



# Police Reform Act 2002

## 2002 CHAPTER 30

### U.K.

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 U.K.

#### POWERS OF THE SECRETARY OF STATE

#### 1 National Policing Plan E+W

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 **E+W**

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 **E+W**

- (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** E+W

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** **E+W**

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 **E+W**

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 **E+W**

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 **E+W**

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### 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 **U.K.**

### 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 applied (with modifications) (9.8.2013) by [The Police \(Complaints and Misconduct\)\(Old Cases\) Regulations 2013 \(S.I. 2013/1778\)](#), regs. 1(1), **2**
- C5** Pt. 2 modified (8.4.2015) by [The Independent Police Complaints Commission \(Complaints and Misconduct\) \(Contractors\) Regulations 2015 \(S.I. 2015/431\)](#), regs. 1, 4, **Sch.**
- C6** Pt. 2: power to amend conferred (E.W.) (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [2009 c. 20, s. 107EE\(4\)](#) (as inserted by [Policing and Crime Act 2017 \(c. 3\)](#), ss. **8(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(a))



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- C7 Pt. 2: power to amend conferred (E.W.) (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by 2004 c. 21, s. 4K(2)(4) (as inserted by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 1 para. 5; S.I. 2017/399, reg. 2, Sch. para. 38)
- C8 Pt. 2 modified (15.12.2017) by S.I. 2012/1204, Sch. Pt. 1 (as inserted by The Police (Conduct, Complaints and Misconduct and Appeal Tribunal) (Amendment) Regulations 2017 (S.I. 2017/1134), reg. 1(1), Sch. 2 (with reg. 2))
- C9 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
- C10 Pt. 2 (ss. 9-29) applied (1.4.2004) by The Police (Complaints and Misconduct) Regulations 2004 (S.I. 2004/643), reg. 28
- C11 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
- C12 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
- C13 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

### *[<sup>F3</sup>The Independent Office for Police Conduct]*

#### **Textual Amendments**

- F3 S. 9 cross-heading substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 16; S.I. 2017/1249, reg. 2 (with reg. 3)

## 9 **[<sup>F4</sup>The Independent Office for Police Conduct] U.K.**

[<sup>F5</sup>(1) The body corporate previously known as the Independent Police Complaints Commission—

- (a) is to continue to exist, and
- (b) is to be known instead as the Independent Office for Police Conduct.]

[<sup>F6</sup>(2) The Office is to consist of—

- (a) a Director General appointed by Her Majesty, and
- (b) at least six other members.

(2A) The other members must consist of—

- (a) persons appointed as non-executive members (see paragraph 1A of Schedule 2), and
- (b) persons appointed as employee members (see paragraph 1B of that Schedule), but the powers of appointment under those paragraphs must be exercised so as to secure that a majority of members of the Office (including the Director General) are non-executive members.]

(3) A person shall not be appointed as the [<sup>F7</sup>Director General]<sup>F8</sup>... 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;

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- (d) he is a person in relation to whom an accreditation under section 41 [F9 or 41A] is or has been in force;
- [F10](da) he F11 ... has been the chairman or a member of, or a member of the staff of, the Serious Organised Crime Agency;]
- [F12](db) he F13 ... 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;]

[F14](dc) the person is, or has been, a National Crime Agency officer;]

(e) he F15 ... 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) [F16]Neither the Office nor the Director General shall—

    - (a) be regarded as the servant or agent of the Crown; or
    - (b) enjoy any status, privilege or immunity of the Crown;

and the [F17]Office'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 [F18]Office]) shall have effect.

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

#### Textual Amendments

- F4** S. 9 heading substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 33\(3\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))
- F5** S. 9(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 33\(4\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))
- F6** S. 9(2)(2A) substituted for s. 9(2) (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 33\(5\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/399](#), [reg. 2](#), [Sch. para. 6](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))
- F7** Words in s. 9(3) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 33\(6\)\(a\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/399](#), [reg. 2](#), [Sch. para. 6](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))
- F8** Words in s. 9(3) omitted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 33\(6\)\(b\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/399](#), [reg. 2](#), [Sch. para. 6](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))
- F9** 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](#))

