)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F431 Sch. 3 para. 24(11) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 23(3)**; S.I. 2005/1521, **art. 3(1)(w)**

Modifications etc. (not altering text)

C92 Sch. 3 para. 24 applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Commencement Information

I43 Sch. 3 para. 24 wholly in force at 1.4.2004; Sch. 3 para. 24 not in force at Royal Assent see s. 108(2); Sch. 3 para. 24 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 24 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Final reports on investigations: other DSI matters

[F432 24A (1) This paragraph applies on the completion of an investigation of a DSI matter in respect of which neither the Commission nor the appropriate authority has made a determination under paragraph 21A(2) or (4).

(2) [F433 The person investigating] shall—

(a) submit a report on the investigation to the Commission; and

(b) send a copy of that report to the appropriate authority.

(3) A person submitting a report under this paragraph shall not be prevented by any obligation of secrecy imposed by any rule of law or otherwise from including all such matters in his report as he thinks fit.

(4) On receipt of the report, the Commission shall determine whether the report indicates that a person serving with the police may have—

(a) committed a criminal offence, or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings.

Textual Amendments

F432 Sch. 3 paras. 24A-24C inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 24**; S.I. 2005/1521, **art. 3(1)(w)**

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F433 Words in Sch. 3 para. 24A(2) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 15** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

Action by the Commission in response to an investigation report under paragraph 24A

24B (1) If the Commission determines under paragraph 24A(4) that the report indicates that a person serving with the police may have—

(a) committed a criminal offence, or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings,

it shall notify the appropriate authority in relation to the person whose conduct is in question of its determination and, if it appears that that authority has not already been sent a copy of the report, send a copy of the report to that authority.

(2) Where the appropriate authority in relation to the person whose conduct is in question is notified of a determination by the Commission under sub-paragraph (1), it shall record the matter under paragraph 11 as a conduct matter [F434]. . . .

[F435] **[** Where a DSI matter is recorded under paragraph 11 as a conduct matter by virtue (3) of sub-paragraph (2)—

(a) the person investigating the DSI matter shall (subject to any determination made by the Commission under paragraph 15(5)) investigate the conduct matter as if appointed or designated to do so, and

(b) the other provisions of this Schedule shall apply in relation to that matter accordingly.**]**

Textual Amendments

F432 Sch. 3 paras. 24A-24C inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 24**; S.I. 2005/1521, **art. 3(1)(w)**

F434 Words in Sch. 3 para. 24B(2) repealed (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 149, 153, Sch. 23 para. 16(2), **Sch. 28 Pt. 8** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(k)(ii)** (subject to art. 3)

F435 Sch. 3 para. 24B(3) inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 16(3)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

24C (1) If the Commission determines under paragraph 24A(4) that there is no indication in the report that a person serving with the police may have—

(a) committed a criminal offence, or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings,

it shall make such recommendations or give such advice under section 10(1)(e) (if any) as it considers necessary or desirable.

(2) Sub-paragraph (1) does not affect any power of the Commission to make recommendations or give advice under section 10(1)(e) in other cases (whether arising under this Schedule or otherwise).**]**

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F432 Sch. 3 paras. 24A-24C inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 24**; S.I. 2005/1521, **art. 3(1)(w)**

Appeals [F436]... with respect to an investigation

25 (1) This paragraph applies where a complaint has been subjected to—

(a) an investigation by the appropriate authority on its own behalf; or

(b) an investigation under the supervision of the Commission.

(2) The complainant shall have the following rights of appeal **[**[F437]to the relevant appeal body**]** —

(a) a right to appeal on the grounds that he has not been provided with adequate information—

(i) about the findings of the investigation; or

[[F438](ii) about any determination of the appropriate authority relating to the taking (or not taking) of action in respect of any matters dealt with in the report on the investigation;**]**

(b) a right to appeal against the findings of the investigation; [F439]. . .

[[F440](ba) a right of appeal against any determination by the appropriate authority that a person to whose conduct the investigation related has a case to answer in respect of misconduct or gross misconduct or has no case to answer **[**[F441]or that such a person's performance is, or is not, unsatisfactory**]**;

(c) a right of appeal against any determination by the appropriate authority relating to the taking (or not taking) of action in respect of any matters dealt with in the report; and

(d) a right of appeal against any determination by the appropriate authority under paragraph 24(2)(a) as a result of which it is not required to send the Director of Public Prosecutions a copy of the report;**]**

and it shall be the duty of the **[**[F442]relevant appeal body**]** to notify the appropriate authority, every person entitled to be kept properly informed in relation to the complaint under section 21 and the person complained against of any appeal brought under this paragraph **[**[F443](except that the duty to notify the appropriate authority does not apply where that authority is the relevant appeal body)**]**.

[[F444](2ZA) But the complainant has no right of appeal if the complaint relates to a direction and control matter.**]**

[[F445](2A) In sub-paragraph (2)—

(a) references to the findings of an investigation do not include a reference to findings on a report submitted under paragraph 20A; and

(b) references to the report of an investigation do not include a reference to a report submitted under that paragraph.**]**

(3) On the bringing of an appeal under this paragraph, the Commission may require the appropriate authority to submit a memorandum to the Commission which—

[[F446](za) sets out whether the appropriate authority has determined that a person to whose conduct the investigation related has a case to answer in respect of misconduct or gross misconduct or has no case to answer;**]**

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[F447](zb) sets out whether the appropriate authority has determined any such person's performance is, or is not, unsatisfactory;]

[F448](a) sets out what action (if any) the authority has determined that it is required to or will, in its discretion, take in respect of the matters dealt with in the report;]

(c) if the appropriate authority has decided in relation to [F449]a person to whose conduct the investigation related] that disciplinary proceedings should not be brought against that person, sets out its reasons for so deciding;[F450] and

(d) if the appropriate authority made a determination under paragraph 24(2)(a) as a result of which it is not required to send the Director of Public Prosecutions a copy of the report, sets out the reasons for that determination;]

and it shall be the duty of the appropriate authority to comply with any requirement under this sub-paragraph.

(4) Where the Commission so requires on the bringing of any appeal under this paragraph in the case of an investigation by the appropriate authority on its own behalf, the appropriate authority shall provide the Commission with a copy of the report of the investigation.

(5) On an appeal under this paragraph, the [F451]relevant appeal body] shall determine [F452]such of the following as it considers appropriate in the circumstances]—

(a) whether the complainant has been provided with adequate information about the matters mentioned in sub-paragraph (2)(a);

(b) whether the findings of the investigation need to be reconsidered; [F439]...

[F453](c) whether the appropriate authority—

(i) has made such a determination as is mentioned in sub-paragraph (3)(za) [F454]or (zb)] that the [F451]relevant appeal body] considers to be appropriate in respect of the matters dealt with in the report, and

(ii) has determined that it is required to or will, in its discretion, take the action (if any) that the [F451]relevant appeal body] considers to be so appropriate; and

(d) whether the conditions set out in paragraph 24(2A) and (2B) are satisfied in respect of the report.]

(6) If, on an appeal under this paragraph, the [F455]relevant appeal body] determines that the complainant has not been provided with adequate information about any matter[F456]—

(a) in a case where the Commission is the relevant appeal body,] the Commission shall give the appropriate authority all such directions as the Commission considers appropriate for securing that the complainant is properly informed[F457]; and

(b) in a case where the appropriate authority is the relevant appeal body, that authority shall take such steps as it considers appropriate for securing that the complainant is properly informed.]

(7) Nothing in [F458]sub-paragraph (6)(a)] shall authorise the Commission to require the disclosure of any information the disclosure of which to the appellant has been or is capable of being withheld by virtue of regulations made under section 20(5).

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(8) If, on an appeal under this paragraph, the Commission determines that the findings of the investigation need to be reconsidered **[**[F459]in a case where the Commission is the relevant appeal body**]**, it shall either—

(a) review those findings without an immediate further investigation; or

(b) direct that the complaint be re-investigated**[**[F460]; and

in a case where the appropriate authority is the relevant appeal body, that authority shall re-investigate the complaint.**]**

(9) If, on an appeal under this paragraph, the **[**[F461]relevant appeal body**]** determines that the appropriate authority **[**[F462]has not made a determination as to whether there is a case for a person to whose conduct the investigation related to answer that the **[**[F461]relevant appeal body**][**[F463]considers appropriate, or determines that the appropriate authority has not made a determination as to whether a person's performance is or is not unsatisfactory, or determines that the appropriate authority**]** has not determined that it is required to or will, in its discretion, take the action in respect of the matters dealt with in**]** the report that the **[**[F461]relevant appeal body**][**[F464]considers appropriate—

(a) sub-paragraph (9ZA) applies if the Commission is the relevant appeal body; or

(b) sub-paragraph (9ZB) applies if the chief officer of police is the relevant appeal body.

(9ZA) The Commission shall— **]**

(a) determine, in the light of that determination, whether or not to make recommendations under paragraph 27; and

(b) make such recommendations (if any) under that paragraph as it thinks fit.

[[F465](9ZB) The chief officer of police shall take such action as the chief officer thinks appropriate in relation to the bringing of disciplinary proceedings in respect of the matters dealt with in the report.

(9ZC) If disciplinary proceedings are brought by virtue of sub-paragraph (9ZB), it shall be the duty of the appropriate authority to ensure that they are proceeded with to a proper conclusion.**]**

[[F466](9A) If, on an appeal under this paragraph, the **[**[F467]relevant appeal body**]** determines that the conditions set out paragraph 24(2A) and (2B) are satisfied in respect of the report, **[**[F468] in a case where the Commission is the relevant appeal body it shall direct the appropriate authority to, or in a case where the appropriate authority is the relevant appeal body it shall **]** —

(a) [F469]... notify the Director of Public Prosecutions of the [F470]... determination, and

(b) [F471]... send the Director a copy of the report.**]**

(10) The **[**[F472]relevant appeal body**]** shall give notification of any determination under this paragraph—

(a) to the appropriate authority **[**[F473](unless it is the relevant appeal body)**]**,

(b) to the complainant;

(c) to every person entitled to be kept properly informed in relation to the complaint under section 21; and

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(d) except in a case where it appears to the **[**[F474]relevant appeal body**]** that to do so might prejudice any proposed review or re-investigation of the complaint, to the person complained against.

(11) **[**[F475]In a case where the Commission is the relevant appeal body, it**]** shall also give notification of any directions given to the appropriate authority under this paragraph—

(a) to the complainant;

(b) to every person entitled to be kept properly informed in relation to the complaint under section 21; and

(c) except in a case where it appears to the Commission that to do so might prejudice any proposed review or re-investigation of the complaint, to the person complained against.

(12) It shall be the duty of the appropriate authority to comply with any directions given to it under this paragraph.

(13) The Secretary of State may by regulations make provision—

(a) for the form and manner in which appeals under this paragraph are to be brought;

(b) for the period within which any such appeal must be brought; and

(c) for the procedure to be followed by the **[**[F476]relevant appeal body**]** when dealing with or disposing of any such appeal.

Textual Amendments

F436 Words in Sch. 3 para. 25 heading omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(1)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F437 Words in Sch. 3 para. 25(2) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(3)(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F438 Sch. 3 para. 25(2)(a)(ii) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 17(2)(a)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F439 Word in Sch. 3 para. 25(2)(b)(5)(b) repealed (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 149, 153, **Sch. 28 Pt. 8** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(k)(ii)** (subject to art. 3)

F440 Sch. 3 para. 25(2)(ba)-(d) substituted (1.12.2008) for Sch. 3 para. 25(2)(c) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 17(2)(b)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F441 Words in Sch. 3 para. 25(2)(ba) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 14(4)(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F442 Words in Sch. 3 para. 25(2) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(3)(b)(i)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F443 Words in Sch. 3 para. 25(2) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(3)(b)(ii)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F444 Sch. 3 para. 25(2ZA) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(4)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F445 Sch. 3 para. 25(2A) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 159, 178, **Sch. 11 para. 4**; S.I. 2005/1521, **art. 3(1)(v)**

F446 Sch. 3 para. 25(3)(za) inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 17(3)(a)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F447 Sch. 3 para. 25(3)(zb) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 14(4)(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)

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F448 Sch. 3 para. 25(3)(a) substituted (1.12.2008) for Sch. 3 para. 25(3)(a)(b) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 17(3)(b)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F449 Words in Sch. 3 para. 25(3)(c) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 17(3)(c)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F450 Sch. 3 para. 25(3)(d) and word inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 17(3)(d)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F451 Words in Sch. 3 para. 25(5) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(5)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F452 Words in Sch. 3 para. 25(5) inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 17(4)(a)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F453 Sch. 3 para. 25(5)(c)(d) substituted (1.12.2008) for Sch. 3 para. 25(5)(c) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 17(4)(b)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F454 Words in Sch. 3 para. 25(5)(c)(i) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 14(4)(c)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F455 Words in Sch. 3 para. 25(6) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(6)(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F456 Sch. 3 para. 25(6)(a) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(6)(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F457 Sch. 3 para. 25(6)(b) and preceding word inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(6)(c)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F458 Words in Sch. 3 para. 25(7) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(7)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F459 Words in Sch. 3 para. 25(8) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(8)(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F460 Words in Sch. 3 para. 25(8) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(8)(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F461 Words in Sch. 3 para. 25(9) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(9)(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F462 Words in Sch. 3 para. 25(9) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 17(5)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F463 Words in Sch. 3 para. 25(9) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 14(4)(d)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F464 Words in Sch. 3 para. 25(9)(9ZA) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(9)(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F465 Sch. 3 para. 25(9ZB)(9ZC) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(10)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F466 Sch. 3 para. 25(9A) inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 17(6)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F467 Words in Sch. 3 para. 25(9A) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(11)(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F468 Words in Sch. 3 para. 25(9A) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(11)(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F469 Word in Sch. 3 para. 25(9A)(a) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(11)(c)(i)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F470 Word in Sch. 3 para. 25(9A)(a) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(11)(c)(ii)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F471 Word in Sch. 3 para. 25(9A)(b) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(11)(d)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F472 Words in Sch. 3 para. 25(10) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(12)(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)

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F473 Words in Sch. 3 para. 25(10)(a) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(12)(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F474 Words in Sch. 3 para. 25(10)(d) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(12)(c)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F475 Words in Sch. 3 para. 25(11) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(13)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F476 Words in Sch. 3 para. 25(13) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 20(14)**; S.I. 2012/2892, art. 2(g) (with art. 6)

Modifications etc. (not altering text)

C93 Sch. 3 para. 25 applied (with modifications) (1.4.2006) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(5)(6)**, Sch. 3

Commencement Information

I44 Sch. 3 para. 25 wholly in force at 1.4.2004; Sch. 3 para. 25 not in force at Royal Assent see s. 108(2); Sch. 3 para. 25 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 25 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Reviews and re-investigations following an appeal

26 (1) On a review under paragraph 25(8)(a) of the findings of an investigation the powers of the Commission shall be, according to its determination on that review, to do one or more of the following—

(a) to uphold the findings in whole or in part;

(b) to give the appropriate authority such directions—

(i) as to the carrying out by the appropriate authority of its own review of the findings,

(ii) as to the information to be provided to the complainant, and

(iii) generally as to the handling of the matter in future,

as the Commission thinks fit;

(c) to direct that the complaint be re-investigated.

(2) Where the Commission directs under paragraph 25 or sub-paragraph (1) that a complaint be re-investigated, it shall make a determination of the form that the re-investigation should take.

(3) Sub-paragraphs (3) to (7) of paragraph 15 shall apply in relation to a determination under sub-paragraph (2) as they apply in the case of a determination under that paragraph.

(4) The other provisions of this Schedule (including this paragraph) shall apply in relation to any re-investigation in pursuance of a direction under paragraph 25(8) or sub-paragraph (1) of this paragraph as they apply in relation to any investigation in pursuance of a determination under paragraph 15.

(5) The Commission shall give notification of any determination made by it under this paragraph—

(a) to the appropriate authority;

(b) to the complainant;

(c) to every person entitled to be kept properly informed in relation to the complaint under section 21; and

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(d) except in a case where it appears to the Commission that to do so might prejudice any proposed re-investigation of the complaint, to the person complained against.

(6) The Commission shall also give notification of any directions given to the appropriate authority under this paragraph —

(a) to the complainant;

(b) to every person entitled to be kept properly informed in relation to the complaint under section ; and

(c) except in a case where it appears to the Commission that to do so might prejudice any proposed review or re-investigation of the complaint, to the person complained against.

Modifications etc. (not altering text)

C94 Sch. 3 para. 26 applied (with modifications) (1.4.2006) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(5)(6)**, Sch. 3

Commencement Information

I45 Sch. 3 para. 26 wholly in force at 1.4.2004; Sch. 3 para. 26 not in force at Royal Assent see s. 108(2); Sch. 3 para. 26 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 26 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Duties with respect to disciplinary proceedings

27 (1) This paragraph applies where, in the case of any investigation, the appropriate authority—

(a) has given, or is required to give, a notification under paragraph 24(7) of the action it is **[**[F477]required to or will, in its discretion,**]** take in relation to the matters dealt with in any report of the investigation; or

(b) has submitted, or is required to submit, a memorandum to the Commission under paragraph 23 or 25 setting out the action that it is **[**[F478]required to or will, in its discretion,**]** take in relation to those matters.

(2) Subject to paragraph 20 and to any recommendations or directions under the following provisions of this paragraph, it shall be the duty of the appropriate authority—

(a) to take the action which has been or is required to be notified or, as the case may be, which is or is required to be set out in the memorandum; and

(b) in a case where that action consists of or includes the bringing of disciplinary proceedings, to secure that those proceedings, once brought, are proceeded with to a proper conclusion.

(3) Where this paragraph applies by virtue of sub-paragraph (1)(b), the Commission may make a recommendation to the appropriate authority in respect of any person serving with the police—

[[F479](za) that the person has a case to answer in respect of misconduct or gross misconduct or has no case to answer in relation to his conduct to which the investigation related;**]**

[[F480](zb) that the person's performance is, or is not, unsatisfactory;**]**

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[[F481](a) that disciplinary proceedings of the form specified in the recommendation are brought against that person in respect of his conduct**[**[F482], efficiency or effectiveness **]** to which the investigation related;**]**

(b) that any disciplinary proceedings brought against that person are modified so as to **[**[F483]deal with such aspects of that conduct**][**[F484], efficiency or effectiveness**]** as may be so specified;

and it shall be the duty of the appropriate authority to notify the Commission whether it accepts the recommendation and (if it does) to set out in the notification the steps that it is proposing to take to give effect to it.

(4) If, after the Commission has made a recommendation under this paragraph, the appropriate authority does not take steps to secure that full effect is given to the recommendation—

(a) the Commission may direct the appropriate authority to take steps for that purpose; and

(b) it shall be the duty of the appropriate authority to comply with the direction.

(5) A direction under sub-paragraph (4) may, to such extent as the Commission thinks fit, set out the steps to be taken by the appropriate authority in order to give effect to the recommendation.

(6) Where the Commission gives the appropriate authority a direction under this paragraph, it shall supply the appropriate authority with a statement of its reasons for doing so.

(7) Where disciplinary proceedings have been brought in accordance with a recommendation or direction under this paragraph, it shall be the duty of the authority to ensure that they are proceeded with to a proper conclusion.

(8) The Commission may at any time withdraw a direction given under this paragraph; and sub-paragraph (7) shall not impose any obligation in relation to any time after the withdrawal of the direction.

(9) The appropriate authority shall keep the Commission informed—

(a) in a case in which this paragraph applies by virtue of sub-paragraph (1)(b), of whatever action it takes in pursuance of its duty under sub-paragraph (2); and

(b) in every case of a recommendation or direction under this paragraph, of whatever action it takes in response to that recommendation or direction.

Textual Amendments

F477 Words in Sch. 3 para. 27(1)(a) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 18(2)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F478 Words in Sch. 3 para. 27(1)(b) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 18(2)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F479 Sch. 3 para. 27(3)(za) inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 18(3)(a)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F480 Sch. 3 para. 27(3)(zb) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 14(5)(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)

F481 Sch. 3 para. 27(3)(a) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 18(3)(b)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F482 Words in Sch. 3 para. 27(3)(a) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 14(5)(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)

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Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

F483 Words in Sch. 3 para. 27(3)(b) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 18(3)(c)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)

F484 Words in Sch. 3 para. 27(3)(b) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 14(5)(c)**; S.I. 2012/2892, art. 2(g) (with art. 6)

Modifications etc. (not altering text)

C95 Sch. 3 para. 27 applied (with modifications) (28.12.2005) by virtue of The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(4)(6)**, Sch. 3

Commencement Information

I46 Sch. 3 para. 27 wholly in force at 1.4.2004; Sch. 3 para. 27 not in force at Royal Assent see s. 108(2); Sch. 3 para. 27 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 27 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Information for complainant about disciplinary recommendations

28 (1) Where—

(a) the Commission makes recommendations under paragraph 27 in the case of an investigation of a complaint, and

(b) the appropriate authority notify the Commission that the recommendations have been accepted,

the Commission shall notify the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21 of that fact and of the steps that have been, or are to be taken, by the appropriate authority to give effect to it.

(2) Where in the case of an investigation of a complaint the appropriate authority—

(a) notify the Commission that it does not (either in whole or in part) accept recommendations made by the Commission under paragraph 27, or

(b) fails to take steps to give full effect to any such recommendations,

it shall be the duty of the Commission to determine what if any further steps to take under that paragraph.

(3) It shall be the duty of the Commission to notify the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21—

(a) of any determination under sub-paragraph (2) not to take further steps under paragraph 27; and

(b) where they determine under that sub-paragraph to take further steps under that paragraph, of the outcome of the taking of those steps.

Modifications etc. (not altering text)

C96 Sch. 3 para. 28 applied (with modifications) (1.4.2006) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(5)(6)**, Sch. 3

Commencement Information

I47 Sch. 3 para. 28 wholly in force at 1.4.2004; Sch. 3 para. 28 not in force at Royal Assent see s. 108(2); Sch. 3 para. 28 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 28 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
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Minor definitions

[[F485]29 In this Part of this Schedule—

[[F486]"direction and control matter" means a matter that relates to the direction and control of a police force by—

(a) the chief officer of police of that force, or

(b) a person for the time being carrying out the functions of the chief officer of police of that force;**]**

"gross misconduct" means a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal;

"misconduct" means a breach of the Standards of Professional Behaviour;

"the person investigating", in relation to a complaint, recordable conduct matter or DSI matter, means the person appointed or designated to investigate that complaint or matter;

"prescribed" means prescribed by regulations made by the Secretary of State;

"the Standards of Professional Behaviour" means the standards so described in, and established by, regulations made by the Secretary of State.**]**

Textual Amendments

F485 Sch. 3 para. 29 inserted (3.11.2008 for certain purposes and 1.12.2008 otherwise) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 19** (with s. 14(1)); S.I. 2008/2712, art. 2, **Sch. para. 17(b)** (subject to arts. 3, 4); S.I. 2008/2993, **art. 2(1)(i)(ii)** (subject to art. 3)

F486 Words in Sch. 3 para. 29 inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 21**; S.I. 2012/2892, art. 2(g) (with art. 6)

***[**[F487]*Appeals: the relevant appeal body*

Textual Amendments

F487 Sch. 3 paras. 30-32 and cross-heading inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 22**; S.I. 2012/2892, art. 2(g) (with art. 6)

30 (1) The relevant appeal body in relation to an appeal is—

(a) the Commission, in a case where the relevant complaint falls within a description of complaints specified in regulations made by the Secretary of State for the purposes of this paragraph; or

(b) the chief officer of police who is the appropriate authority in relation to the relevant complaint, in any other case.

(2) In this paragraph and paragraphs 31 and 32—

"appeal" means an appeal under paragraph 7(8), 8A, 21(7) or 25(2);

"relevant complaint", in relation to an appeal, means the complaint to which the appeal relates.

31 (1) This paragraph applies in a case where—

(a) an appeal is made to the Commission, and

(b) the appropriate authority is the relevant appeal body in relation to the appeal.

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(2) The Commission must—
(a) forward the appeal to the appropriate authority; and
(b) notify the person who made the appeal—
(i) that the appropriate authority is the relevant appeal body; and
(ii) the appeal has been forwarded.

(3) The appeal is to be taken to have been—
(a) made to the appropriate authority, and
(b) so made at the time when it is forwarded to the appropriate authority.

32 (1) This paragraph applies in a case where—
(a) an appeal is made to the appropriate authority; and
(b) the Commission is the relevant appeal body in relation to the appeal.

(2) The appropriate authority must—
(a) forward the appeal to the Commission; and
(b) notify the person who made the appeal—
(i) that the Commission is the relevant appeal body; and
(ii) the appeal has been forwarded.

(3) The appeal is to be taken to have been—
(a) made to the Commission; and
(b) so made at the time when it is forwarded to the Commission.**]**

SCHEDULE 4

Section 38

POWERS EXERCISABLE BY POLICE CIVILIANS

Modifications etc. (not altering text)
C97 Sch. 4 applied (with modifications) (1.7.2004) by Railways and Transport Safety Act 2003 (c. 20), **ss. 28(1)(g)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

PART 1

COMMUNITY SUPPORT OFFICERS

Powers to issue fixed penalty notices

1 (1) Where a designation applies this paragraph to any person, that person shall have the powers specified in sub-paragraph (2) in relation to any individual who he has reason to believe has committed a relevant fixed penalty offence at a place within the relevant police area.

(2) Those powers are the following powers so far as exercisable in respect of a relevant fixed penalty offence—

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(a) the powers of a constable in uniform and of an authorised constable to give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (c. 16) (fixed penalty notices in respect of offences of disorder);

[[F488](aa) the power of a constable to give a penalty notice under section 444A of the Education Act 1996 (penalty notice in respect of failure to secure regular attendance at school of registered pupil);**]**

[[F489](ab) the power of a constable to give a penalty notice under section 105 of the Education and Inspections Act 2006 (penalty notice in respect of presence of excluded pupil in public place);**]**

(b) the power of a constable in uniform to give a person a fixed penalty notice under section 54 of the Road Traffic Offenders Act 1988 (c. 53) (fixed penalty notices) in respect of an offence under section 72 of the Highway Act 1835 (c. 50) (riding on a footway) committed by cycling;

(c) [F490] . . . . . .

[[F491](ca) the power of an authorised officer of a local authority to give a notice under section 43(1) of the Anti-social Behaviour Act 2003 (penalty notices in respect of graffiti or fly-posting); and**]**

(d) the power of an authorised officer of a litter authority to give a notice under section 88 of the Environmental Protection Act 1990 (c. 43) (fixed penalty notices in respect of litter)**[**[F492] and

(e) the power of an authorised officer of a primary or secondary authority, within the meaning of section 59 of the Clean Neighbourhoods and Environment Act 2005, to give a notice under that section (fixed penalty notices in respect of offences under dog control orders).**]**

[[F493](2A) The reference to the powers mentioned in sub-paragraph (2)(a) does not include those powers so far as they relate to an offence under the provisions in the following list—

section 1 of the Theft Act 1968,

section 87 of the Environmental Protection Act 1990.**]**

(3) In this paragraph "relevant fixed penalty offence", in relation to a designated person, means an offence which—

(a) is an offence by reference to which a notice may be given to a person in exercise of any of the powers mentioned in **[**[F494]sub-paragraph (2)(a) to (e)**]** ; and

(b) is specified or described in **[**[F495]a designation by which this paragraph is applied to the designated person as an offence which the designated person**]** has been designated to enforce under this paragraph.

[[F496](3A) For the purposes of paragraph (e) of section 64A(1B) of the Police and Criminal Evidence Act 1984 (photographing of suspects in relation to fixed penalty offences) "relevant fixed penalty offence", in relation to a designated person, includes an offence under a relevant byelaw within the meaning of paragraph 1ZA(4) (and, accordingly, the reference in that paragraph (e) to paragraph 1 of this Schedule includes a reference to paragraph 1ZA of this Schedule).**]**

[[F497](4) In its application to an offence which is an offence by reference to which a notice may be given to a person in exercise of the power mentioned in sub-paragraph (2)(aa) **[**[F498]or (ab)**]** , sub-paragraph (1) shall have effect as if for the words from "who he has reason to believe" to the end there were substituted "in the relevant police area who he has reason to believe has committed a relevant fixed penalty offence".**]**

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Textual Amendments

F488 Sch. 4 para. 1(2)(aa) inserted (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 23(3)**, 93; S.I. 2003/3300, **art. 3(a)(ii)**

F489 Sch. 4 para. 1(2)(ab) inserted (1.9.2007) by Education and Inspections Act 2006 (c. 40), **ss. 107(2)**, 188; S.I. 2007/1801, **art. 4(h)**

F490 Sch. 4 para. 1(2)(c) repealed (6.4.2006 for E. and 15.3.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 107, 108, **Sch. 5 Pt. 5**; S.I. 2006/795, **art. 2(3)**, Sch. 2 (with art. 4(3)(b)); S.I. 2006/2797, **art. 5(g)** (with art. 10(3)(b)) (as amended (30.1.2007) by S.I. 2007/120, art. 3); S.I. 2007/702

F491 Sch. 4 para. 1(2)(ca) inserted (31.3.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 46(1)(b)**, 93; S.I. 2004/690, **art. 2(a)(i)**

F492 Sch. 4 para. 1(2)(e) and preceding word inserted (6.4.2006 for E. and 15.3.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 62(2)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 4(x)**; S.I. 2007/739

F493 Sch. 4 para. 1(2A) inserted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 122(3)(a)**, 178; S.I. 2005/1521, **art. 3(1)(h)**; S.I. 2005/2026, **art. 2(d)**

F494 Words in Sch. 4 para. 1(3)(a) substituted (27.1.2010) for the words "sub-paragraph 1(2)(a) to (d)" by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 135, 245, **Sch. 6 para. 4(1)**; S.I. 2010/112, **art. 2(g)**

F495 Words in Sch. 4 para. 1(3)(b) substituted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 5(2)(b)**; S.I. 2007/3203, **art. 2(c)**

F496 Sch. 4 para. 1(3A) inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 133(2)(a)**, 245; S.I. 2010/112, **art. 2(e)**

F497 Sch. 4 para. 1(4) inserted (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 23(4)**, 93; S.I. 2003/3300, **art. 3(a)(ii)**

F498 Words in Sch. 4 para. 1(4) inserted (1.9.2007) by Education and Inspections Act 2006 (c. 40), **ss. 107(3)**, 188; S.I. 2007/1801, **art. 4(h)**

Modifications etc. (not altering text)

C98 Sch. 4 para. 1 applied in part (1.12.2007) by The Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007 (S.I. 2007/3202), art. 2, **Sch.**

C99 Sch. 4 para. 1(2)(a) modified (1.11.2004) by The Criminal Justice and Police Act 2001 (Amendment) and Police Reform Act 2002 (Modification) Order 2004 (S.I. 2004/2540), arts. 1(4), **4**

Commencement Information

I48 Sch. 4 para. 1 wholly in force at 15.11.2003; Sch. 4 para. 1 not in force at Royal Assent, see s. 108(2); Sch. 4 para. 1 (except sub-paragraph 1(2)(a)) in force at 2.12.2002 by S.I. 2002/2750, **art. 2(a)(ii)(a)**; Sch. 4 para. 1(2)(a) in force at 15.11.2003 by S.I. 2003/2593, **art. 2(d)**

[F499 1ZA(1) This paragraph applies if a designation applies it to any person.

(2) Such a designation may specify that, in relation to that person, the application of sub-paragraph (3) is confined to one or more only (and not all) relevant byelaws, being in each case specified in the designation.

(3) Where that person has reason to believe that an individual has committed an offence against a relevant byelaw at a place within the relevant police area, he may exercise the power of an authorised officer of an authority to give a notice under section 237A of the Local Government Act 1972 (fixed penalty notices in relation to offences against certain byelaws).

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(4) In this paragraph "relevant byelaw", in relation to a designated person, means a byelaw which—

(a) falls within sub-paragraph (5); and

(b) is specified or described in that person's designation as a byelaw he has been designated to enforce under this paragraph.

(5) A byelaw falls within this sub-paragraph if—

(a) it is a byelaw to which section 237A of the Local Government Act 1972 applies (fixed penalty notices in relation to offences against certain byelaws); and

(b) the chief officer of the police force for the relevant police area and the authority who made the byelaw have agreed to include it in a list of byelaws for the purposes of this sub-paragraph.

(6) A list under sub-paragraph (5)(b) must be published by the chief officer in such a way as to bring it to the attention of members of the public in localities where the byelaws in the list apply.

(7) The list may be amended from time to time by agreement between the chief officer and the authority, by adding byelaws to it or removing byelaws from it, and the amended list shall also be published by the chief officer as mentioned in sub-paragraph (6).**]**

Textual Amendments

F499 Sch. 4 para. 1ZA inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 133(2)(b)**, 245; S.I. 2010/112, **art. 2(e)**

Power to require name and address

[F500 1A(1) This paragraph applies if a designation applies it to any person.

(2) **[F501** A designation by which this paragraph is applied to a person may specify that the application of sub-paragraph (3) by that designation to that person**]** is confined to one or more only (and not to all) relevant offences or relevant licensing offences, being in each case specified in the designation.

(3) Subject to sub-paragraph (4), where that person has reason to believe that another person has committed a relevant offence in the relevant police area, or a relevant licensing offence (whether or not in the relevant police area), he may require that other person to give him his name and address.

(4) The power to impose a requirement under sub-paragraph (3) in relation to an offence under a relevant byelaw is exercisable only in a place to which the byelaw relates.

(5) A person who fails to comply with a requirement under sub-paragraph (3) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(6) In its application to an offence which is an offence by reference to which a notice may be given to a person in exercise of the power mentioned in paragraph 1(2)(aa), sub-paragraph (3) of this paragraph shall have effect as if for the words "has committed

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a relevant offence in the relevant police area" there were substituted in the relevant police area has committed a relevant offence.

(7) In this paragraph, "relevant offence", "relevant licensing offence" and "relevant byelaw" have the meaning given in paragraph 2 (reading accordingly the references to "this paragraph" in paragraph 2(6)).**]**

Textual Amendments

F500 Sch. 4 para. 1A inserted (1.7.2005 for certain purposes and 1.1.2006 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 2**; S.I. 2005/1521, **art. 3(1)(h)(i)**; S.I. 2005/3495, **art. 2(1)(q)(r)**

F501 Words in Sch. 4 para. 1A(2) substituted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 5(3)**; S.I. 2007/3203, **art. 2(c)**

Modifications etc. (not altering text)

C100 Sch. 4 para. 1A applied (1.12.2007) by The Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007 (S.I. 2007/3202), art. 2, **Sch.**

Power to detain etc.

2 (1) This paragraph applies if a designation applies it to any person.

[[F502](2) A designation may not apply this paragraph to any person unless a designation also applies paragraph 1A to him.**]**

(3) Where, in a case in which a requirement under **[**[F503]paragraph 1A(3)**]** has been imposed on another person—

(a) that other person fails to comply with the requirement, or

(b) the person who imposed the requirement has reasonable grounds for suspecting that the other person has given him a name or address that is false or inaccurate,

the person who imposed the requirement may require the other person to wait with him, for a period not exceeding thirty minutes, for the arrival of a constable.**[**[F504] This sub-paragraph does not apply if the requirement was imposed in connection with a relevant licensing offence mentioned in paragraph (a), (c) or (f) of sub-paragraph (6A) believed to have been committed on licensed premises (within the meaning of the Licensing Act 2003).**]**

[[F505](3A) Where—

(a) a designation applies this paragraph to any person ("the CSO"); and

(b) by virtue of a designation **[**[F506]applying paragraph 1A to the CSO,**]** the CSO has the power to impose a requirement under sub-paragraph (3) of that paragraph in relation to an offence under a relevant byelaw,

the CSO shall also have any power a constable has under the relevant byelaw to remove a person from a place.