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- F10** 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))
- F11** Words in s. 9(3)(da) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 153(1)(a)**; S.I. 2013/1682, art. 3(v)
- F12** 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)
- F13** Words in s. 9(3)(db) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 153(1)(b)**; S.I. 2013/1682, art. 3(v)
- F14** S. 9(3)(dc) inserted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 153(1)(c)**; S.I. 2013/1682, art. 3(v)
- F15** 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))
- F16** Words in s. 9(5) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 33(7)(a)**, 183(1)(5)(e); S.I. 2017/1249, **reg. 2** (with reg. 3)
- F17** Word in s. 9(5) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 33(7)(b)**, 183(1)(5)(e); S.I. 2017/1249, **reg. 2** (with reg. 3)
- F18** Word in s. 9(6) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 33(8)**, 183(1)(5)(e); S.I. 2017/1249, **reg. 2** (with reg. 3)

#### Modifications etc. (not altering text)

- C14** 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
- C15** S. 9 applied (with modifications) (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 4**
- C16** S. 9 applied (with modifications) (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 4**
- C17** 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)
- C18** S. 9 applied (with modifications) (7.10.2013) by The National Crime Agency (Complaints and Misconduct) Regulations 2013 (S.I. 2013/2325), regs. 1(1), **5**
- C19** S. 9 applied (with modifications) (30.4.2017) by The Gangmasters and Labour Abuse Authority (Complaints and Misconduct) Regulations 2017 (S.I. 2017/521), regs. 1, **5**

#### Commencement Information

- II** 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 <sup>F19</sup>Director General **U.K.**

- (1) The functions of the <sup>F19</sup>Director General shall be—
- (a) to secure the maintenance by the <sup>F19</sup>Director General<sup>F20</sup>..., and by <sup>F21</sup>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;

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- (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 [F19]Director General] of [F22]the Director General's] other functions, to be necessary or desirable; F23 . . .
- (f) to such extent as [F24]the Director General] may be required to do so by regulations made by the Secretary of State, to carry out functions in relation to F25 . . . bodies of constables maintained otherwise than by [F26]local policing bodies] which broadly correspond to those conferred on the [F19]Director General] in relation to police forces by the preceding paragraphs of this subsection[F27, F28 . . .
- (g) to carry out functions in relation to the [F29]National Crime Agency] which correspond to those conferred on the [F19]Director General] in relation to police forces by paragraph (e) of this subsection][F30; and
- [ F31(ga) to carry out such corresponding functions in relation to officers of the Gangmasters and Labour Abuse Authority in their capacity as labour abuse prevention officers (see section 114B of the Police and Criminal Evidence Act 1984 (PACE powers for labour abuse prevention officers)).]
- F32(h) . . . . .]

(2) Those matters are—

- (a) the handling of complaints [F33](within the meaning given by section 12)][F34]or other concerns raised by virtue of Part 2B (whistle-blowing)];
- (b) the recording of matters from which it appears that there may have been conduct by [F35]persons serving with the police] which constitutes or involves the commission of a criminal offence or behaviour justifying disciplinary proceedings;
- [F36(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 [F37]or other concerns] or any such matters as are mentioned in paragraph (b) [F38]or (ba)] are investigated or otherwise handled and dealt with.

(3) The [F19]Director General] shall also have the functions which are conferred on [F39]the Director General] by—

- (a) F40 . . . . .
- (b) any agreement or order under section 26 of this Act (other bodies of constables);
- [F41(bc) any regulations under section 26C of this Act (the National Crime Agency);]
- [F42(bd) any regulations under section 26D of this Act (labour abuse prevention officers);]
- (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 F43 . . . any body of constables maintained otherwise than by a [F44]local policing body].

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[<sup>F45</sup>(3A) The [<sup>F19</sup>Director General] also has any functions conferred on [<sup>F46</sup>the Director General] by regulations under section 29C of this Act (regulations about super-complaints).]

[<sup>F47</sup>(3B) The [<sup>F19</sup>Director General] also has the functions which are conferred on [<sup>F48</sup>the Director General] by Part 2B (whistle-blowing).]

(4) It shall be the duty of the [<sup>F19</sup>Director General]—

- (a) to exercise the powers and perform the duties conferred on [<sup>F49</sup>the Director General] by the following provisions of this Part in the manner that [<sup>F49</sup>the Director General] considers best calculated for the purpose of securing the proper carrying out of [<sup>F50</sup>the Director General's] 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 [<sup>F19</sup>Director General] has functions.

(5) It shall also be the duty of the [<sup>F19</sup>Director General]—

- (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 [<sup>F19</sup>Director General] 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 [<sup>F19</sup>Director General] to be appropriate, for facilitating the carrying out by those inspectors of their functions.

[<sup>F51</sup>(5A) In carrying out functions the Director General must have regard to any advice provided to the Director General by the Office (see section 10A(1)(c)).]

(6) Subject to the other provisions of this Part, the [<sup>F19</sup>Director General] may do anything which appears to [<sup>F52</sup>the Director General] to be calculated to facilitate, or is incidental or conducive to, the carrying out of [<sup>F53</sup>the Director General's] functions.

(7) The [<sup>F54</sup>Office] 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) [<sup>F55</sup>the Director General's] function under subsection (1)(e), <sup>F56</sup> . . .
- (b) any corresponding function conferred on [<sup>F57</sup>the Director General] by virtue of subsection (1)(f), [<sup>F58</sup>or
- (c) [<sup>F55</sup>the Director General's] function under subsection (1)(g) [<sup>F59</sup>or (h)],]

impose any such charge on that person for anything done by the [<sup>F19</sup>Director General] for the purposes of, or in connection with, the carrying out of that function as [<sup>F57</sup>the Director General] thinks fit.

<sup>F60</sup>(8) . . . . .

<sup>F61</sup>(9) . . . . .

**Textual Amendments**

**F19** Words in s. 10 substituted in part (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 34\(2\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

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- F20** Word in s. 10(1)(a) omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F21** 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
- F22** Words in s. 10(1)(e) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F23** 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))
- F24** Words in s. 10(1)(f) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(4)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F25** 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))
- F26** 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
- F27** 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))
- F28** 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)
- F29** Words in s. 10(1)(g) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 9(2)(a)**; S.I. 2013/1682, art. 3(q)
- F30** 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)
- F31** S. 10(1)(ga) inserted (12.7.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 3 para. 11(a)**; S.I. 2016/603, reg. 3(u)
- F32** S. 10(1)(h) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 9(2)(b)**; S.I. 2013/1682, art. 3(q)
- F33** Words in s. 10(2)(a) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(5)(e), **Sch. 4 para. 2(a)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F34** Words in s. 10(2)(a) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 34(3)(a)**, 183(1)(5)(e)
- F35** Words in s. 10(2)(b) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(5)(e), **Sch. 4 para. 2(b)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F36** 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)**
- F37** Words in s. 10(2)(c) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 34(3)(b)**, 183(1)(5)(e)
- F38** 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)**
- F39** Words in s. 10(3) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(5)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F40** 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))
- F41** S. 10(3)(bc) substituted for s. 10(3)(ba)(bb) (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 9(3)**; S.I. 2013/1682, art. 3(q)

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- F42** S. 10(3)(bd) inserted (12.7.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 3 para. 11(b)**; S.I. 2016/603, reg. 3(u)
- F43** 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))
- F44** 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
- F45** S. 10(3A) inserted (31.1.2017 for specified purposes, 16.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 27(2)**, 183(1)(5)(e); S.I. 2018/456, reg. 3(c)
- F46** Words in s. 10(3A) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(6)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F47** S. 10(3B) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 28(3)**, 183(1)(5)(e)
- F48** Words in s. 10(3B) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(7)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F49** Words in s. 10(4)(a) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(8)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F50** Words in s. 10(4)(a) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(8)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F51** S. 10(5A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 34(4)**, 183(1)(5)(e); S.I. 2017/1249, reg. 2 (with reg. 3)
- F52** Words in s. 10(6) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(9)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F53** Words in s. 10(6) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(9)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F54** Word in s. 10(7) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 34(5)**, 183(1)(5)(e); S.I. 2017/1249, reg. 2 (with reg. 3)
- F55** Words in s. 10(7) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(10)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F56** 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))
- F57** Words in s. 10(7) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 17(10)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F58** 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))
- F59** 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)
- F60** 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)
- F61** S. 10(9) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 9(4)**; S.I. 2013/1682, art. 3(q)

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#### Modifications etc. (not altering text)

- C20** 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
- C21** 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\(6\)](#))