(3B) Where a person to whom this paragraph applies ("the CSO") has reason to believe that another person is committing an offence under section 3 or 4 of the Vagrancy Act 1824, and requires him to stop doing whatever gives rise to that belief, the CSO may, if the other person fails to stop as required, require him to wait with the CSO, for a period not exceeding thirty minutes, for the arrival of a constable.**]**

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(4) A person who has been required under sub-paragraph (3) **[**[F507]or (3B)**]** to wait with a person to whom **[**[F508]this paragraph is applied**]** may, if requested to do so, elect that (instead of waiting) he will accompany the person imposing the requirement to a police station in the relevant police area.

[[F509](4A) If a person has imposed a requirement under sub-paragraph (3) or (3B) on another person ("P"), and P does not make an election under sub-paragraph (4), the person imposing the requirement shall, if a constable arrives within the thirty-minute period, be under a duty to remain with the constable and P until he has transferred control of P to the constable.

(4B) If, following an election under sub-paragraph (4), the person imposing the requirement under sub-paragraph (3) or (3B) ("the CSO") takes the person upon whom it is imposed ("P") to a police station, the CSO—

(a) shall be under a duty to remain at the police station until he has transferred control of P to the custody officer there;

(b) until he has so transferred control of P, shall be treated for all purposes as having P in his lawful custody; and

(c) for so long as he is at the police station, or in its immediate vicinity, in compliance with, or having complied with, his duty under paragraph (a), shall be under a duty to prevent P's escape and to assist in keeping P under control.**]**

(5) A person who—

(a) [F510] . . . . . .

(b) makes off while subject to a requirement under sub-paragraph (3) **[**[F511]or (3B)**]** , or

(c) makes off while accompanying a person to a police station in accordance with an election under sub-paragraph (4),

is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(6) In this paragraph "relevant offence", in relation to a person to whom this paragraph applies, means any offence which is—

(a) a relevant fixed penalty offence for the purposes of the application of paragraph 1 to that person; or

[[F512](aa) an offence under section 32(2) of the Anti-social Behaviour Act 2003; or**]**

[[F513](aza) an offence under a relevant byelaw within the meaning of paragraph 1ZA(4); or**]**

[[F514](ab) an offence committed in a specified park which by virtue of section 2 of the Parks Regulation (Amendment) Act 1926 is an offence against the Parks Regulation Act 1872; or**]**

[[F515](ac) an offence under section 3 or 4 of the Vagrancy Act 1824; or

(ad) an offence under a relevant byelaw; or**]**

(b) an offence the commission of which appears to that person to have caused—

(i) injury, alarm or distress to any other person; or

(ii) the loss of, or any damage to, any other person's property;

but a designation applying this paragraph to any person may provide that **[**[F516], for the purposes of this paragraph as applied to that person by that

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designation,**]** an offence is not to be treated as a relevant offence by virtue of paragraph (b) unless it satisfies such other conditions as may be specified in the designation.

[[F517](6A) In this paragraph "relevant licensing offence" means an offence under any of the following provisions of the Licensing Act 2003—

(a) section 141 (otherwise than by virtue of subsection (2)(c) or (3) of that section);
(b) section 142;
(c) section 146(1);
(d) section 149(1)(a), (3)(a) or (4)(a);
(e) section 150(1);
(f) section 150(2) (otherwise than by virtue of subsection (3)(b) of that section);
(g) section 152(1) (excluding paragraph (b)).

(6B) In this paragraph "relevant byelaw" means a byelaw included in a list of byelaws which—

(a) have been made by a relevant body with authority to make byelaws for any place within the relevant police area; and
(b) the chief officer of the police force for the relevant police area and the relevant body have agreed to include in the list.

(6C) The list must be published by the chief officer in such a way as to bring it to the attention of members of the public in localities where the byelaws in the list apply.

(6D) A list of byelaws mentioned in sub-paragraph (6B) may be amended from time to time by agreement between the chief officer and the relevant body in question, by adding byelaws to it or removing byelaws from it, and the amended list shall also be published by the chief officer as mentioned in sub-paragraph (6C).

(6E) A relevant body for the purposes of sub-paragraph (6B) is—

(a) in England, a county council, a district council, a London borough council or a parish council; or in Wales, a county council, a county borough council or a community council;
(b) the Greater London Authority;
(c) Transport for London;
[[F518](d) an Integrated Transport Authority for an integrated transport area in England;
[[F519](da) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;**]]**
(e) any body specified in an order made by the Secretary of State.

(6F) An order under sub-paragraph (6E)(e) may provide, in relation to any body specified in the order, that the agreement mentioned in sub-paragraph (6B)(b) and (6D) is to be made between the chief officer and the Secretary of State (rather than between the chief officer and the relevant body).**]**

(7) [F520]. . . . . .

[[F521](8) The application of any provision of this paragraph by paragraph 3(2), 3A(2) **[**[F522], 7A(8) or 7C(2)**]** has no effect unless a designation [F523]. . . has applied this paragraph to the CSO in question.**]**

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F502 Sch. 4 para. 2(2) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 3(2)**; S.I. 2005/1521, **art. 3(1)(h)(i)**

F503 Words in Sch. 4 para. 2(3) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 3(3)(a)**; S.I. 2005/1521, **art. 3(1)(h)(i)**

F504 Words in Sch. 4 para. 2(3) added (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 3(3)(b)**; S.I. 2005/3495, **art. 2(1)(q)(r)**

F505 Sch. 4 para. 2(3A)(3B) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 3(4)**; S.I. 2005/1521, **art. 3(1)(h)(i)**

F506 Words in Sch. 4 para. 2(3A)(b) substituted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 5(4)**; S.I. 2007/3203, **art. 2(c)**

F507 Words in Sch. 4 para. 2(4) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 3(5)**; S.I. 2005/1521, **art. 3(1)(h)(i)**

F508 Words in Sch. 4 para. 2(4) substituted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 5(5)**; S.I. 2007/3203, **art. 2(c)**

F509 Sch. 4 para. 2(4A)(4B) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 2**; S.I. 2005/1521, **art. 3(1)(h)(j)**

F510 Sch. 4 para. 2(5)(a) repealed (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 174, 178, Sch. 8 para. 3(6)(a), **Sch. 17 Pt. 2**; S.I. 2005/1521, **art. 3(1)(h)(i)(cc)(ee)(vii)**

F511 Words in Sch. 4 para. 2(5)(b) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 3(6)(b)**; S.I. 2005/1521, **art. 3(1)(h)(i)**

F512 Sch. 4 para. 2(6)(aa) inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 33(2)**, 93; S.I. 2003/3300, **art. 2(b)**

F513 Sch. 4 para. 2(6)(aza) and word inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 133(2)(c)**, 245; S.I. 2010/112, **art. 2(e)**

F514 Sch. 4 para. 2(6)(ab) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 161, 178, **Sch. 13 para. 13(2)**; S.I. 2005/1521, **art. 3(1)(x)(y)**

F515 Sch. 4 para. 2(6)(ac)(ad) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 3(7)**; S.I. 2005/1521, **art. 3(1)(h)(i)**

F516 Words in Sch. 4 para. 2(6) inserted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 5(6)**; S.I. 2007/3203, **art. 2(c)**

F517 Sch. 4 para. 2(6A)-(6F) inserted (1.7.2005 for the insertion of para. 2(6B)-(6F) and 1.1.2006 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 3(8)**; S.I. 2005/1521, **art. 3(1)(h)(i)**; S.I. 2005/3495, **art. 2(1)(q)(r)**

F518 Sch. 4 para. 2(6E)(d) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), ss. 77, 134, **Sch. 4 para. 65(2)**; S.I. 2009/107, **art. 2(1)** (subject to Sch. 1 Pt. 2)

F519 Sch. 4 para. 2(6E)(da) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 116**; S.I. 2009/3318, **art. 2(c)**

F520 Sch. 4 para. 2(7) repealed (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 174, 178, Sch. 8 para. 3(9), **Sch. 17 Pt. 2**; S.I. 2005/1521, **art. 3(1)(h)(i)(cc)(ee)(vii)**

F521 Sch. 4 para. 2(8) added (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 3(10)**; S.I. 2005/1521, **art. 3(1)(h)(i)**

F522 Words in Sch. 4 para. 2(8) substituted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 5(7)(a)**; S.I. 2007/3203, **art. 2(c)**

F523 Words in Sch. 4 para. 2(8) repealed (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 52, 53, Sch. 5 para. 5(7)(b), **Sch. 15 Pt. 1(B)**; S.I. 2007/3203, **art. 2(e)**

Commencement Information

I49 Sch. 4 para. 2 wholly in force at 23.12.2004; Sch. 4 para. 2 not in force at Royal Assent, see s. 108(2); Sch. 4 para. 2(1)(2)(5) (except sub- paragraphs (b)(c)) and (6) in force at 2.12.2002 by S.I. 2002/2750, **art.**

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2(a)(ii)(b); Sch. 4 para. 2(3)(4)(5)(b)(c) in force for specified areas only at 2.12.2002 by S.I. 2002/2750, **art. 3**; Sch. 4 para. 2 in force in so far as not already in force at 23.12.2004 by S.I. 2004/3338, **art. 2(a)**

Powers to search individuals and to seize and retain items

[[F524]2A(1) Where a designation applies this paragraph to any person, that person shall (subject to sub-paragraph (3)) have the powers mentioned in sub-paragraph (2) in relation to a person upon whom he has imposed a requirement to wait under paragraph 2(3) or (3B) (whether or not that person makes an election under paragraph 2(4)).

(2) Those powers are the same powers as a constable has under section 32 of the 1984 Act in relation to a person arrested at a place other than a police station—

(a) to search the arrested person if the constable has reasonable grounds for believing that the arrested person may present a danger to himself or others; and to seize and retain anything he finds on exercising that power, if the constable has reasonable grounds for believing that the person being searched might use it to cause physical injury to himself or to any other person;

(b) to search the arrested person for anything which he might use to assist him to escape from lawful custody; and to seize and retain anything he finds on exercising that power (other than an item subject to legal privilege) if the constable has reasonable grounds for believing that the person being searched might use it to assist him to escape from lawful custody.

(3) If in exercise of the power conferred by sub-paragraph (1) the person to whom this paragraph applies seizes and retains anything by virtue of sub-paragraph (2), he must—

(a) tell the person from whom it was seized where inquiries about its recovery may be made; and

(b) comply with a constable's instructions about what to do with it.**]**

Textual Amendments

F524 Sch. 4 para. 2A inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 4**; S.I. 2005/3495, **art. 2(1)(q)(r)**

Power to require name and address of person acting in an anti-social manner

3 (1) Where a designation applies this paragraph to any person, that person shall, in the relevant police area, have the powers of a constable in uniform under section 50 to require a person whom he has reason to believe to have been acting, or to be acting, in an anti-social manner (within the meaning of section 1 of the Crime and Disorder Act 1998 (c. 37) (anti-social behaviour orders)) to give his name and address.

(2) Sub-paragraphs (3) to (5) of paragraph 2 apply in the case of a requirement imposed by virtue of sub-paragraph (1) as they apply in the case of a requirement under **[**[F525]paragraph 1A(3)**]** .

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F525 Words in Sch. 4 para. 3(2) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 5**; S.I. 2005/1521, **art. 3(1)(h)(i)**

Modifications etc. (not altering text)

C101 Sch. 4 para. 3 applied (1.12.2007) by The Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007 (S.I. 2007/3202), art. 2, **Sch.**

Commencement Information

I50 Sch. 4 para. 3 wholly in force at 23.12.2004; Sch. 4 para. 3 not in force at Royal Assent, see s. 108(2); Sch. 4 para. 3(1) in force at 2.12.2002 by S.I. 2002/2750, **art. 2(a)(ii)(c)**; Sch. 4 para. 3(2) in force for specified areas only at 2.12.2002 by S. I. 2002/2750, **art. 3**; Sch. 4 para. 3(2) in force in so far as not already in force at 23.12.2004 by S.I. 2004/3338, **art. 2(b)**

Power to require name and address: road traffic offences

[[F526]3A(1) Where a designation applies this paragraph to any person, that person shall, in the relevant police area, have the powers of a constable—

(a) under subsection (1) of section 165 of the Road Traffic Act 1988 to require a person mentioned in paragraph (c) of that subsection who he has reasonable cause to believe has committed, in the relevant police area, an offence under subsection (1) or (2) of section 35 of that Act (including that section as extended by paragraphs 11B(4) and 12(2) of this Schedule) to give his name and address; and

(b) under section 169 of that Act to require a person committing an offence under section 37 of that Act (including that section as extended by paragraphs 11B(4) and 12(2) of this Schedule) to give his name and address.

(2) Sub-paragraphs (3) to (5) of paragraph 2 apply in the case of a requirement imposed by virtue of sub-paragraph (1) as they apply in the case of a requirement under paragraph 1A(3).

(3) The reference in section 169 of the Road Traffic Act 1988 to section 37 of that Act is to be taken to include a reference to that section as extended by paragraphs 11B(4) and 12(2) of this Schedule.**]**

Textual Amendments

F526 Sch. 4 para. 3A inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 6**; S.I. 2005/1521, **art. 3(1)(h)(i)**

Modifications etc. (not altering text)

C102 Sch. 4 para. 3A applied (1.12.2007) by The Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007 (S.I. 2007/3202), art. 2, **Sch.**

Power to use reasonable force to detain person

4 (1) **[**[F527]Sub-paragraph (3) applies**]** where a designation—

(a) applies this paragraph to a person to whom any or all of paragraphs 1 to 3 are also applied; and

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(b) **[**[F528]sets out matters**]** in respect of which that person has the power conferred by this paragraph.

(2) The matters that may be set out in a designation **[**[F529]as matters**]** in respect of which a person has the power conferred by this paragraph shall be confined to—

(a) offences that are relevant penalty notice offences for the purposes of the application of paragraph 1 to the designated person;

(b) offences that are relevant offences **[**[F530]or relevant licensing offences**]** for the purposes of the application of paragraph **[**[F531]1A or**]** 2 to the designated person; and

(c) behaviour that constitutes acting in an anti-social manner (within the meaning of section 1 of the Crime and Disorder Act 1998 (c. 37) (anti-social behaviour orders)).

(3) In any case in which a person to whom this paragraph applies has imposed a requirement on any other person under **[**[F532]paragraph 1A(3)**]** or 3(1) in respect of anything appearing to him to be a matter set out in the designation, he may use reasonable force to prevent that other person from making off **[**[F533]and to keep him under control**]** while he is either—

(a) subject to a requirement imposed in that case by the designated person under sub-paragraph (3) of paragraph 2; or

(b) accompanying the designated person to a police station in accordance with an election made in that case under sub-paragraph (4) of that paragraph.

Textual Amendments

F527 Words in Sch. 4 para. 4(1) substituted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 5(8)(a)**; S.I. 2007/3203, **art. 2(c)**

F528 Words in Sch. 4 para. 4(1)(b) substituted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 5(8)(b)**; S.I. 2007/3203, **art. 2(c)**

F529 Words in Sch. 4 para. 4(2) substituted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 5(8)(c)**;S.I. 2007/3203, **art. 2(c)**

F530 Words in Sch. 4 para. 4(2)(b) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 3(a)**; S.I. 2005/1521, **art. 3(1)(h)(j)**

F531 Words in Sch. 4 para. 4(2)(b) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 7(a)**; S.I. 2005/1521, **art. 3(1)(h)(i)**

F532 Words in Sch. 4 para. 4(3) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 7(b)**; S.I. 2005/1521, **art. 3(1)(h)(i)**

F533 Words in Sch. 4 para. 4(3) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 3(b)**; S.I. 2005/1521, **art. 3(1)(h)(j)**

Commencement Information

I51 Sch. 4 para. 4 wholly in force at 23.12.2004; Sch. 4 para. 4 not in force at Royal Assent, see s. 108(2); Sch. 4 para. 4 in force for specified areas only at 2.12.2002 by S.I. 2002/2750, **art. 3**; Sch. 4 para. 4 in force in so far as not already in force at 23.12.2004 by S.I. 2004/3338, **art. 2(c)**

[[F534]4ZA Where a designation applies this paragraph to any person, that person may, if he has imposed a requirement on any person to wait with him under paragraph 2(3B) or by virtue of paragraph 7A(8) or 7C(2)(a), use reasonable force to prevent that other person from making off and to keep him under control while he is either—

(a) subject to that requirement; or

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(b) accompanying the designated person to a police station in accordance with an election made under paragraph 2(4).

Textual Amendments

F534 Sch. 4 paras. 4ZA, 4ZB inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 4**; S.I. 2005/1521, **art. 3(1)(h)(j)**

4ZB Where a designation applies this paragraph to any person, that person, if he is complying with any duty under sub-paragraph (4A) or (4B) of paragraph 2, may use reasonable force to prevent P (as identified in those sub-paragraphs) from making off (or escaping) and to keep him under control.**]**

Textual Amendments

F534 Sch. 4 paras. 4ZA, 4ZB inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 4**; S.I. 2005/1521, **art. 3(1)(h)(j)**

Power to disperse groups and remove young persons to their place of residence

[[F535]4A Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the powers which, by virtue of an authorisation under section 30 of the Anti-social Behaviour Act 2003, are conferred on a constable in uniform by section 30(3) to (6) of that Act (power to disperse groups and remove persons under 16 to their place of residence).

Textual Amendments

F535 Sch. 4 paras. 4A, 4B inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 33(3)**, 93; S.I. 2003/3300, **art. 2(b)**

Power to disperse groups and remove young persons to their place of residence

4B (1) Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the power of a constable under section 15(3) of the Crime and Disorder Act 1998 (power to remove child to their place of residence).

(2) Section 15(1) of that Act shall have effect in relation to the exercise of that power by that person as if the reference to a constable in that section were a reference to that person.

(3) Where that person exercises that power, the duty in section 15(2) of that Act (duty to inform local authority of contravention of curfew notice) is to apply to him as it applies to a constable.**]**

Textual Amendments

F535 Sch. 4 paras. 4A, 4B inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 33(3)**, 93; S.I. 2003/3300, **art. 2(b)**

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*Power to remove truants **[**[F537]and excluded pupils**]** to designated premises etc.*

[[F536]4C Where a designation applies this paragraph to any person, that person shall—

(a) as respects any area falling within the relevant police area and specified in a direction under section 16(2) of the Crime and Disorder Act 1998, but

(b) only during the period specified in the direction,

have the powers conferred on a constable by **[**[F538]section 16(3) or (3ZA) of that Act (power to remove truant or excluded pupil found in specified area to designated premises or, in case of truant, to the school from which he is absent).**]]**

Textual Amendments

F536 Sch. 4 para. 4C inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), **ss. 8**, 53; S.I. 2007/709, **art. 3(f)** (subject to arts. 6, 7)

F537 Words in Sch. 4 para. 4C heading inserted (1.9.2007 (E.) and 31.10.2010 (W.)) by Education and Inspections Act 2006 (c. 40), **ss. 108(7)(b)**, 188; S.I. 2007/1801, **art. 3(e)**; S.I. 2010/2543, **art. 2(j)**

F538 Words in Sch. 4 para. 4C substituted (1.9.2007 (E.) and 31.10.2010 (W.)) by Education and Inspections Act 2006 (c. 40), **ss. 108(7)(a)**, 188; S.I. 2007/1801, **art. 3(e)**; S.I. 2010/2543, **art. 2(j)**

Alcohol consumption in designated public places

5 Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the powers of a constable under section 12 of the Criminal Justice and Police Act 2001 (c. 16) (alcohol consumption in public places)—

(a) to impose a requirement under subsection (2) of that section; and

(b) to dispose under subsection (3) of that section of anything surrendered to him;

and that section shall have effect in relation to the exercise of those powers by that person as if the references to a constable in subsections (1) and (5) were references to that person.

Modifications etc. (not altering text)

C103 Sch. 4 para. 5 applied (1.12.2007) by The Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007 (S.I. 2007/3202), art. 2, **Sch.**

Power to serve closure notice for licensed premises persistently selling to children

[[F539]5A Where a designation applies this paragraph to any person, that person shall have—

(a) within the relevant police area, and

(b) if it appears to him as mentioned in subsection (7) of section 169A of the Licensing Act 2003 (closure notices served on licensed premises persistently serving children),

the capacity of a constable under that subsection to be the person by whose delivery of a closure notice that notice is served.**]**

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
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Textual Amendments

F539 Sch. 4 para. 5A inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), **ss. 24(6)**, 66; S.I. 2007/858, **art. 2(a)**

Confiscation of alcohol

6 Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the powers of a constable under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (c. 33) (confiscation of intoxicating liquor)—

(a) to impose a requirement under subsection (1) **[**[F540]or (1AA)**]** of that section; and

(b) to dispose under subsection (2) of that section of anything surrendered to him;

and that section shall have effect in relation to the exercise of those powers by that person as if the references to a constable in **[**[F541]subsections (1), (1AA) and (4) (but not the reference in subsection (1AB) (removal))**]** were references to that person.

Textual Amendments

F540 Words in Sch. 4 para. 6 inserted (29.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116, {Sch, 7 para. 27(a)}; S.I. 2010/125, **art. 2(t)**

F541 Words in Sch. 4 para. 6 substituted (29.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116, {Sch, 7 para. 27(b)}; S.I. 2010/125, **art. 2(t)**

Modifications etc. (not altering text)

C104 Sch. 4 para. 6 applied (1.12.2007) by The Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007 (S.I. 2007/3202), art. 2, **Sch.**

Confiscation of tobacco etc.

7 Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have—

(a) the power to seize anything that a constable in uniform has a duty to seize under subsection (3) of section 7 of the Children and Young Persons Act 1933 (c. 12) (seizure of tobacco etc. from young persons); and

(b) the power to dispose of anything that a constable may dispose of under that subsection;

and the power to dispose of anything shall be a power to dispose of it in such manner as the **[**[F542]local policing body**]** may direct.

Textual Amendments

F542 Words in Sch. 4 para. 7 substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 303**; S.I. 2011/3019, art. 3, Sch. 1

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Modifications etc. (not altering text)

C105 Sch. 4 para. 7 applied (1.12.2007) by The Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007 (S.I. 2007/3202), art. 2, **Sch.**

Search and seizure powers: alcohol and tobacco

[F543 7A (1) Where a designation applies this paragraph to any person ("the CSO"), the CSO shall have the powers set out below.

(2) Where—

(a) in exercise of the powers referred to in paragraph 5 or 6 the CSO has imposed, under section 12(2) of the Criminal Justice and Police Act 2001 or under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997, a requirement on a person to surrender alcohol or a container for alcohol;

(b) that person fails to comply with that requirement; and

(c) the CSO reasonably believes that the person has alcohol or a container for alcohol in his possession,

the CSO may search him for it.

(3) Where—

(a) in exercise of the powers referred to in paragraph 7 the CSO has sought to seize something which by virtue of that paragraph he has a power to seize;

(b) the person from whom he sought to seize it fails to surrender it; and

(c) the CSO reasonably believes that the person has it in his possession,

the CSO may search him for it.

(4) The power to search conferred by sub-paragraph (2) or (3)—

(a) is to do so only to the extent that is reasonably required for the purpose of discovering whatever the CSO is searching for; and

(b) does not authorise the CSO to require a person to remove any of his clothing in public other than an outer coat, jacket or gloves.

(5) A person who without reasonable excuse fails to consent to being searched is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(6) A CSO who proposes to exercise the power to search a person under sub-paragraph (2) or (3) must inform him that failing without reasonable excuse to consent to being searched is an offence.

(7) If the person in question fails to consent to being searched, the CSO may require him to give the CSO his name and address.

(8) Sub-paragraph (3) of paragraph 2 applies in the case of a requirement imposed by virtue of sub-paragraph (7) as it applies in the case of a requirement under paragraph 1A(3); and sub-paragraphs (4) to (5) of paragraph 2 also apply accordingly.

(9) If on searching the person the CSO discovers what he is searching for, he may seize it and dispose of it.

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Textual Amendments

F543 Sch. 4 paras. 7A-7C inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 8**; S.I. 2005/3495, **art. 2(1)(q)(r)**

Powers to seize and detain: controlled drugs

7B (1) Where a designation applies this paragraph to any person ("the CSO"), the CSO shall, within the relevant police area, have the powers set out in sub-paragraphs (2) and (3).

(2) If the CSO—

(a) finds a controlled drug in a person's possession **[**[F544](whether or not the CSO finds it in the course of searching the person by virtue of any paragraph of this Part of this Schedule being applied to the CSO by a designation); and**]**

(b) reasonably believes that it is unlawful for the person to be in possession of it,

the CSO may seize it and retain it.

(3) If the CSO—

(a) finds a controlled drug in a person's possession (as mentioned in sub-paragraph (2)); or

(b) reasonably believes that a person is in possession of a controlled drug,

and reasonably believes that it is unlawful for the person to be in possession of it, the CSO may require him to give the CSO his name and address.

(4) If in exercise of the power conferred by sub-paragraph (2) the CSO seizes and retains a controlled drug, he must—

(a) if the person from whom it was seized maintains that he was lawfully in possession of it, tell the person where inquiries about its recovery may be made; and

(b) comply with a constable's instructions about what to do with it.

(5) A person who fails to comply with a requirement under sub-paragraph (3) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(6) In this paragraph, "controlled drug" has the same meaning as in the Misuse of Drugs Act 1971.

Textual Amendments

F543 Sch. 4 paras. 7A-7C inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 8**; S.I. 2005/3495, **art. 2(1)(q)(r)**

F544 Words in Sch. 4 para. 7B(2)(a) substituted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 5(9)**; S.I. 2007/3203, **art. 2(c)**

Modifications etc. (not altering text)

C106 Sch. 4 para. 7B applied (1.12.2007) by The Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007 (S.I. 2007/3202), art. 2, **Sch.**

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Powers to seize and detain: controlled drugs

7C (1) Sub-paragraph (2) applies where a designation applies this paragraph to any person ("the CSO").

(2) If the CSO imposes a requirement on a person under paragraph 7B(3)—

(a) sub-paragraph (3) of paragraph 2 applies in the case of such a requirement as it applies in the case of a requirement under paragraph 1A(3); and

(b) sub-paragraphs (4) to (5) of paragraph 2 also apply accordingly.**]**

Textual Amendments

F543 Sch. 4 paras. 7A-7C inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 8**; S.I. 2005/3495, **art. 2(1)(q)(r)**

Park Trading offences

[[F545]7D(1) This paragraph applies if—

(a) a designation applies it to any person ("the CSO"), and

(b) the CSO has under paragraph 2(3) required another person ("P") to wait with him for the arrival of a constable.

(2) If the CSO reasonably suspects that P has committed a park trading offence, the CSO may take possession of anything of a non-perishable nature which—

(a) P has in his possession or under his control, and

(b) the CSO reasonably believes to have been used in the commission of the offence.

(3) The CSO may retain possession of the thing in question for a period not exceeding 30 minutes unless P makes an election under paragraph 2(4), in which case the CSO may retain possession of the thing in question until he is able to transfer control of it to a constable.

(4) In this paragraph "park trading offence" means an offence committed in a specified park which is a park trading offence for the purposes of the Royal Parks (Trading) Act 2000.**]**

Textual Amendments

F545 Sch. 4 para. 7D inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 161, 178, **Sch. 13 para. 13(3)**; S.I. 2005/1521, **art. 3(1)(x)(y)**

Entry to save life or limb or prevent serious damage to property

8 Where a designation applies this paragraph to any person, that person shall have the powers of a constable under section 17 of the 1984 Act to enter and search any premises in the relevant police area for the purpose of saving life or limb or preventing serious damage to property.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Modifications etc. (not altering text)

C107 Sch. 4 para. 8 applied (1.12.2007) by The Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007 (S.I. 2007/3202), art. 2, **Sch.**

Entry to investigate licensing offences

[F546 8A (1) Where a designation applies this paragraph to any person, that person shall have the powers of a constable under section 180 of the Licensing Act 2003 to enter and search premises other than clubs in the relevant police area, but only in respect of a relevant licensing offence (as defined for the purposes of paragraph 2).

(2) Except as mentioned in sub-paragraph (3), a person to whom this paragraph applies shall not, in exercise of the power conferred by sub-paragraph (1), enter any premises except in the company, and under the supervision, of a constable.

(3) The prohibition in sub-paragraph (2) does not apply in relation to premises in respect of which the person to whom this paragraph applies reasonably believes that a premises licence under Part 3 of the Licensing Act 2003 authorises the sale of alcohol for consumption off the premises.]

Textual Amendments

F546 Sch. 4 para. 8A inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 9**; S.I. 2005/3495, **art. 2(1)(q)(r)**

Seizure of vehicles used to cause alarm etc.

9 (1) Where a designation applies this paragraph to any person—

(a) that person shall, within the relevant police area, have all the powers of a constable in uniform under section 59 of this Act which are set out in subsection (3) of that section; and

(b) references in that section to a constable, in relation to the exercise of any of those powers by that person, are references to that person.

(2) A person to whom this paragraph applies shall not enter any premises in exercise of the power conferred by section 59(3)(c) except in the company, and under the supervision, of a constable.

Modifications etc. (not altering text)

C108 Sch. 4 para. 9 applied (1.12.2007) by The Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007 (S.I. 2007/3202), art. 2, **Sch.**

Abandoned vehicles

10 Where a designation applies this paragraph to any person, that person shall have any such powers in the relevant police area as are conferred on persons designated under that section by regulations under section 99 of the Road Traffic Regulation Act 1984 (c. 27) (removal of abandoned vehicles).

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Modifications etc. (not altering text)

C109 Sch. 4 para. 10 applied (1.12.2007) by The Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007 (S.I. 2007/3202), art. 2, **Sch.**

Power to stop vehicle for testing

11 Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the power of a constable in uniform to stop a vehicle under subsection (3) of section 67 of the Road Traffic Act 1988 (c. 52) for the purposes of a test under subsection (1) of that section.

Power to stop cycles

[F547 11A (1) Subject to sub-paragraph (2), where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the power of a constable in uniform under section 163(2) of the Road Traffic Act 1988 to stop a cycle.

(2) The power mentioned in sub-paragraph (1) may only be exercised by that person in relation to a person who he has reason to believe has committed an offence under section 72 of the Highway Act 1835 (riding on a footway) by cycling.]

Textual Amendments

F547 Sch. 4 para. 11A inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 89(3)**, 93; S.I. 2003/3300, **art. 2(f)(iv)**

Modifications etc. (not altering text)

C110 Sch. 4 para. 11A applied (1.12.2007) by The Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007 (S.I. 2007/3202), art. 2, **Sch.**

Power to control traffic for purposes other than escorting a load of exceptional dimensions

[F548 11B (1) Where a designation applies this paragraph to any person, that person shall have, in the relevant police area—

(a) the power of a constable engaged in the regulation of traffic in a road to direct a person driving or propelling a vehicle to stop the vehicle or to make it proceed in, or keep to, a particular line of traffic;

(b) the power of a constable in uniform engaged in the regulation of vehicular traffic in a road to direct a person on foot to stop proceeding along or across the carriageway.

(2) The purposes for which those powers may be exercised do not include the purpose mentioned in paragraph 12(1).

(3) Where a designation applies this paragraph to any person, that person shall also have, in the relevant police area, the power of a constable, for the purposes of a traffic survey, to direct a person driving or propelling a vehicle to stop the vehicle, to make it proceed in, or keep to, a particular line of traffic, or to proceed to a particular point on or near the road.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
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(4) Sections 35 and 37 of the Road Traffic Act 1988 (offences of failing to comply with directions of constable engaged in regulation of traffic in a road) shall have effect in relation to the exercise of the powers mentioned in sub-paragraphs (1) and (3), for the purposes for which they may be exercised and by a person whose designation applies this paragraph to him, as if the references to a constable were references to him.

(5) A designation may not apply this paragraph to any person unless a designation also applies paragraph 3A to him.**]**

Textual Amendments

F548 Sch. 4 para. 11B inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 10**; S.I. 2005/1521, **art. 3(1)(h)(i)**

Modifications etc. (not altering text)

C111 Sch. 4 para. 11B applied (1.12.2007) by The Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007 (S.I. 2007/3202), art. 2, **Sch.**

Power to control traffic for purposes of escorting a load of exceptional dimensions

12 (1) Where a designation applies this paragraph to any person, that person shall have, for the purpose of escorting a vehicle or trailer carrying a load of exceptional dimensions either to or from the relevant police area, the power of a constable engaged in the regulation of traffic in a road—

(a) to direct a vehicle to stop;

(b) to make a vehicle proceed in, or keep to, a particular line of traffic; and

(c) to direct pedestrians to stop.

(2) Sections 35 and 37 of the Road Traffic Act 1988 (offences of failing to comply with directions of constable engaged in regulation of traffic in a road) shall have effect in relation to the exercise of those powers for the purpose mentioned in sub-paragraph (1) by a person whose designation applies this paragraph to him as if the references to a constable engaged in regulation of traffic in a road were references to that person.

(3) The powers conferred by virtue of this paragraph may be exercised in any police area in England and Wales.

(4) In this paragraph "vehicle or trailer carrying a load of exceptional dimensions" means a vehicle or trailer the use of which is authorised by an order made by the Secretary of State under section 44(1)(d) of the Road Traffic Act 1988.

Carrying out of road checks

13 Where a designation applies this paragraph to any person, that person shall have the following powers in the relevant police area—

(a) the power to carry out any road check the carrying out of which by a police officer is authorised under section 4 of the 1984 Act (road checks); and

(b) for the purpose of exercising that power, the power conferred by section 163 of the Road Traffic Act 1988 (c. 52) (power of police to stop vehicles) on a constable in uniform to stop a vehicle.

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Modifications etc. (not altering text)

C112 Sch. 4 para. 13 applied (1.12.2007) by The Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007 (S.I. 2007/3202), art. 2, **Sch.**

Power to place traffic signs

[F549 13A (1) Where a designation applies this paragraph to any person, that person shall have, in the relevant police area, the powers of a constable under section 67 of the Road Traffic Regulation Act 1984 to place and maintain traffic signs.

(2) Section 36 of the Road Traffic Act 1988 (drivers to comply with traffic directions) shall apply to signs placed in the exercise of the powers conferred by virtue of sub-paragraph (1).]

Textual Amendments

F549 Sch. 4 para. 13A inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 11**; S.I. 2005/1521, **art. 3(1)(h)(i)**

Modifications etc. (not altering text)

C113 Sch. 4 para. 13A applied (1.12.2007) by The Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007 (S.I. 2007/3202), art. 2, **Sch.**

Cordoned areas

14 Where a designation applies this paragraph to any person, that person shall, in relation to any cordoned area in the relevant police area, have all the powers of a constable in uniform under section 36 of the Terrorism Act 2000 (c. 11) (enforcement of cordoned area) to give orders, make arrangements or impose prohibitions or restrictions.

Modifications etc. (not altering text)

C114 Sch. 4 para. 14 applied (1.12.2007) by The Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007 (S.I. 2007/3202), art. 2, **Sch.**

Power to stop and search vehicles etc. in authorised areas

15 (1) Where a designation applies this paragraph to any person—

(a) that person shall, in any authorised area within the relevant police area, have all the powers of a constable in uniform by virtue of [F550 section 47A(2)(a) and (d), (3)(b) and (6)] of the Terrorism Act 2000 (powers of stop and search)—

(i) to stop and search vehicles;

(ii) to search anything in or on a vehicle or anything carried by the driver of a vehicle or any passenger in a vehicle;

(iii) to search anything carried by a pedestrian; and

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(iv) to seize and retain **[**[F551] anything which is **]** discovered in the course of a search carried out by him or by a constable by virtue of any provision of **[**[F552] section 47A(2) or (3) of that Act and which he reasonably suspects may constitute evidence that the vehicle concerned is being used for the purposes of terrorism or (as the case may be) that the person concerned is a person falling within section 40(1)(b) of that Act **]** ;

and

(b) the references to a constable in **[**[F553] subsections (4) and (5) of section 47A of, and paragraphs 1 and 2 of Schedule 6B to, **]** that Act (which relate to the exercise of those powers) shall have effect in relation to the exercise of any of those powers by that person as references to that person.

(2) A person shall not exercise any power of stop, search or seizure by virtue of this paragraph except in the company, and under the supervision, of a constable.