### [<sup>F62</sup>10A General functions of the Office **U.K.**

- (1) The functions of the Office are—
- (a) to secure that the Office has in place appropriate arrangements for good governance and financial management,
  - (b) to determine and promote the strategic aims and values of the Office,
  - (c) to provide support and advice to the Director General in the carrying out of the Director General's functions, and
  - (d) to monitor and review the carrying out of such functions.
- (2) The Office also has such other functions as are conferred on it by any other enactment (whenever passed or made).
- (3) The Office is to perform its functions for the general purpose of improving the way in which the Director General's functions are carried out (including by encouraging the efficient and effective use of resources in the carrying out of those functions).
- (4) In carrying out its functions the Office must in particular have regard to public confidence in the existence of suitable arrangements with respect to the matters mentioned in section 10(2) and with the operation of the arrangements that are in fact maintained with respect to those matters.
- (5) The Office may do anything which appears to it to be calculated to facilitate, or is incidental or conducive to, the carrying out of its functions.

#### Textual Amendments

- F62** Ss. 10A-10D inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 34\(6\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

### 10B Efficiency etc in exercise of functions **U.K.**

The Director General and the Office must carry out their functions efficiently and effectively.

#### Textual Amendments

- F62** Ss. 10A-10D inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 34\(6\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

### 10C Strategy for exercise of functions **U.K.**

- (1) The Director General and the Office must jointly—
- (a) prepare a strategy for the carrying out of their functions, and



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- (b) review the strategy (and revise it as appropriate) at least once every 12 months.
- (2) The strategy must set out how the Director General and the Office propose to carry out their functions in the relevant period.
- (3) The strategy must also include a plan for the use during the relevant period of resources for the carrying out of functions of the Director General and the Office.
- (4) The Director General and the Office must each give effect to the strategy in carrying out their functions.
- (5) The Director General and the Office must jointly publish a strategy (or revised strategy) prepared under this section (stating the time from which it takes effect).
- (6) In this section “relevant period”, in relation to a strategy, means the period of time that is covered by the strategy.

#### Textual Amendments

**F62** Ss. 10A-10D inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 34(6), 183(1)(5)(e); S.I. 2017/1249, reg. 2 (with reg. 3)

### 10D Code of practice **U.K.**

- (1) The Director General and the Office must jointly prepare a code of practice dealing with the relationship between the Director General and the Office.
- (2) In doing so, they must (in particular) seek to reflect the principle that the Director General is to act independently when making decisions in connection with the carrying out of the Director General's functions.
- (3) The code must include provision as to the following—
  - (a) how the strategy required by section 10C is to be prepared, reviewed and revised;
  - (b) the matters to be covered by the strategy and the periods to be covered by it from time to time;
  - (c) how the carrying out of functions by the Director General is to be monitored and reviewed by other members of the Office;
  - (d) the giving of advice to the Director General by other members of the Office in connection with the carrying out of functions by the Director General;
  - (e) the keeping of written records of instances where the Director General has not followed advice given by other members of the Office and the reasons for not doing so;
  - (f) how non-executive members of the Office are to give practical effect to the requirement imposed by subsection (2).
- (4) The Code may include whatever other provision the Director General and the Office think appropriate.
- (5) The Director General and the Office must jointly review the code regularly and revise it as appropriate.
- (6) The Director General and the Office must each comply with the code.

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- (7) The Director General and the Office must jointly publish a code (or revised code) prepared under this section (stating the time from which it takes effect).]

#### Textual Amendments

**F62** Ss. 10A-10D inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 34(6), 183(1)(5)(e); S.I. 2017/1249, reg. 2 (with reg. 3)