Textual Amendments

F550 Words in Sch. 4 para. 15(1)(a) substituted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 30(a)(i)** (with s. 97); S.I. 2012/1205, art. 4(k)

F551 Words in Sch. 4 para. 15(1)(a)(iv) substituted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 30(a)(ii)** (with s. 97); S.I. 2012/1205, art. 4(k)

F552 Words in Sch. 4 para. 15(1)(a)(iv) substituted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 30(a)(iii)** (with s. 97); S.I. 2012/1205, art. 4(k)

F553 Words in Sch. 4 para. 15(1)(b) substituted (10.7.2012) by Protection of Freedoms Act 2012 (c. 9), s. 120, **Sch. 9 para. 30(b)** (with s. 97); S.I. 2012/1205, art. 4(k)

Modifications etc. (not altering text)

C115 Sch. 4 para. 15 applied (1.12.2007) by The Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007 (S.I. 2007/3202), art. 2, **Sch.**

C116 Sch. 4 para. 15(1) modified (18.3.2011) by The Terrorism Act 2000 (Remedial) Order 2011 (S.I. 2011/631), art. 1, **Sch. 2 para. 5** (with art. 6)

Photographing of persons arrested, detained or given fixed penalty notices

[[F554]15ZA Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the power of a constable under section 64A(1A) of the 1984 Act (photographing of suspects etc.) to take a photograph of a person elsewhere than at a police station.**]**

Textual Amendments

F554 Sch. 4 para. 15ZA inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 12**; S.I. 2005/3495, **art. 2(1)(q)(r)**

Modifications etc. (not altering text)

C117 Sch. 4 para. 15ZA applied (1.12.2007) by The Police Reform Act 2002 (Standard Powers and Duties of Community Support Officers) Order 2007 (S.I. 2007/3202), art. 2, **Sch.**

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Power to modify paragraph [F556 1(2A)]

[F555[F557]15A(1) The Secretary of State may by order amend paragraph 1(2A) so as to remove a provision from the list or add a provision to the list; but the list must contain only provisions mentioned in the first column of the Table in section 1(1) of the Criminal Justice and Police Act 2001.]

(2) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by this paragraph unless a draft of that order has been laid before Parliament and approved by a resolution of each House.]

Textual Amendments

F555 Sch. 4 para. 15A inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 89(4)**, 93; S.I. 2003/3300, **art. 2(f)(iv)**

F556 Words in Sch. 4 para. 15A heading substituted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 122(3)(b)**, 178; S.I. 2005/1521, **art. 3(1)(h)**; S.I. 2005/2026, **art. 2(d)**

F557 Sch. 4 para. 15A(1) substituted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 122(3)(b)**, 178; S.I. 2005/1521, **art. 3(1)(h)**; S.I. 2005/2026, **art. 2(d)**

PART 2

INVESTIGATING OFFICERS

Search warrants

16 Where a designation applies this paragraph to any person—

(a) he may apply as if he were a constable for a warrant under section 8 of the 1984 Act (warrants for entry and search) in respect of any premises [F558whether in the relevant police area or not] ;

(b) the persons to whom a warrant to enter and search any such premises may be issued under that section shall include that person;

(c) that person shall have the power of a constable under section 8(2) of that Act in any premises in the relevant police area to seize and retain things for which a search has been authorised under subsection (1) of that section;

(d) section 15 of that Act (safeguards) shall have effect in relation to the issue of such a warrant to that person as it has effect in relation to the issue of a warrant under section 8 of that Act to a constable;

(e) section 16 of that Act (execution of warrants) shall have effect in relation to any warrant to enter and search premises that is issued (whether to that person or to any other person) [F559, but in respect of premises in the relevant police area only,] as if references in that section to a constable included references to that person;

(f) section 19(6) of that Act (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person by virtue of sub-paragraph (c) as it has effect in relation to the seizure of anything by a constable;

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(g) section 20 of that Act (extension of powers of seizure to computerised information) shall have effect in relation the power of seizure conferred on that person by virtue of sub-paragraph (c) as it applies in relation to the power of seizure conferred on a constable by section 8(2) of that Act;

(h) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by virtue of sub-paragraph (c) as if the references to a constable and to an officer included references to that person; and

(i) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power, or taken away by him following the imposition of a requirement by virtue of sub-paragraph (g)—

(i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by section 8(2) of that Act or taken away by a constable following the imposition of a requirement by virtue of section 20 of that Act; and

(ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

Textual Amendments

F558 Words in Sch. 4 para. 16(a) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 13(a)**; S.I. 2005/1521, **art. 3(1)(h)(i)**

F559 Words in Sch. 4 para. 16(e) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 13(b)**; S.I. 2005/1521, **art. 3(1)(h)(i)**

[[F560]16A Where a designation applies this paragraph to any person—

(a) the persons to whom a warrant may be addressed under section 26 of the Theft Act 1968 (search for stolen goods) shall, in relation to persons or premises in the relevant police area, include that person; and

(b) in relation to such a warrant addressed to him, that person shall have the powers under subsection (3) of that section.

Textual Amendments

F560 Sch. 4 paras. 16A, 16B inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 14**; S.I. 2005/1521, **art. 3(1)(h)(i)**

16B Where a designation applies this paragraph to any person, subsection (3), and (to the extent that it applies subsection (3)) subsection (3A), of section 23 of the Misuse of Drugs Act 1971 (powers to search and obtain evidence) shall have effect as if, in relation to premises in the relevant police area, the reference to a constable included a reference to that person.**]**

Textual Amendments

F560 Sch. 4 paras. 16A, 16B inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 14**; S.I. 2005/1521, **art. 3(1)(h)(i)**

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Access to excluded and special procedure material

17 Where a designation applies this paragraph to any person—

(a) he shall have the powers of a constable under section 9(1) of the 1984 Act (special provisions for access) to obtain access, in accordance with Schedule 1 to that Act and the following provisions of this paragraph, to excluded material and special procedure material;

(b) that Schedule shall have effect for the purpose of conferring those powers on that person as if —

(i) the references in paragraphs 1, 4, 5, 12 and 13 of that Schedule to a constable were references to that person; and

(ii) the references in paragraphs 12 and 14 of that Schedule to premises were references to premises in the relevant police area **[**[F561](in the case of a specific premises warrant) or any premises, whether in the relevant police area or not (in the case of an all premises warrant);**]** ;

[[F562](bb) section 15 of that Act (safeguards) shall have effect in relation to the issue of any warrant under paragraph 12 of that Schedule to that person as it has effect in relation to the issue of a warrant under that paragraph to a constable;

(bc) section 16 of that Act (execution of warrants) shall have effect in relation to any warrant to enter and search premises that is issued under paragraph 12 of that Schedule (whether to that person or to any other person) **[**[F563], but in respect of premises in the relevant police area only,**]** as if references in that section to a constable included references to that person;**]**

(c) section 19(6) of that Act (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by paragraph 13 of Schedule 1 to that Act as it has effect in relation to the seizure of anything under that paragraph by a constable;

(d) section 20 of that Act (extension of powers of seizure to computerised information) shall have effect in relation the power of seizure conferred on that person by paragraph 13 of Schedule 1 to that Act as it applies in relation to the power of seizure conferred on a constable by that paragraph;

(e) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by paragraph 13 of Schedule 1 to that Act as if the references to a constable and to an officer included references to that person; and

(f) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power or taken away by him following the imposition of a requirement by virtue of sub-paragraph (d), and to anything produced to him under paragraph 4(a) of Schedule 1 to that Act—

(i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by paragraph 13 of that Schedule or taken away by a constable following the imposition of a requirement by virtue of section 20 of that Act or, as the case may be, to anything produced to a constable under paragraph 4(a) of that Schedule; and

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(ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

Textual Amendments

F561 Words in Sch. 4 para. 17(b)(ii) added (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 15(a)**; S.I. 2005/1521, **art. 3(1)(h)(i)**

F562 Sch. 4 para. 17(bb)(bc) inserted (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 12, 336, **Sch. 1 para. 17**; S.I. 2004/81, **art. 2(1)(2)(a)**

F563 Words in Sch. 4 para. 17(bc) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 15(b)**; S.I. 2005/1521, **art. 3(1)(h)(i)**

Entry and search after arrest

18 Where a designation applies this paragraph to any person—

(a) he shall have the powers of a constable under section 18 of the 1984 Act (entry and search after arrest) to enter and search any premises in the relevant police area and to seize and retain anything for which he may search under that section;

(b) subsections (5) and (6) of that section (power to carry out search before arrested person taken to police station and duty to inform senior officer) shall have effect in relation to any exercise by that person of those powers as if the references in those subsections to a constable were references to that person;

(c) section 19(6) of that Act (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person by virtue of sub-paragraph (a) as it has effect in relation to the seizure of anything by a constable;

(d) section 20 of that Act (extension of powers of seizure to computerised information) shall have effect in relation the power of seizure conferred on that person by virtue of sub-paragraph (a) as it applies in relation to the power of seizure conferred on a constable by section 18(2) of that Act;

(e) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by virtue of sub-paragraph (a) as if the references to a constable and to an officer included references to that person; and

(f) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power or taken away by him following the imposition of a requirement by virtue of sub-paragraph (d)—

(i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by section 18(2) of that Act or taken away by a constable following the imposition of a requirement by virtue of section 20 of that Act; and

(ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Entry and search for evidence of nationality after arrest

[[F564]18A Where a designation applies this paragraph to any person—

(a) sections 44 to 46 of the UK Borders Act 2007 (entry, search and seizure after arrest) shall apply to that person (with any necessary modifications) as if a reference to a constable included a reference to that person, and

(b) a provision of the 1984 Act which applies to constables in connection with any of those sections shall apply (with any necessary modifications) to that person.**]**

Textual Amendments

F564 Sch. 4 para. 18A inserted (31.3.2008) by UK Borders Act 2007 (c. 30), **ss. 47**, 59; S.I. 2008/309, **art. 3(b)** (subject to art. 6)

General power of seizure

19 Where a designation applies this paragraph to any person—

(a) he shall, when lawfully on any premises in the relevant police area, have the same powers as a constable under section 19 of the 1984 Act (general powers of seizure) to seize things;

(b) he shall also have the powers of a constable to impose a requirement by virtue of subsection (4) of that section in relation to information accessible from such premises;

(c) subsection (6) of that section (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person by virtue of sub-paragraph (a) as it has effect in relation to the seizure of anything by a constable;

(d) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by virtue of sub-paragraph (a) as if the references to a constable and to an officer included references to that person; and

(e) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power or taken away by him following the imposition of a requirement by virtue of sub-paragraph (b)—

(i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by section 19(2) or (3) of that Act or taken away by a constable following the imposition of a requirement by virtue of section 19(4) of that Act; and

(ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

Access and copying in the case of things seized by constables

20 Where a designation applies this paragraph to any person, section 21 of the 1984 Act (access and copying) shall have effect in relation to anything seized in the relevant police area by a constable **[**[F565]or by a person authorised to accompany him under section 16(2) of that Act**]** as if the references to a constable in subsections (3), (4) and

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(5) of section 21 (supervision of access and photographing of seized items) included references to a person to whom this paragraph applies.

Textual Amendments

F565 Words in Sch. 4 para. 20 inserted (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 12, 336, **Sch. 1 para. 18**; S.I. 2004/81, **art. 2(1)(2)(a)**

Arrest at a police station for another offence

21 (1) Where a designation applies this paragraph to any person, he shall have the power to make an arrest at any police station in the relevant police area in any case where an arrest—

(a) is required to be made under section 31 of the 1984 Act (arrest for a further offence of a person already at a police station); or

(b) would be so required if the reference in that section to a constable included a reference to a person to whom this paragraph applies.

(2) Section 36 of the Criminal Justice and Public Order Act 1994 (c. 33) (consequences of failure by arrested person to account for objects etc.) shall apply (without prejudice to the effect of any designation applying paragraph 23) in the case of a person arrested in exercise of the power exercisable by virtue of this paragraph as it applies in the case of a person arrested by a constable.

Power to transfer persons into custody of investigating officers

22 (1) Where a designation applies this paragraph to any person, the custody officer for a designated police station in the relevant police area may transfer or permit the transfer to him of a person in police detention for an offence which is being investigated by the person to whom this paragraph applies.

(2) A person into whose custody another person is transferred under sub-paragraph (1)—

(a) shall be treated for all purposes as having that person in his lawful custody;

(b) shall be under a duty **[**[F566]to keep that person under control and**]** to prevent his escape; and

(c) shall be entitled to use reasonable force to keep that person in his custody **[**[F567]and under his control**]** .

(3) Where a person is transferred into the custody of a person to whom this paragraph applies, in accordance with sub-paragraph (1), subsections (2) and (3) of section 39 of the 1984 Act shall have effect as if—

(a) references to the transfer of a person in police detention into the custody of a police officer investigating an offence for which that person is in police detention were references to that person's transfer into the custody of the person to whom this paragraph applies; and

(b) references to the officer to whom the transfer is made and to the officer investigating the offence were references to the person to whom this paragraph applies.

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Textual Amendments

F566 Words in Sch. 4 para. 22(2)(b) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 5(a)**; S.I. 2005/1521, **art. 3(1)(h)(j)**

F567 Words in Sch. 4 para. 22(2)(c) added (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 5(b)**; S.I. 2005/1521, **art. 3(1)(h)(j)**

Powers in respect of detained persons

[[F568]22A Where a designation applies this paragraph to any person, he shall be under a duty, when in the course of his employment he is present at a police station—

(a) to assist any officer or other designated person to keep any person detained at the police station under control; and

(b) to prevent the escape of any such person,

and for those purposes shall be entitled to use reasonable force.**]**

Textual Amendments

F568 Sch. 4 para. 22A inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 6**; S.I. 2005/1521, **art. 3(1)(h)(j)**

Power to require arrested person to account for certain matters

23 Where a designation applies this paragraph to any person—

(a) he shall have the powers of a constable under sections 36(1)(c) and 37(1)(c) of the Criminal Justice and Public Order Act 1994 (c. 33) to request a person who—

(i) has been arrested by a constable, or by any person to whom paragraph 21 applies, and

(ii) is detained at any place in the relevant police area,

to account for the presence of an object, substance or mark or for the presence of the arrested person at a particular place; and

(b) the references to a constable in sections 36(1)(b) and (c) and (4) and 37(1)(b) and (c) and (3) of that Act shall have effect accordingly as including references to the person to whom this paragraph is applied.

Extended powers of seizure

24 Where a designation applies this paragraph to any person—

(a) the powers of a constable under Part 2 of the Criminal Justice and Police Act 2001 (c. 16) (extension of powers of seizure) that are exercisable in the case of a constable by reference to a power of a constable that is conferred on that person by virtue of the provisions of this Part of this Schedule shall be exercisable by that person by reference to that power to the same extent as in the case of a constable but in relation only to premises in the relevant police area and things found on any such premises; and

(b) section 56 of that Act (retention of property seized by a constable) shall have effect as if the property referred to in subsection (1) of that section

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included property seized by that person at any time when he was lawfully on any premises in the relevant police area.

Persons accompanying investigating officers

[[F569]24A (1) This paragraph applies where a person ("an authorised person") is authorised by virtue of section 16(2) of the 1984 Act to accompany an investigating officer designated for the purposes of paragraph 16 (or 17) in the execution of a warrant.

(2) The reference in paragraph 16(h) (or 17(e)) to the seizure of anything by a designated person in exercise of a particular power includes a reference to the seizure of anything by the authorised person in exercise of that power by virtue of section 16(2A) of the 1984 Act.

(3) In relation to any such seizure, paragraph 16(h) (or 17(e)) is to be read as if it provided for the references to a constable and to an officer in section 21(1) and (2) of the 1984 Act to include references to the authorised person.

(4) The reference in paragraph 16(i) (or 17(f)) to anything seized by a designated person in exercise of a particular power includes a reference to anything seized by the authorised person in exercise of that power by virtue of section 16(2A) of the 1984 Act.

(5) In relation to anything so seized, paragraph 16(i)(ii) (or 17(f)(ii)) is to be read as if it provided for—

(a) the references to the supervision of a constable in subsections (3) and (4) of section 21 of the 1984 Act to include references to the supervision of a person designated for the purposes of paragraph 16 (or paragraph 17), and

(b) the reference to a constable in subsection (5) of that section to include a reference to such a person or an authorised person accompanying him.

(6) Where an authorised person accompanies an investigating officer who is also designated for the purposes of paragraph 24, the references in sub-paragraphs (a) and (b) of that paragraph to the designated person include references to the authorised person.**]**

Textual Amendments

F569 Sch. 4 para. 24A inserted (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 12, 336, **Sch. 1 para. 19**; S.I. 2004/81, **art. 2(1)(2)(a)**

PART 3

DETENTION OFFICERS

Attendance at police station for fingerprinting

25 Where a designation applies this paragraph to any person, he shall, in respect of police stations in the relevant police area, have the power of a constable under **[**[F570]Schedule 2A to the 1984 Act (fingerprinting and samples: power to require attendance at a police station) **]** to require a person to attend a police station in order to have his fingerprints taken.

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Textual Amendments

F570 Words in Sch. 4 para. 25 substituted (7.3.2011) by Crime and Security Act 2010 (c. 17), **ss. 6(4)(a)**, 59(1); S.I. 2011/414, art. 2(e)

Non-intimate searches of detained persons

26 (1) Where a designation applies this paragraph to any person, he shall have the powers of a constable under section 54 of the 1984 Act (non-intimate searches of detained persons)—

(a) to carry out a search under that section of any person at a police station in the relevant police area or of any other person otherwise in police detention in that area; and

(b) to seize or retain, or cause to be seized or retained, anything found on such a search.

(2) Subsections (6C) and (9) of section 54 of that Act (restrictions on power to seize personal effects and searches to be carried out by a member of the same sex) shall apply to the exercise by a person to whom this paragraph is applied of any power exercisable by virtue of this paragraph as they apply to the exercise of the power in question by a constable.

Searches and examinations to ascertain identity

27 Where a designation applies this paragraph to any person, he shall have the powers of a constable under section 54A of the 1984 Act (searches and examinations to ascertain identity)—

(a) to carry out a search or examination at any police station in the relevant police area; and

(b) to take a photograph at any such police station of an identifying mark.