## 11 Reports to the Secretary of State **U.K.**

- (1) As soon as practicable after the end of each of [<sup>F63</sup>the Office's] financial years, the [<sup>F64</sup>Director General and the Office must jointly] make a report to the Secretary of State on the carrying out of [<sup>F65</sup>their] functions during that year.
- [<sup>F66</sup>(2) The Secretary of State may also require reports to be made (at any time)—
- (a) by the Director General about the carrying out of the Director General's functions,
  - (b) by the Office about the carrying out of the Office's functions, or
  - (c) jointly by the Director General and the Office about the carrying out of their functions.]
- [<sup>F67</sup>(2A) The Director General may, from time to time, make such other reports to the Secretary of State as the Director General considers appropriate for drawing the Secretary of State's attention to matters which—
- (a) have come to the Director General's notice, and
  - (b) are matters which the Director General considers should be drawn to the attention of the Secretary of State by reason of their gravity or of other exceptional circumstances.]
- (3) The [<sup>F68</sup>Office] 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 [<sup>F69</sup>Office'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.
- [<sup>F70</sup>(3A) The Director General and the Office may jointly make reports under subsections (2A) and (3).]
- (4) The [<sup>F71</sup>Director General] shall prepare such reports containing advice and recommendations as [<sup>F72</sup>the Director General] thinks appropriate for the purpose of carrying out—
- (a) [<sup>F73</sup>the Director General's] function under subsection (1)(e) of section 10; or
  - (b) any corresponding function conferred on [<sup>F72</sup>the Director General] 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.

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- (6) The [<sup>F74</sup>Office] shall send a copy of every annual report under subsection (1)—
  - (a) to every [<sup>F75</sup>local policing body];
  - <sup>F76</sup>(b) .....
  - <sup>F77</sup>(c) .....
  - (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<sup>F78</sup>; and
  - <sup>F79</sup>(e) .....
  - <sup>F80</sup>(f) to the National Crime Agency.]
- <sup>F81</sup>(6A) The Director General must send a copy of every report under subsection (2A) —
  - (a) to any local policing body that appears to the Director General to be concerned, and
  - (b) to the chief officer of police of any police force that appears to the Director General to be concerned.]
- (7) The [<sup>F82</sup>Office] shall send a copy of every report under subsection (3)—
  - (a) to any [<sup>F83</sup>local policing body] that appears to the [<sup>F82</sup>Office] to be concerned; and
  - (b) to the chief officer of police of any police force that appears to it to be concerned.
- <sup>F84</sup>(8) Where a report under subsection [<sup>F85</sup>(2A) or] (3) relates to the [<sup>F86</sup>National Crime Agency], the [<sup>F87</sup>Director General or the Office (as the case may be)] shall send a copy of that report to the Agency.]
- (9) Where a report under subsection [<sup>F88</sup>(2A) or] (3) relates to a body of constables maintained by an authority other than a [<sup>F89</sup>local policing body], the [<sup>F90</sup>Director General or the Office (as the case may be)] 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.
- <sup>F91</sup>(9A) .....
- (10) The [<sup>F92</sup>Director General] shall send a copy of every report under subsection (4)to—
  - (a) the Secretary of State;
  - (b) every [<sup>F93</sup>local policing body];
  - (c) every chief officer;
  - <sup>F94</sup>(d) .....
  - <sup>F95</sup>(e) .....
  - (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; <sup>F96</sup> . . .
  - (g) every person who has the direction and control of such a body of constables<sup>F97</sup>; <sup>F98</sup> ...
  - <sup>F99</sup>(h) .....
  - (i) the National Crime Agency.]
- (11) The [<sup>F101</sup>Director General] shall send a copy of every report made or prepared by [<sup>F102</sup>the Director General] under subsection [<sup>F103</sup>(2A)] or (4) to such of the persons (in addition to those specified in the preceding subsections) who—

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- (a) are referred to in the report, or
  - (b) appear to the [<sup>F101</sup>Director General] otherwise to have a particular interest in its contents,
- as the [<sup>F101</sup>Director General] thinks fit.

[<sup>F104</sup>(12) The Office must send a copy of every report made or prepared by it under subsection (3) to such of the persons (in addition to those specified in the preceding subsections) who—

- (a) are referred to in the report, or
  - (b) appear to the Office otherwise to have a particular interest in its contents,
- as the Office thinks fit.

(13) Where a report under subsection (2A) or (3) is prepared jointly by virtue of subsection (3A), a duty under this section to send a copy of the report to any person is met if either the Director General or the Office sends a copy to that person.]

#### Textual Amendments

- F63** Words in s. 11(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 18(2)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F64** Words in s. 11(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 18(2)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F65** Word in s. 11(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 18(2)(c)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F66** S. 11(2) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 18(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F67** S. 11(2A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 18(4)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F68** Word in s. 11(3) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 18(5)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F69** Word in s. 11(3) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 18(5)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F70** S. 11(3A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 18(6)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F71** Words in s. 11(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 18(7)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F72** Words in s. 11(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 18(7)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F73** Words in s. 11(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 18(7)(c)**; S.I. 2017/1249, reg. 2 (with reg. 3)

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- F74** Word in s. 11(6) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 18(8)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F75** 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
- F76** S. 11(6)(b) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 10(2)(a)**; S.I. 2013/1682, art. 3(q)
- F77** S. 11(6)(c) omitted (1.4.2006) by virtue of 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))
- F78** 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)
- F79** S. 11(6)(e) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 10(2)(a)**; S.I. 2013/1682, art. 3(q)
- F80** S. 11(6)(f) inserted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 10(2)(b)**; S.I. 2013/1682, art. 3(q)
- F81** S. 11(6A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 18(9)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F82** Word in s. 11(7) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 18(10)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F83** 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
- F84** 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))
- F85** Words in s. 11(8) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 18(11)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F86** Words in s. 11(8) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 10(3)**; S.I. 2013/1682, art. 3(q)
- F87** Words in s. 11(8) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 18(11)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F88** Words in s. 11(9) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 18(12)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F89** 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
- F90** Words in s. 11(9) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 18(12)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F91** S. 11(9A) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 10(4)**; S.I. 2013/1682, art. 3(q)
- F92** Words in s. 11(10) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 18(13)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F93** 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
- F94** S. 11(10)(d) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 10(5)(a)**; S.I. 2013/1682, art. 3(q)
- F95** S. 11(10)(e) omitted (1.4.2006) by virtue of 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))

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- F96** 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)
- F97** 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)
- F98** Word in s. 11(10)(g) omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 6 para. 10\(5\)\(b\)](#); S.I. 2013/1682, [art. 3\(q\)](#)
- F99** S. 11(10)(h) omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 6 para. 10\(5\)\(a\)](#); S.I. 2013/1682, [art. 3\(q\)](#)
- F100** S. 11(10)(i) and preceding word inserted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 6 para. 10\(5\)\(c\)](#); S.I. 2013/1682, [art. 3\(q\)](#)
- F101** Words in s. 11(11) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 18\(14\)\(a\)](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F102** Words in s. 11(11) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 18\(14\)\(b\)](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F103** Word in s. 11(11) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 18\(14\)\(c\)](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F104** S. 11(12)(13) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 18\(15\)](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))

**Modifications etc. (not altering text)**

- C22** 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** E+W

[<sup>F105</sup>(1) In this Part references to a complaint are references (subject to the following provisions of this section) to any expression of dissatisfaction with a police force which is expressed (whether in writing or otherwise) by or on behalf of a member of the public.

(1A) But an expression of dissatisfaction is a complaint for the purposes of this Part—

- (a) where it relates to conduct of a person serving with the police, only if the person in question is a person falling within subsection (1B);
- (b) in any other case, only if the person in question has been adversely affected by the matter about which dissatisfaction is expressed.

(1B) In relation to an expression of dissatisfaction that relates to conduct of a person serving with the police, a person falls within this subsection if the person is—

- (a) a person who claims to be the person in relation to whom the conduct took place;
- (b) a person not falling within paragraph (a) who claims to have been adversely affected by the conduct; or
- (c) a person who claims to have witnessed the conduct.]

(2) In this Part “conduct matter” means (subject to the following provisions of this section, [<sup>F106</sup>section 28A and any regulations made under it,]<sup>F107</sup>... and any regulations made by virtue of section 23(2)(d)) any matter which is not and has not been the subject

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of a complaint but in the case of which there is an 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.

[<sup>F108</sup>(2A) In this Part “death or serious injury matter” (or “DSI matter” for short) means [<sup>F109</sup>(subject to section 28A and any regulations made under it)] 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 [<sup>F110</sup>subsection (1B)(b)] do not, except in a case falling within subsection (4), include any [<sup>F111</sup>where the person in question] 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.

[<sup>F112</sup>(4A) In this section, “the person in question” means the person expressing dissatisfaction or the person on whose behalf dissatisfaction is being expressed.]