Searches of persons answering to live link bail

[F571 27A (1) Where a designation applies this paragraph to any person, that person has the powers of a constable under section 54B of the 1984 Act (searches of persons answering to live link bail)—

(a) to carry out a search of any person attending a police station in the relevant police area; and

(b) to seize or retain articles found on such a search.

(2) Anything seized by a person under the power conferred by sub-paragraph (1) must be delivered to a constable as soon as practicable and in any case before the person from whom the thing was seized leaves the police station.]

Textual Amendments

F571 Sch. 4 para. 27A and cross-heading inserted (14.12.2009 for specified purposes, 3.10.2011 for specified purposes, 8.10.2012 in so far as not already in force) by Coroners and Justice Act 2009 (c. 25), **ss. 108(3)**, 182(5) (with s. 180); S.I. 2009/3253, art. 3(1)(c); S.I. 2011/2148, art. 2; S.I. 2012/2374, art. 3(c)

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Intimate searches of detained persons

28 (1) Where a designation applies this paragraph to any person, he shall have the powers of a constable by virtue of section 55(6) of the 1984 Act (intimate searches) to carry out an intimate search of a person at any police station in the relevant police area.

(2) Subsection (7) of section 55 of that Act (no intimate search to be carried out by a constable of the opposite sex) shall apply to the exercise by a person to whom this paragraph applies of any power exercisable by virtue of this paragraph as it applies to the exercise of the power in question by a constable.

Fingerprinting without consent

29 Where a designation applies this paragraph to any person—

(a) he shall have, at any police station in the relevant police area, the power of a constable under section 61 of the 1984 Act (fingerprinting) to take fingerprints without the appropriate consent; and

(b) the requirement by virtue of subsection (7A)(a) of that section that a person must be informed by an officer that his fingerprints may be the subject of a speculative search shall be capable of being discharged, in the case of a person at such a station, by his being so informed by the person to whom this paragraph applies.

Warnings about intimate samples

30 Where a designation applies this paragraph to any person, the requirement by virtue of **[**[F572]section 62(5)(c)**]** of the 1984 Act (intimate samples) that a person must be informed by an officer that a sample taken from him may be the subject of a speculative search shall be capable of being discharged, in the case of a person in a police station in the relevant police area, by his being so informed by the person to whom this paragraph applies.

Textual Amendments

F572 Words in Sch. 4 para. 30 substituted (7.3.2011) by Crime and Security Act 2010 (c. 17), **ss. 4(6)**, 59(1); S.I. 2011/414, art. 2(b)

Non-intimate samples

31 Where a designation applies this paragraph to any person—

(a) he shall have the power of a constable under section 63 of the 1984 Act (non-intimate samples), in the case of a person in a police station in the relevant police area, to take a non-intimate sample without the appropriate consent;

(b) the requirement by virtue of subsection (6) of that section (information about authorisation) that a person must be informed by an officer of the matters mentioned in that subsection shall be capable of being discharged, in the case of an authorisation in relation to a person in a police station in the relevant police area, by his being so informed by the person to whom this paragraph applies; and

(c) the requirement by virtue of subsection (8B)(a) of that section that a person must be informed by an officer that a sample taken from him may be the

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subject of a speculative search shall be capable of being discharged, in the case of a person in such a police station, by his being so informed by the person to whom this paragraph applies.

Attendance at police station for the taking of a sample

32 Where a designation applies this paragraph to any person, he shall, as respects any police station in the relevant police area, have the power of a constable under **[**[F573]Schedule 2A to the 1984 Act (fingerprinting and samples: power to require attendance at a police station) **]** to require a person to attend a police station in order to have a sample taken.

Textual Amendments

F573 Words in Sch. 4 para. 32 substituted (7.3.2011) by Crime and Security Act 2010 (c. 17), **ss. 6(4)(b)**, 59(1); S.I. 2011/414, art. 2(e)

Photographing persons in police detention

33 Where a designation applies this paragraph to any person, he shall, at police stations in the relevant police area, have the power of a constable under section 64A of the 1984 Act (photographing of suspects etc.) to take a photograph of a person detained at a police station.

Taking of impressions of footwear

[[F574]33A Where a designation applies this paragraph to any person—

(a) he shall, at any police station in the relevant police area, have the powers of a constable under section 61A of the 1984 Act (impressions of footwear) to take impressions of a person's footwear without the appropriate consent; and

(b) the requirement by virtue of section 61A(5)(a) of the 1984 Act that a person must be informed by an officer that an impression of his footwear may be the subject of a speculative search shall be capable of being discharged, in the case of a person at such a station, by his being so informed by the person to whom this paragraph applies.**]**

Textual Amendments

F574 Sch. 4 para. 33A inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 16**; S.I. 2005/3495, **art. 2(1)(q)(r)**

Powers in respect of detained persons

[[F575]33B Where a designation applies this paragraph to any person, he shall be under a duty, when in the course of his employment he is present at a police station—

(a) to keep under control any person detained at the police station and for whom he is for the time being responsible;

(b) to assist any officer or other designated person to keep any other person detained at the police station under control; and

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(c) to prevent the escape of any such person as is mentioned in paragraph (a) or (b),

and for those purposes shall be entitled to use reasonable force.

Textual Amendments

F575 Sch. 4 paras. 33B, 33C inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 7**; S.I. 2005/1521, **art. 3(1)(h)(j)**

33C Where a designation applies this paragraph to any person, he shall be entitled to use reasonable force when—

(a) securing, or assisting an officer or another designated person to secure, the detention of a person detained at a police station in the relevant police area, or

(b) escorting within a police station in the relevant police area, or assisting an officer or another designated person to escort within such a police station, a person detained there.**]**

Textual Amendments

F575 Sch. 4 paras. 33B, 33C inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 7**; S.I. 2005/1521, **art. 3(1)(h)(j)**

[[F576]33D Where a designation applies this paragraph to any person, he is authorised to carry out the duty under—

(a) section 55 of the Police and Criminal Evidence Act 1984 of informing a person who is to be subject to an intimate search under that section of the matters of which he is required to be informed in pursuance of subsection (3B) of that section;

(b) section 55A of that Act of informing a person who is to be subject to x-ray or ultrasound (as the case may be) under that section of the matters of which he is required to be informed in pursuance of subsection (3) of that section.**]**

Textual Amendments

F576 Sch. 4 para. 33D inserted (1.1.2006) by Drugs Act 2005 (c. 17), **ss. 5(2)(a)**, 24; S.I. 2005/3053, **art. 3(c)**

PART 4

ESCORT OFFICERS

Power to take an arrested person to a police station

34 (1) Where a designation applies this paragraph to any person—

(a) the persons who, in the case of a person arrested by a constable in the relevant police area, are authorised for the purposes of **[**[F577]subsection (1A) of section 30**]** of the 1984 Act (procedure on arrest of person elsewhere than at a police station) to take the person arrested to a police station in that area shall include that person;

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(b) that section shall have effect in relation to the exercise by that person of the power conferred by virtue of paragraph (a) as if the references to a constable in subsections (3), (4)(a) and (10) (but not the references in subsections (5) to (9)) included references to that person; and

(c) a person who is taking another person to a police station in exercise of the power conferred by virtue of paragraph (a)—

(i) shall be treated for all purposes as having that person in his lawful custody;

(ii) shall be under a duty **[**[F578]to keep the person under control and**]** to prevent his escape; and

(iii) shall be entitled to use reasonable force to keep that person in his charge **[**[F579]and under his control**]** .

[[F580](d) a person who has taken another person to a police station in exercise of the power conferred by virtue of paragraph (a)—

(i) shall be under a duty to remain at the police station until he has transferred control of the other person to the custody officer at the police station;

(ii) until he has so transferred control of the other person, shall be treated for all purposes as having that person in his lawful custody;

(iii) for so long as he is at the police station or in its immediate vicinity in compliance with, or having complied with, his duty under sub-paragraph (i), shall be under a duty to prevent the escape of the other person and to assist in keeping him under control; and

(iv) shall be entitled to use reasonable force for the purpose of complying with his duty under sub-paragraph (iii).**]**

(2) Without prejudice to any **[**[F581]application of**]** paragraph 26, where a person has another in his lawful custody by virtue of sub-paragraph (1) of this paragraph—

(a) he shall have the same powers under subsections (6A) and (6B) of section 54 of the 1984 Act (non-intimate searches) as a constable has in the case of a person in police detention—

(i) to carry out a search of the other person; and

(ii) to seize or retain, or cause to be seized or retained, anything found on such a search;

(b) subsections (6C) and (9) of that section (restrictions on power to seize personal effects and searches to be carried out by a member of the same sex) shall apply to the exercise by a person to whom this paragraph is applied of any power exercisable by virtue of this sub-paragraph as they apply to the exercise of the power in question by a constable.

Textual Amendments

F577 Words in Sch. 4 para. 34(1)(a) substituted (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 12, 336, **Sch. 1 para. 20**; S.I. 2004/81, **art. 2(1)(2)(a)**

F578 Words in Sch. 4 para. 34(1)(c)(ii) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 8(2)(a)**; S.I. 2005/1521, **art. 3(1)(h)(j)**

F579 Words in Sch. 4 para. 34(1)(c)(iii) added (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 8(2)(b)**; S.I. 2005/1521, **art. 3(1)(h)(j)**

F580 Sch. 4 para. 34(1)(d) added (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 8(3)**; S.I. 2005/1521, **art. 3(1)(h)(j)**

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F581 Words in Sch. 4 para. 34(2) substituted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 5(10)**; S.I. 2007/3203, **art. 2(c)**

Escort of persons in police detention

35 (1) Where a designation applies this paragraph to any person, that person may be authorised by the custody officer for any designated police station in the relevant police area to escort a person in police detention—

(a) from that police station to another police station in that or any other police area; or

(b) from that police station to any other place specified by the custody officer and then either back to that police station or on to another police station in that area or in another police area.

(2) Where a designation applies this paragraph to any person, that person may be authorised by the custody officer for any designated police station outside the relevant police area to escort a person in police detention—

(a) from that police station to a designated police station in that area; or

(b) from that police station to any place in that area specified by the custody officer and either back to that police station or on to another police station (whether in that area or elsewhere).

(3) A person who is escorting another in accordance with an authorisation under sub-paragraph (1) or (2)—

(a) shall be treated for all purposes as having that person in his lawful custody;

(b) shall be under a duty **[**[F582]to keep the person under control and**]** to prevent his escape; and

(c) shall be entitled to use reasonable force to keep that person in his charge **[**[F583]and under his control**]** .

[[F584](3A) A person who has escorted another person to a police station or other place in accordance with an authorisation under sub-paragraph (1) or (2) —

(a) shall be under a duty to remain at the police station or other place until he has transferred control of the other person to a custody officer or other responsible person there;

(b) until he has so transferred control of the other person, shall be treated for all purposes as having that person in his lawful custody;

(c) for so long as he is at the police station or other place, or in its immediate vicinity, in compliance with, or having complied with, his duty under paragraph (a), shall be under a duty to prevent the escape of the other person and to assist in keeping him under control; and

(d) shall be entitled to use reasonable force for the purpose of complying with his duty under paragraph (c).**]**

(4) Without prejudice to any **[**[F585]application of**]** paragraph 26, where a person has another in his lawful custody by virtue of sub-paragraph (3) of this paragraph—

(a) he shall have the same powers under subsections (6A) and (6B) of section 54 the 1984 Act (non-intimate searches) as a constable has in the case of a person in police detention—

(i) to carry out a search of the other person; and

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(ii) to seize or retain, or cause to be seized or retained, anything found on such a search;

(b) subsections (6C) and (9) of that section (restrictions on power to seize personal effects and searches to be carried out by a member of the same sex) shall apply to the exercise by a person to whom this paragraph is applied of any power exercisable by virtue of this sub-paragraph as they apply to the exercise of the power in question by a constable.

(5) Section 39(2) of that Act (responsibilities of custody officer transferred to escort) shall have effect where the custody officer for any police station transfers or permits the transfer of any person to the custody of a person who by virtue of this paragraph has lawful custody outside the police station of the person transferred as it would apply if the person to whom this paragraph applies were a police officer.

Textual Amendments

F582 Words in Sch. 4 para. 35(3)(b) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 9(2)(a)**; S.I. 2005/1521, **art. 3(1)(h)(j)**

F583 Words in Sch. 4 para. 35(3)(c) added (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 9(2)(b)**; S.I. 2005/1521, **art. 3(1)(h)(j)**

F584 Sch. 4 para. 35(3A) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 9 para. 9(3)**; S.I. 2005/1521, **art. 3(1)(h)(j)**

F585 Words in Sch. 4 para. 35(4) substituted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 5(10)**; S.I. 2007/3203, **art. 2(c)**

[F586F587PART 4A]

Textual Amendments

F586 Sch. 4 Pt. 4A inserted (prosp.) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 120(5)**, 178

F587 Sch. 4 Pt. 4A repealed (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116(6)(b), Sch. 7 para. 125(3)(a), **Sch. 8**

PROSPECTIVE

Exercise of functions of custody officers

35A (1) Where a designation applies this paragraph to any person, he may (subject to sub-paragraph (2)) perform all the functions of a custody officer under the 1984 Act (except those under section 45A(4) of that Act) and under any other enactment which confers functions on such a custody officer.

(2) But in relation to a police station designated under section 35(1) of the 1984 Act, the person must first also be appointed a custody officer for that police station under section 36(2) of that Act.

(3) A person performing the functions of a custody officer by virtue of a designation under this paragraph (together with, if appropriate, an appointment as such) shall have all the powers and duties of a custody officer.

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(4) Except in sections 36 and 45A(4) of the 1984 Act, references in any enactment to a custody officer within the meaning of that Act include references to a person performing the functions of a custody officer by virtue of a designation under this paragraph.

. . . . . .

35B Where a designation applies this paragraph to any person, he shall be under a duty, when in the course of his employment he is present at a police station—

(a) to keep under control any person detained at the police station and for whom he is for the time being responsible;

(b) to assist any officer or other designated person to keep any other person detained at the police station under control; and

(c) to prevent the escape of any such person as is mentioned in paragraph (a) or (b),

and for those purposes shall be entitled to use reasonable force.

. . . . . .

35C Where a designation applies this paragraph to any person, he is authorised to carry out the duty under—

(a) section 55 of the Police and Criminal Evidence Act 1984 of informing a person who is to be subject to an intimate search under that section of the matters of which he is required to be informed in pursuance of subsection (3B) of that section;

(b) section 55A of that Act of informing a person who is to be subject to x-ray or ultrasound (as the case may be) under that section of the matters of which he is required to be informed in pursuance of subsection (3) of that section.

PART 5

INTERPRETATION OF SCHEDULE

36 (1) In this Schedule "the relevant police area"—

(a) in relation to a **[**[F588]person designated**]** under section 38 or 39 by the chief officer of any police force, means the police area for which that force is maintained; [F589]. . .

(b) [F589]. . . . . .

[[F590](2) In Part 1 of this Schedule "a designation" means—

(a) a designation under section 38, or

(b) an order under section 38A(1) (and, accordingly, the power to make such an order—

(i) is extended by paragraphs 1(3)(b), 1A(2) and (7), 2(6) and 4(1)(b), but

(ii) is subject to paragraphs 2(2), 4(2) and 11B(5)).

(2A) In **[**[F591]Part 2**]** of this Schedule "a designation" means a designation under section 38.

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(3) In Parts 3 and 4 of this Schedule "a designation" means a designation under section 38 or 39.**]**

[[F592](3A) In this Schedule "specified park" has the same meaning as in section 162 of the Serious Organised Crime and Police Act 2005.**]**

(4) Expressions used in this Schedule and in the 1984 Act have the same meanings in this Schedule as in that Act.

Textual Amendments

F588 Words in Sch. 4 para. 36(1)(a) substituted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 5(12)**; S.I. 2007/3203, **art. 2(c)**

F589 Sch. 4 para. 36(1)(b) and preceding word repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 190, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))

F590 Sch. 4 para. 36(2)(2A)(3) substituted for Sch. 4 para. 36(2)(3) (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 5(13)**; S.I. 2007/3203, **art. 2(c)**

F591 Words in Sch. 4 para. 36(2A) substituted (12.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116(6)(a), **Sch. 7 para. 125(3)(b)**

F592 Sch. 4 para. 36(3A) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 161, 178, **Sch. 13 para. 13(4)**; S.I. 2005/1521, **art. 3(1)(x)(y)**

SCHEDULE 5

Section 41

POWERS EXERCISABLE BY ACCREDITED PERSONS

Power to issue fixed penalty notices

1 (1) An accredited person whose accreditation specifies that this paragraph applies to him shall have the powers specified in sub-paragraph (2) in relation to any individual who he has reason to believe has committed or is committing a relevant fixed penalty offence at a place within the relevant police area.

(2) Those powers are the following powers so far as exercisable in respect of a relevant **[**[F593]fixed penalty**]** offence—

(a) the power of a constable in uniform to give a person a fixed penalty notice under section 54 of the Road Traffic Offenders Act 1988 (c. 53) (fixed penalty notices) in respect of an offence under section 72 of the Highway Act 1835 (c. 50) (riding on a footway) committed by cycling;

[[F594](aa) the powers of a constable in uniform to give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (fixed penalty notices in respect of offences of disorder) [F595]. . . ;**]**

[[F596](ab) the power of a constable to give a penalty notice under section 444A of the Education Act 1996 (penalty notice in respect of failure to secure regular attendance at school of registered pupil);**]**

[[F597](ac) the power of a constable to give a penalty notice under section 105 of the Education and Inspections Act 2006 (penalty notice in respect of presence of excluded pupil in public place);**]**

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(b) [F598] . . . . . .

[[F599](ba) the power of an authorised officer of a local authority to give a notice under section 43(1) of the Anti-social Behaviour Act 2003 (penalty notices in respect of graffiti or fly-posting); and]

(c) the power of an authorised officer of a litter authority to give a notice under section 88 of the Environmental Protection Act 1990 (c. 43) (fixed penalty notices in respect of litter)[[F600] and

(d) the power of an authorised officer of a primary or secondary authority, within the meaning of section 59 of the Clean Neighbourhoods and Environment Act 2005, to give a notice under that section (fixed penalty notices in respect of offences under dog control orders).]