(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

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- (b) he has in his possession or under his control anything which would in any such proceedings constitute admissible evidence of that conduct.
- (6) <sup>F113</sup>For the purposes of this Part a person is not to be taken to have authorised another person to make a complaint on his behalf unless—
- (a) that other person is for the time being designated for the purposes of this Part by the <sup>F114</sup>Director General] 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;
- <sup>F115</sup>(aa) he is a civilian employee of a police force;]
- (b) he is an employee of <sup>F116</sup>the Common Council of the City of London] who is under the direction and control of a chief officer; <sup>F117</sup>...
- (c) he is a special constable who is under the direction and control of a chief officer<sup>F118</sup>; or
- (d) he is a person designated as a community support volunteer or a policing support volunteer under section 38.]
- <sup>F119</sup>(8) The Secretary of State may make regulations providing that, for the purposes of this Part and of any regulations made under this Part—
- (a) a contractor,
- (b) a sub-contractor of a contractor, or
- (c) an employee of a contractor or a sub-contractor,
- is to be treated as a person serving with the police.]
- <sup>F119</sup>(9) Regulations under subsection (8) may make modifications to this Part, and to any regulations made under this Part, in its application to those persons.]
- <sup>F119</sup>(10) In subsection (8) “contractor” means a person who has entered into a contract with a local policing body or a chief officer to provide services to a chief officer.]

#### Textual Amendments

- F105** S. 12(1)-(1B) substituted for s. 12(1) (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 14(2), 183(5)(e); S.I. 2020/5, reg. 2(b) (with art. 3(1)(2)(4))
- F106** Words in s. 12(2) inserted (19.12.2012) by Police (Complaints and Conduct) Act 2012 (c. 22), ss. 2(3)(a), 3(3)
- F107** 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)
- F108** 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)
- F109** Words in s. 12(2A) inserted (19.12.2012) by Police (Complaints and Conduct) Act 2012 (c. 22), ss. 2(3)(b), 3(3)
- F110** Words in s. 12(3) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 14(3)(a), 183(5)(e); S.I. 2020/5, reg. 2(b) (with art. 3(1)(2)(4))



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- F111** Words in s. 12(3) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 14(3)(b), 183(5)(e); S.I. 2020/5, reg. 2(b) (with art. 3(1)(2)(4))
- F112** S. 12(4A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 14(4), 183(5)(e); S.I. 2020/5, reg. 2(b) (with art. 3(1)(2)(4))
- F113** Words in s. 12(6) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 14(5), 183(5)(e); S.I. 2020/5, reg. 2(b) (with art. 3(1)(2)(4))
- F114** Words in s. 12(6)(a) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 19; S.I. 2017/1249, reg. 2 (with reg. 3)
- F115** 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
- F116** 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
- F117** Word in s. 12(7)(b) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), ss. 41(1)(a), 183(1)(5)(e); S.I. 2017/1139, reg. 2(g) (as amended by S.I. 2017/1162, reg. 2)
- F118** S. 12(7)(d) and word inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 41(1)(b), 183(1)(5)(e); S.I. 2017/1139, reg. 2(g) (as amended by S.I. 2017/1162, reg. 2)
- F119** S. 12(8)-(10) inserted (8.4.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), ss. 135, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 5(a) (with art. 7)

#### Modifications etc. (not altering text)

- C23** 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* <sup>F120</sup>, *conduct matters and DSI matters*] etc.

#### Textual Amendments

- F120** 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<sup>F121</sup>, conduct matters and DSI matters] etc. **E+W**

Schedule 3 (which makes provision for the handling of complaints<sup>F122</sup>, conduct matters and DSI matters] and for the carrying out of investigations) shall have effect

<sup>F123</sup>  
....

#### Textual Amendments

- F121** 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)
- F122** 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)
- F123** 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)

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#### **Modifications etc. (not altering text)**