[[F601](2A) The reference to the powers mentioned in sub-paragraph (2)(aa) does not include those powers so far as they relate to an offence under the provisions in the following list—

section 12 of the Licensing Act 1872,
section 91 of the Criminal Justice Act 1967,
section 1 of the Theft Act 1968,
section 1(1) of the Criminal Damage Act 1971,
section 87 of the Environmental Protection Act 1990.]

(3) In this paragraph "relevant fixed penalty offence", in relation to an accredited person, means an offence which—

(a) is an offence by reference to which a notice may be given to a person in exercise of any of the powers mentioned in [[F602]sub-paragraph (2)(a) to (d)] ; and

(b) is specified or described in that person's accreditation as an offence he has been accredited to enforce.

[[F603](3A) For the purposes of paragraph (f) of section 64A(1B) of the Police and Criminal Evidence Act 1984 (photographing of suspects in relation to fixed penalty offences) "relevant fixed penalty offence", in relation to an accredited person, includes an offence under a relevant byelaw within the meaning of paragraph 1A(4) (and, accordingly, the reference in that paragraph (f) to paragraph 1 of this Schedule includes a reference to paragraph 1A of this Schedule).]

[[F604](4) In its application to an offence which is an offence by reference to which a notice may be given to a person in exercise of the power mentioned in sub-paragraph (2)(ab) [[F605]or (ac)] , sub-paragraph (1) shall have effect as if for the words from "who he has reason to believe" to the end there were substituted "in the relevant police area who he has reason to believe has committed or is committing a relevant fixed penalty offence".]

Textual Amendments

F593 Words in Sch. 5 para. 1(2) inserted (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 6(2)**; S.I. 2007/3203, **art. 2(c)**

F594 Sch. 5 para. 1(2)(aa) inserted (31.3.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 89(5)**, 93; S.I. 2004/690, **art. 2(b)(iv)**

F595 Words in Sch. 5 para. 1(2)(aa) repealed (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122(5)(a), 174, 178, **Sch. 17 Pt. 2**; S.I. 2005/1521, **art. 3(1)(cc)(ee)(viii)**

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F596 Sch. 5 para. 1(2)(ab) inserted (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 23(6)**, 93; S.I. 2003/3300, **art. 3(a)(ii)**

F597 Sch. 5 para. 1(2)(ac) inserted (1.9.2007) by Education and Inspections Act 2006 (c. 40), **ss. 107(4)**, 188; S.I. 2007/1801, **art. 4(h)**

F598 Sch. 5 para. 1(2)(b) repealed (6.4.2006 for E. and 15.3.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), ss. 107, 108, **Sch. 5 Pt. 5**; S.I. 2006/795, **art. 2(3)**, Sch. 2 (with art. 4(3)(b)); S.I. 2006/2797, **art. 5(g)** (with art. 10(3)(b)) (as amended (30.1.2007) by S.I. 2007/120, art. 3); S.I. 2007/702

F599 Sch. 5 para. 1(2)(ba) inserted (31.3.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 46(2)(b)**, 93; S.I. 2004/690, **art. 2(a)(i)**

F600 Sch. 5 para. 1(2)(d) and preceding word inserted (6.4.2006 for E. and 15.3.2007 for W.) by Clean Neighbourhoods and Environment Act 2005 (c. 16), **ss. 62(3)**, 108; S.I. 2006/795, **art. 2(3)**, Sch. 2; S.I. 2006/2797, **art. 4(x)**; S.I. 2007/739

F601 Sch. 5 para. 1(2A) inserted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 122(5)(b)**, 178; S.I. 2005/1521, **art. 3(1)(h)**; S.I. 2005/2026, **art. 2(d)**

F602 Words in Sch. 5 para. 1(3)(a) substituted (27.1.2010) for the words "sub-paragraph (2)(a) to (c)" by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 135, 245, **Sch. 6 para. 4(2)**; S.I. 2010/112, **art. 2(g)**

F603 Sch. 5 para. 1(3A) inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 133(3)(a)**, 245; S.I. 2010/112, **art. 2(e)**

F604 Sch. 5 para. 1(4) inserted (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 23(7)**, 93; S.I. 2003/3300, **art. 3(a)(ii)**

F605 Words in Sch. 5 para. 1(4) inserted (1.9.2007) by Education and Inspections Act 2006 (c. 40), **ss. 107(5)**, 188; S.I. 2007/1801, **art. 4(h)**

Modifications etc. (not altering text)

C118 Sch. 5 para. 1(2)(aa) modified (1.11.2004) by The Criminal Justice and Police Act 2001 (Amendment) and Police Reform Act 2002 (Modification) Order 2004 (S.I. 2004/2540), arts. 1(4), **5**

[F606 1A (1) This paragraph applies to an accredited person whose accreditation specifies that it applies to him.

(2) The accreditation may specify that, in relation to that person, the application of sub-paragraph (3) is confined to one or more only (and not all) relevant byelaws, being in each case specified in the accreditation.

(3) Where that person has reason to believe that an individual has committed an offence against a relevant byelaw at a place within the relevant police area, he may exercise the power of an authorised officer of an authority to give a notice under section 237A of the Local Government Act 1972 (fixed penalty notices in relation to offences against certain byelaws).

(4) In this paragraph “relevant byelaw”, in relation to an accredited person, means a byelaw which—

(a) falls within sub-paragraph (5); and

(b) is specified or described in that person's accreditation as a byelaw he has been accredited to enforce under this paragraph.

(5) A byelaw falls within this sub-paragraph if—

(a) it is a byelaw to which section 237A of the Local Government Act 1972 applies (fixed penalty notices in relation to offences against certain byelaws); and

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(b) the chief officer of the police force for the relevant police area and the authority who made the byelaw have agreed to include it in a list of byelaws for the purposes of this sub-paragraph.

(6) A list under sub-paragraph (5)(b) must be published by the chief officer in such a way as to bring it to the attention of members of the public in localities where the byelaws in the list apply.

(7) The list may be amended from time to time by agreement between the chief officer and the authority, by adding byelaws to it or removing byelaws from it, and the amended list shall also be published by the chief officer as mentioned in sub-paragraph (6).**]**

Textual Amendments

F606 Sch. 5 para. 1A inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 133(3)(b)**, 245; S.I. 2010/112, **art. 2(e)**

Power to require giving of name and address

2 (1) Where an accredited person whose accreditation specifies that this paragraph applies to him has reason to believe that another person has committed a relevant offence in the relevant police area, he may require that other person to give him his name and address.

(2) A person who fails to comply with a requirement under sub-paragraph (1) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

(3) In this paragraph "relevant offence", in relation to any accredited person, means any offence which is—

(a) a relevant fixed penalty offence for the purposes of any powers exercisable by the accredited person by virtue of paragraph 1; or

[[F607](aa) an offence under section 3 or 4 of the Vagrancy Act 1824; or**]**

[[F608](aza) an offence under a relevant byelaw within the meaning of paragraph 1A(4); or**]**

(b) an offence the commission of which appears to the accredited person to have caused—

(i) injury, alarm or distress to any other person; or

(ii) the loss of, or any damage to, any other person's property;

but the accreditation of an accredited person may provide that an offence is not to be treated as a relevant offence by virtue of paragraph (b) unless it satisfies such other conditions as may be specified in the accreditation.

[[F609](4) In its application to an offence which is an offence by reference to which a notice may be given to a person in exercise of the power mentioned in paragraph 1(2)(ab) **[**[F610]or (ac)**]**, sub-paragraph (1) of this paragraph shall have effect as if for the words "has committed a relevant offence in the relevant police area" there were substituted "in the relevant police area has committed a relevant offence".**]**

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Textual Amendments

F607 Sch. 5 para. 2(3)(aa) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 18**; S.I. 2005/1521, **art. 3(1)(h)(i)**

F608 Sch. 5 para. 2(3)(aza) inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 133(3)(c)**, 245; S.I. 2010/112, **art. 2(e)**

F609 Sch. 5 para. 2(4) inserted (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 23(8)**, 93; S.I. 2003/3300, **art. 3(a)(ii)**

F610 Words in Sch. 5 para. 2(4) inserted (1.9.2007) by Education and Inspections Act 2006 (c. 40), **ss. 107(6)**, 188; S.I. 2007/1801, **art. 4(h)**

Power to require name and address of person acting in an anti-social manner

3 An accredited person whose accreditation specifies that this paragraph applies to him shall, in the relevant police area, have the powers of a constable in uniform under section 50 to require a person whom he has reason to believe to have been acting, or to be acting, in an anti-social manner (within the meaning of section 1 of the Crime and Disorder Act 1998 (c. 37) (anti-social behaviour orders)) to give his name and address.

Power to require name and address: road traffic offences

[[F611]3A(1) An accredited person whose accreditation specifies that this paragraph applies to him shall, in the relevant police area, have the powers of a constable—

(a) under subsection (1) of section 165 of the Road Traffic Act 1988 to require a person mentioned in paragraph (c) of that subsection who he has reasonable cause to believe has committed, in the relevant police area, an offence under subsection (1) or (2) of section 35 of that Act (including that section as extended by paragraphs 8B(4) and 9(2) of this Schedule) to give his name and address; and

(b) under section 169 of that Act to require a person committing an offence under section 37 of that Act (including that section as extended by paragraphs 8B(4) and 9(2) of this Schedule) to give his name and address.

(2) The reference in section 169 of the Road Traffic Act 1988 to section 37 of that Act is to be taken to include a reference to that section as extended by paragraphs 8B(4) and 9(2) of this Schedule.**]**

Textual Amendments

F611 Sch. 5 para. 3A inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 19**; S.I. 2005/1521, **art. 3(1)(h)(i)**

Alcohol consumption in designated public places

4 An accredited person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the powers of a constable under section 12 of the Criminal Justice and Police Act 2001 (c. 16) (alcohol consumption in public places)—

(a) to impose a requirement under subsection (2) of that section; and

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(b) to dispose under subsection (3) of that section of anything surrendered to him;

and that section shall have effect in relation to the exercise of those powers by that person as if the references to a constable in subsections (1) and (5) were references to the accredited person.

Confiscation of alcohol

5 An accredited person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the powers of a constable under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (c. 33) (confiscation of intoxicating liquor)—

(a) to impose a requirement under subsection (1) **[**[F612]or (1AA)**]** of that section; and

(b) to dispose under subsection (2) of that section of anything surrendered to him;

and that section shall have effect in relation to the exercise of those powers by that person as if the references to a constable in **[**[F613]subsections (1), (1AA) and (4) (but not the reference in subsection (1AB) (removal))**]** were references to the accredited person.

Textual Amendments

F612 Words in Sch. 5 para. 5 inserted (29.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116, {Sch, 7 para. 27(a)}; S.I. 2010/125, **art. 2(t)**

F613 Words in Sch. 5 para. 5 substituted (29.1.2010) by Policing and Crime Act 2009 (c. 26), ss. 112, 116, {Sch, 7 para. 27(b)}; S.I. 2010/125, **art. 2(t)**

Confiscation of tobacco etc.

6 (1) An accredited person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have—

(a) the power to seize anything that a constable in uniform has a duty to seize under subsection (3) of section 7 of the Children and Young Persons Act 1933 (c. 12) (seizure of tobacco etc. from young persons); and

(b) the power to dispose of anything that a constable may dispose of under that subsection;

and the power to dispose of anything shall be a power to dispose of it in such manner as the relevant employer of the accredited person may direct.

(2) In this paragraph "relevant employer", in relation to an accredited person, means the person with whom the chief officer of police for the relevant police area has entered into arrangements under section 40.

Abandoned vehicles

7 An accredited person whose accreditation specifies that this paragraph applies to him shall have all such powers in the relevant police area as are conferred on accredited persons by regulations under section 99 of the Road Traffic Regulation Act 1984 (c. 27) (removal of abandoned vehicles).

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Power to stop vehicle for testing

8 A person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the power of a constable in uniform to stop a vehicle under subsection (3) of section 67 of the Road Traffic Act 1988 (c. 52) for the purposes of a test under subsection (1) of that section.

Power to stop cycles

[[F614]8A(1) Subject to sub-paragraph (2), a person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the power of a constable in uniform under section 163(2) of the Road Traffic Act 1988 to stop a cycle.

(2) The power mentioned in sub-paragraph (1) may only be exercised by that person in relation to a person who he has reason to believe has committed an offence under section 72 of the Highway Act 1835 (riding on a footway) by cycling.**]**

Textual Amendments

F614 Sch. 5 para. 8A inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 89(6)**, 93; S.I. 2003/3300, **art. 2(f)(iv)**

Power to control traffic for purposes other than escorting a load of exceptional dimensions

[[F615]8B(1) A person whose accreditation specifies that this paragraph applies to him shall have, in the relevant police area—

(a) the power of a constable engaged in the regulation of traffic in a road to direct a person driving or propelling a vehicle to stop the vehicle or to make it proceed in, or keep to, a particular line of traffic;

(b) the power of a constable in uniform engaged in the regulation of vehicular traffic in a road to direct a person on foot to stop proceeding along or across the carriageway.

(2) The purposes for which those powers may be exercised do not include the purpose mentioned in paragraph 9(1).

(3) A person whose accreditation specifies that this paragraph applies to him shall also have, in the relevant police area, the power of a constable, for the purposes of a traffic survey, to direct a person driving or propelling a vehicle to stop the vehicle, to make it proceed in, or keep to, a particular line of traffic, or to proceed to a particular point on or near the road.

(4) Sections 35 and 37 of the Road Traffic Act 1988 (offences of failing to comply with directions of constable engaged in regulation of traffic in a road) shall have effect in relation to the exercise of the powers mentioned in sub-paragraphs (1) and (3), for the purposes for which they may be exercised and by a person whose accreditation specifies that this paragraph applies to him, as if the references to a constable were references to him.

(5) A person's accreditation may not specify that this paragraph applies to him unless it also specifies that paragraph 3A applies to him.**]**

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F615 Sch. 5 para. 8B inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 20**; S.I. 2005/1521, **art. 3(1)(h)(i)**

Power to control traffic for purposes of escorting a load of exceptional dimensions

9 (1) A person whose accreditation specifies that this paragraph applies to him shall have, for the purpose of escorting a vehicle or trailer carrying a load of exceptional dimensions either to or from the relevant police area, the power of a constable engaged in the regulation of traffic in a road—

(a) to direct a vehicle to stop;

(b) to make a vehicle proceed in, or keep to, a particular line of traffic; and

(c) to direct pedestrians to stop.

(2) Sections 35 and 37 of the Road Traffic Act 1988 (offences of failing to comply with directions of constable engaged in regulation of traffic in a road) shall have effect in relation to the exercise of those powers for the purpose mentioned in sub-paragraph (1) by a person whose accreditation specifies that this paragraph applies to him as if the references to a constable engaged in regulation of traffic in a road were references to that person.

(3) The powers conferred by virtue of this paragraph may be exercised in any police area in England and Wales.

(4) In this paragraph "vehicle or trailer carrying a load of exceptional dimensions" means a vehicle or trailer the use of which is authorised by an order made by the Secretary of State under section 44(1)(d) of the Road Traffic Act 1988.

Photographing of persons given fixed penalty notices

[[F616]9ZA An accredited person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the power of a constable under section 64A(1A) of the 1984 Act (photographing of suspects etc.) to take a photograph, elsewhere than at a police station, of a person to whom the accredited person has given a penalty notice (or as the case may be a fixed penalty notice) in exercise of any power mentioned in paragraph 1(2) **[**[F617]or in exercise of the power mentioned in paragraph 1A(3)**].]**

Textual Amendments

F616 Sch. 5 para. 9ZA inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 21**; S.I. 2005/3495, **art. 2(1)(q)(r)**

F617 Words in Sch. 5 para. 9ZA inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 133(3)(d)**, 245; S.I. 2010/112, **art. 2(e)**

*Power to modify paragraph **[**[F619]1(2A)**]***

[[F618]**[**[F620]9A(1) The Secretary of State may by order amend paragraph 1(2A) so as to remove a provision from the list or add a provision to the list; but the list must contain only

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provisions mentioned in the first column of the Table in section 1(1) of the Criminal Justice and Police Act 2001.**]**

(2) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by this paragraph unless a draft of that order has been laid before Parliament and approved by a resolution of each House.**]**

Textual Amendments

F618 Sch. 5 para. 9A inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 89(7)**, 93; S.I. 2003/3300, **art. 2(f)(iv)**

F619 Words in Sch. 5 para. 9A heading substituted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 122(6)**, 178; S.I. 2005/1521, **art. 3(1)(h)**; S.I. 2005/2026, **art. 2(d)**

F620 Sch. 5 para. 9A(1) substituted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 122(6)**, 178; S.I. 2005/1521, **art. 3(1)(h)**; S.I. 2005/2026, **art. 2(d)**

Meaning of "relevant police area"

10 In this Schedule "the relevant police area", in relation to an accredited person, means the police area for which the police force whose chief officer granted his accreditation is maintained.

[F621SCHEDULE 5A

POWERS EXERCISABLE BY ACCREDITED INSPECTORS

Textual Amendments

F621 Sch. 5A inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 15(2), 53, **Sch. 7**; S.I. 2007/709, **art. 3(k)** (subject to arts. 6, 7)

Power to issue fixed penalty notices

1 (1) An accredited inspector whose accreditation specifies that this paragraph applies to him shall have the powers specified in sub-paragraph (2) in relation to any individual who he has reason to believe has committed a relevant fixed penalty offence at a place within the relevant police area.

(2) The powers are the powers of a constable in uniform to give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (fixed penalty notices in respect of offences of disorder) so far as exercisable in respect of a relevant fixed penalty offence.

Power to require giving of name and address

2 (1) Where an accredited inspector whose accreditation specifies that this paragraph applies to him has reason to believe that a person has committed a relevant fixed

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penalty offence in the relevant police area, he may require the person to give him his name and address.

(2) A person who fails to comply with a requirement under sub-paragraph (1) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

Photographing of persons given fixed penalty notices

3 An accredited inspector whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the power of a constable under section 64A(1A) of the 1984 Act (photographing of suspects etc) to take a photograph, elsewhere than at a police station, of a person to whom the accredited inspector has given a penalty notice in exercise of the powers mentioned in paragraph 1(2).

Interpretation

4 In this Schedule—

"the relevant police area", in relation to an accredited inspector, means the police area for which the police force whose chief officer granted his accreditation is maintained;

"relevant fixed penalty offence", in relation to an accredited inspector, means an offence which—

(a) is an offence contained in a provision mentioned in the first column of the Table in section 1(1) of the Criminal Justice and Police Act 2001, and

(b) is specified or described in his accreditation as an offence he has been accredited to enforce.**]**

[F622][F622]SCHEDULE 6

Textual Amendments

F622 Sch. 6 repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, **Sch. 17 Pt. 2**; S.I. 2005/3495, **art. 2(1)(t)(u)(xlix)**

F622 . . . . . .

Status: *Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.*
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SCHEDULE 7

Section 107

MINOR AND CONSEQUENTIAL AMENDMENTS

Police (Scotland) Act 1967

1 (1) In subsection (1) of section 38A of the Police (Scotland) Act 1967 (c. 77) (police officers engaged on service outside their force), after paragraph (aa) there shall be inserted—

"(ab) temporary service on which a person is engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 (c. 30) (service with the Independent Police Complaints Commission);".

(2) In subsection (6)(a) of that section, after "paragraph (a)," there shall be inserted " (aa), ".

Superannuation Act 1972

2 (1) In Schedule 1 to the Superannuation Act 1972 (c. 11) (kinds of employment to which that Act applies), at the appropriate place in the entries under the heading "Royal Commissions and other Commissions", there shall be inserted—

"Independent Police Complaints Commission."

(2) In that Schedule, in the entries under the heading "Other bodies", the words "Police Complaints Authority." shall be omitted.

Juries Act 1974

3 In Part 1 of Schedule 1 to the Juries Act 1974 (c. 23) (ineligibility for jury service), in Group B, after the entry relating to the Criminal Cases Review Commission there shall be inserted—

"Chairman and members of the Independent Police Complaints Commission and any member of its staff who is not otherwise ineligible."

Rehabilitation of Offenders Act 1974

4 In section 7(2)(bb) of the Rehabilitation of Offenders Act 1974 (c. 53) (limitations on rehabilitations under Act etc.), for "a sex offender order under section 2 or, as the case may be, 20" there shall be substituted " an order under section 2, 2A or 20 ".

House of Commons Disqualification Act 1975

5 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified)—

(a) at the appropriate place, there shall be inserted—

"The Independent Police Complaints Commission.

;

and"

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(b) the words "The Police Complaints Authority." shall be omitted.

Northern Ireland Assembly Disqualification Act 1975

6 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified)—

(a) at the appropriate place, there shall be inserted—

"The Independent Police Complaints Commission.

;

and"

(b) the words "The Police Complaints Authority."shall be omitted.

The Police Pensions Act 1976

7 (1) Section 11 of the Police Pensions Act 1976 (c. 35) (interpretation) shall be amended as follows.

(2) In subsection (2) (meaning of "police authority" in relation to pensions)—

(a) in paragraph (b), for "(c)", in the second place where it occurs, there shall be substituted " (ba) ";

(b) after paragraph (b) there shall be inserted—

"(ba) in relation to service of the kind described in section 97(1)(aa) of the Police Act 1996 (c. 16) or section 38A(1)(aa) of the Police (Scotland) Act 1967 (c. 77), it means the Independent Police Complaints Commission;"

(c) in paragraph (c), for "subsection (ba) or (bc) above" there shall be substituted " paragraph (ba) or (bc) of subsection (1) ";

(d) in paragraph (d), for "subsection (bb) or (bd) above" there shall be substituted " paragraph (bb) or (bd) of subsection (1) ";

(e) in paragraph (da), for "subsection (be)" there shall be substituted " subsection (1)(be) ".

(3) In subsection (5) of that section, in the definition of "central service", in each of paragraphs (a) and (b), after "paragraph" there shall be inserted " (aa), ".

(4) After that subsection, there shall be inserted—

"(6) References in this Act to the Director General of the National Criminal Intelligence Service and to his service have effect only in relation to cases in which the person in question was a serving police officer for the purposes of section 6 of the Police Act 1997 (c. 50) immediately before his appointment to that office took effect."

Commencement Information

I52 Sch. 7 para. 7 wholly in force at 1.4.2004; Sch. 7 para. 7 not in force at Royal Assent, see s. 108(2); Sch. 7 para. 7(4) in force at 1.10.2002 by S.I. 2002/2306, **art. 2(g)(ii)**; Sch. 7 para. 7(1)-(3) in force at 1.4.2004 by S.I. 2004/913, **art. 2(e)**

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Rehabilitation of Offenders (Northern Ireland) Order 1978

8 In Article 8(2) of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/ 1908 (N.I. 27)) (limitations on rehabilitation under Order etc.), after sub-paragraph (b) there shall be inserted—

"(bb) in any proceedings on an application for an order under Article 6 or 6A of the Criminal Justice (Northern Ireland) Order 1998 (S.I. 1998/ 2839 (N.I. 20)) or in any appeal against the making of such an order;".

The 1984 Act

9 (1) In section 18(5) of the 1984 Act (power of constable to conduct search of an arrested person's premises before taking him to a police station), for "taking the person" there shall be substituted " the person is taken ".

(2) In section 54A(6) of that Act (persons entitled to carry out search or examination or to take photographs), for paragraphs (a) and (b) and the words after paragraph (b) there shall be substituted " constables ".

(3) In section 61 of that Act (fingerprinting), before subsection (9) there shall be inserted—

"(8B) The power to take the fingerprints of a person detained at a police station without the appropriate consent shall be exercisable by any constable."

(4) In section 63 of that Act (non-intimate samples), after subsection (9) there shall be inserted—

"(9ZA) The power to take a non-intimate sample from a person without the appropriate consent shall be exercisable by any constable."

(5) In section 64A(3) of that Act (persons entitled to photograph detainees), for paragraphs (a) and (b) and the words after paragraph (b) there shall be substituted " constables ".

(6) In subsection (7B) of section 67 of that Act (limited effect of modification of code of practice), in paragraph (c) for "order" there shall be substituted " code ".

(7) After subsection (9) of that section there shall be inserted—

"(9A) Persons on whom powers are conferred by—

(a) any designation under section 38 or 39 of the Police Reform Act 2002 (c. 30) (police powers for police authority employees), or

(b) any accreditation under section 41 of that Act (accreditation under community safety accreditation schemes),

shall have regard to any relevant provision of a code of practice to which this section applies in the exercise or performance of the powers and duties conferred or imposed on them by that designation or accreditation."

(8) In subsection (10) of that section (failure to comply with codes not to render a person liable to civil or criminal proceedings), after paragraph (b) there shall be inserted ", or

(c) of a person designated under section 38 or 39 or accredited under section 41 of the Police Reform Act 2002 (c. 30) to have regard to any relevant provision of such a code in the exercise or performance

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of the powers and duties conferred or imposed on him by that designation or accreditation,".

(9) In section 118, at the beginning of subsection (2) (meaning of persons in police detention) there shall be inserted " Subject to subsection (2A) "; and after that subsection there shall be inserted—

"(2A) Where a person is in another's lawful custody by virtue of paragraph 22, 34(1) or 35(3) of Schedule 4 to the Police Reform Act 2002, he shall be treated as in police detention."

Prosecution of Offences Act 1985

10 In section 3(2) of the Prosecution of Offences Act 1985 (c. 23) (functions of the Director of Public Prosecutions), after paragraph (b) there shall be inserted—

"(ba) to institute and have the conduct of any criminal proceedings in any case where the proceedings relate to the subject-matter of a report a copy of which has been sent to him under paragraph 23 or 24 of Schedule 3 to the Police Reform Act 2002 (c. 30) (reports on investigations into conduct of persons serving with the police);".

Road Traffic Act 1988

11 (1) Section 103 of the Road Traffic Act 1988 (c. 52) (obtaining licence, or driving, while disqualified) shall be amended as follows.

(2) Subsection (3) shall cease to have effect.

(3) In subsection (4), for "Subsections (1) and (3) above do" there shall be substituted " Subsection (1) above does ".

(4) In subsection (5), for "Subsections (1)(b) and (3) above do" there shall be substituted " Subsection (1)(b) above does ".

(5) In subsection (6), for "subsections (1) and (3)" there shall be substituted " subsection (1) ".

12 In section 183(1) of the Road Traffic Act 1988 (application to the Crown), in paragraph (c), the words ", except section 103(3)" shall be omitted.

Aviation and Maritime Security Act 1990

13 In section 22(4) of the Aviation and Maritime Security Act 1990 (c. 31) (persons entitled to exercise certain powers in relation to private dwelling), in paragraph (b)(i), for the words from "Police Complaints Authority" to the end of the sub-paragraph there shall be substituted " Independent Police Complaints Commission under section 26 of the Police Reform Act 2002 (c. 30); or ".

The 1996 Act

14 In section 8 of the 1996 Act (local policing plans), after subsection (4) there shall be inserted—

"(4A) It shall be the duty of a police authority and of a chief constable, in preparing, issuing or submitting any plan or draft plan under this section, to have regard

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to any general guidance given by the Secretary of State with respect to local policing plans and the drafts of such plans.

(4B) Before giving any guidance under subsection (4A), the Secretary of State shall consult with—

(a) persons whom he considers to represent the interests of police authorities;

(b) persons whom he considers to represent the interests of chief officers of police; and

(c) such other persons as he thinks fit."

15 In section 54 of the 1996 Act (appointment and functions of inspectors of constabulary), before subsection (3) there shall be inserted—

"(2D) It shall be the duty of the chief inspector of constabulary—

(a) to enter into arrangements with the Independent Police Complaints Commission for the purpose of securing cooperation, in the carrying out of their respective functions, between the inspectors of constabulary and that Commission; and

(b) to ensure that inspectors of constabulary provide that Commission with all such assistance and co-operation as may be required by those arrangements or as otherwise appears to the chief inspector to be appropriate for facilitating the carrying out by that Commission of its functions."

16 F623 . . . . . .

Textual Amendments

F623 Sch. 7 para. 16 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 12, 13(oo) (subject to art. 4(2)-(7))

17 F624 . . . . . .

Textual Amendments

F624 Sch. 7 para. 17 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 12, 13(oo) (subject to art. 4(2)-(7))

18 In section 87 of that Act (guidance concerning disciplinary proceedings), for subsection (2) there shall be substituted—

"(1A) The Secretary of State may also issue guidance to the Independent Police Complaints Commission concerning the discharge of its functions under any regulations under section 50 in relation to disciplinary proceedings.

(2) Nothing in this section shall authorise the issuing of any guidance about a particular case.

(3) It shall be the duty of every person to whom any guidance under this section is issued to have regard to that guidance in discharging the functions to which the guidance relates.

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(4) A failure by a person to whom guidance under this section is issued to have regard to the guidance shall be admissible in evidence in any disciplinary proceedings or on any appeal from a decision taken in any such proceedings.

(5) In this section "disciplinary proceedings" means any proceedings under any regulations under section 50 that are identified as disciplinary proceedings by those regulations."

19 (1) In subsection (1) of section 97 of that Act (police officers engaged on service outside their force), after paragraph (a) there shall be inserted—

"(aa) temporary service on which a person is engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 (c. 30) ;".

(2) F625 . . . . . .

(3) F625 . . . . . .

Textual Amendments

F625 Sch. 7 para. 19(2)(3) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 12, 13(oo) (subject to art. 4(2)-(7))

Justices of the Peace Act 1997

20 F626 . . . . . .

Textual Amendments

F626 Sch. 7 para. 20 repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110(1), **Sch. 10**; S.I. 2005/910, **art. 3(aa)(bb)**

The 1997 Act

21 F627 . . . . . .

Textual Amendments

F627 Sch. 7 para. 21 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 12, 13(oo) (subject to art. 4(2)-(7))

Police (Northern Ireland) Act 1998

22 (1) In subsection (1) of section 27 of the Police (Northern Ireland) Act 1998 (c. 32) (police officers engaged on service outside the Police Service of Northern Ireland), after paragraph (a) there shall be inserted—

"(aa) temporary service on which a member of the police force is engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 (c. 30);".

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(2) F628 . . . . . .

Textual Amendments

F628 Sch. 7 para. 22(2) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 12, 13(oo) (subject to art. 4(2)-(7))

Freedom of Information Act 2000

23 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public bodies for the purposes of that Act)—

(a) at the appropriate place, there shall be inserted—

"The Independent Police Complaints Commission.

;

and"

(b) the words "The Police Complaints Authority." shall be omitted.

Criminal Justice and Police Act 2001

24 F629 . . . . . .

Textual Amendments

F629 Sch. 7 para. 24 repealed (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 52, 53, **Sch. 15 Pt. 1(A)**; S.I. 2007/709, **art. 3(q)** (subject to arts. 6, 7)

SCHEDULE 8

Section 107

REPEALS

Commencement Information

I53 Sch. 8 partly in force; Sch. 8 in force for certain purposes at Royal Assent, see s. 108(2)(3); Sch. 8 in force for certain purposes at 1.10.2002 by S.I. 2002/2306, **art. 2(g)(iii)**; Sch. 8 in force for certain other purposes at 2.12.2002 by S.I. 2002/2750, **art. 2(b)(iii)**; Sch. 8 in force for certain purposes at 1.4.2003 by S.I. 2003/808, **art. 2(l)**; Sch. 8 in force for certain purposes at 1.4.2004 by S.I. 2004/913, **art. 2(f)**; Sch. 8 in force for certain purposes for E. at 30.4.2004 by S.I. 2004/913, **art. 3(c)**; Sch. 8 in force for certain purposes at 1.6.2004 by S.I. 2004/1319, **art. 2(f)**; Sch. 8 in force for certain purposes at 23.12.2004 by S.I. 2004/3338, **art. 3(c)**

Short title and chapter	***Extent of repeal***
Superannuation Act 1972 (c. 11)	In Schedule 1, in the entries under the heading "Other bodies", the words "Police Complaints Authority."

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House of Commons Disqualification Act 1975 (c. 24)	In Part 2 of Schedule 1, the words "Police Complaints Authority."
Northern Ireland Assembly Disqualification Act 1975 (c. 25)	In Part 2 of Schedule 1, the words "The Police Complaints Authority."
Road Traffic Regulation Act 1984 (c. 27)	In section 96(3)— (a) in the words before paragraph (a), the words "163"; and (b) paragraph (c) and the word "or" immediately preceding it.
Police and Criminal Evidence Act 1984 (c. 60)	In section 67(10), the word "or" after paragraph (a).
Housing Act 1985 (c. 68)	In section 4(e), the words "the Metropolitan Police Authority".
Housing Act 1988 (c. 50)	In paragraph 12(2)(g) of Schedule 1, the words "and the Metropolitan Police Authority".
Road Traffic Act 1988 (c. 52)	Section 103(3). In section 183(1)(c), the words ", except section 103(3)".
Road Traffic Offenders Act 1988 (c. 53)	In section 34(3), the word "and" after paragraph (a).
Official Secrets Act 1989 (c. 6)	Section 11(1).
Criminal Justice and Public Order Act 1994 (c. 33)	Section 54(5).
Police Act 1996 (c. 16)	Section 42(5). In section 62(1B), the words "6 or". Section 63(3)(b). Chapter 1 of Part 4. Section 86. In section 105(2), the words from "paragraph 8" to "that paragraph);". In Schedule 2, paragraph 25. In Schedule 2A, paragraph 20. Schedule 5.
Employment Rights Act 1996 (c. 18)	In section 200(1), the words "Part IVA," and "47B".
Protection from Harassment Act 1997 (c. 40)	Section 2(3).
Police (Health and Safety) Act 1997 (c. 42)	**F630** . . .
Police Act 1997 (c. 50)	Section 6(3). In section 9, in subsection (2)(b), the words from "to which" to "applies". Section 9A(2). Section 39(3). Section 42(6)(a).

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	In section 55, in subsection (2)(b), the words from "to which" to "applies". Section 55A(2).
Public Interest Disclosure Act 1998 (c. 23)	Section 13.
Police (Northern Ireland) Act 1998 (c. 32)	In Schedule 4, sub-paragraphs (2) to (4) of paragraph 22, and sub-paragraph (9) of that paragraph, the words "and 55(3)(c)".
Crime and Disorder Act 1998 (c. 37)	In section 1— (a) the words after paragraph (b) of subsection (1); and (b) subsection (2). In section 5(1), the word "and" at the end of paragraph (a). Section 32(2). Section 84(2).
Football (Offences and Disorder) Act 1999 (c. 21)	Section 1(2)(f). Section 8(3) and (4).
Local Government Act 1999 (c. 27)	Section 24(3).
Greater London Authority Act 1999 (c. 29)	In Schedule 27, paragraphs 51, 59, 90 and 97 to 99.
Police (Northern Ireland) Act 2000 (c. 32)	In Schedule 6, paragraph 20(4).
Freedom of Information Act 2000 (c. 36)	In Part 6 of Schedule 1, the words "The Police Complaints Authority".
Countryside and Rights of Way Act 2000 (c. 37)	In Schedule 12, paragraph 13.
Criminal Justice and Court Services Act 2000 (c. 43)	In Schedule 7, in paragraph 151, the words "5(2)(b)".
Criminal Justice and Police Act 2001 (c. 16)	Section 12(6). Section 46(6). Section 71. Section 80(2). Section 122(3). Section 123(3). Section 125(4)(b). In Schedule 6, paragraph 74.
Anti-Terrorism, Crime and Security Act 2001 (c. 24)	Section 82(1). Section 94(3).

Textual Amendments

F630 Sch. 8: reference to section 5 of the Police (Health and Safety) Act 1997 (c. 42) repealed (7.4.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 158(4)(b), 174(2), 178(1), **Sch. 17 Pt. 1**

Status:
Point in time view as at 22/11/2012. This version of this Act contains provisions that are prospective.

Changes to legislation:
Police Reform Act 2002 is up to date with all changes known to be in force on or before 13 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.