**C24** 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\(a\)](#)

### [<sup>F124</sup>13A Local policing bodies: functions in relation to complaints **E+W**

- (1) The local policing body that maintains a police force may give notice to the chief officer of the police force that it (rather than the chief officer) is to exercise the functions conferred on the chief officer by the provisions specified in subsection (2) or subsections (2) and (3).
- (2) The provisions specified in this subsection are—
  - (a) paragraph 2(6) to (6D) of Schedule 3, and
  - (b) paragraph 2(9) and (10) of Schedule 3 in so far as relating to a determination made for the purposes of paragraph 2(6) to (6C) of that Schedule.
- (3) The provisions specified in this subsection are—
  - (a) section 20, and
  - (b) section 21 in so far as that section relates to complaints.
- (4) In relation to any complaint in respect of which the chief officer is the appropriate authority that is made on or after the day on which a notice under subsection (1) is given—
  - (a) the functions of the chief officer to which the notice relates become functions of the local policing body,
  - (b) references to the chief officer, including in the chief officer's capacity as an appropriate authority, in the provisions specified in subsection (2) or (as the case may be) subsections (2) and (3) are to be read as references to the local policing body, and
  - (c) for the purpose of paragraph 6(1) of Schedule 3, the complaint is to be treated as having been recorded by the chief officer.
- (5) Where the notice under subsection (1) relates to the functions conferred on the chief officer by the provisions specified in subsections (2) and (3), subsection (4)(b) does not apply to the references to an appropriate authority in sections 20(2)(a) and (3A)(a) and 21(7)(a) and (8A)(a).
- (6) The Secretary of State may by regulations make provision in connection with the giving of notices under subsection (1) and their withdrawal.
- (7) Regulations under subsection (6) may (amongst other things) make provision about—
  - (a) the steps that a local policing body must take before giving a notice;
  - (b) the circumstances in which a notice may be withdrawn.]

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### Textual Amendments

**F124** S. 13A inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\), ss. 13, 183\(1\)\(5\)\(e\)](#)

## **[<sup>F125</sup>13B Power of the [<sup>F126</sup>Director General] to require re-investigation** **E+W**

- (1) This section applies where—
  - (a) a report on an investigation of a complaint, recordable conduct matter or DSI matter carried out under the direction of the [<sup>F127</sup>Director General] has been submitted to [<sup>F128</sup>the Director General] under paragraph 22(3) or 24A of Schedule 3, or
  - (b) a report on an investigation of a complaint, recordable conduct matter or DSI matter carried out by a person designated by the [<sup>F127</sup>Director General] has been submitted to [<sup>F128</sup>the Director General][<sup>F129</sup>(or, in the case of an investigation carried out under paragraph 19 of Schedule 3 by the Director General personally, is otherwise completed by the Director General)] under paragraph 22(5) or 24A of Schedule 3.
- (2) The [<sup>F127</sup>Director General] may at any time determine that the complaint, recordable conduct matter or DSI matter is to be re-investigated if [<sup>F130</sup>the Director General] is satisfied that there are compelling reasons for doing so.
- (3) Where the [<sup>F127</sup>Director General] makes a determination under subsection (2), [<sup>F131</sup>the Director General] must determine that the re-investigation is to take the form of an investigation by the [<sup>F127</sup>Director General] unless subsection (4) applies, in which case the [<sup>F127</sup>Director General] must determine that the re-investigation is to take the form described in that subsection.
- (4) This subsection applies where the [<sup>F127</sup>Director General] determines that it would be more appropriate for the re-investigation to take the form of an investigation by the appropriate authority under the direction of the [<sup>F127</sup>Director General].
- (5) Where—
  - (a) the [<sup>F127</sup>Director General] determines under subsection (3) or (7) that a re-investigation is to take the form of an investigation by the [<sup>F127</sup>Director General], and
  - (b) at any time after that the [<sup>F127</sup>Director General] determines that subsection (4) applies in relation to the re-investigation,the [<sup>F127</sup>Director General] may make a further determination under this section (to replace the earlier one) that the re-investigation is instead to take the form of an investigation by the appropriate authority under the direction of the [<sup>F127</sup>Director General].
- (6) Where the [<sup>F127</sup>Director General] determines under subsection (3) or (5) that a re-investigation is to take the form of an investigation by the appropriate authority under the direction of the [<sup>F127</sup>Director General], the [<sup>F127</sup>Director General] must keep under review whether subsection (4) continues to apply in relation to the re-investigation.
- (7) If, on such a review, the [<sup>F127</sup>Director General] Director General determines that subsection (4) no longer applies in relation to a re-investigation, the [<sup>F127</sup>Director General] must make a further determination under this section (to replace the earlier

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- one) that the re-investigation is instead to take the form of an investigation by the [F127Director General].
- (8) Sub-paragraphs (6) and (7) of paragraph 15 of Schedule 3 shall apply in relation to a further determination under subsection (5) or (7) as they apply in the case of a further determination under sub-paragraph (5A) or (5B) of that paragraph.
- (9) The other provisions of Schedule 3 shall apply in relation to any re-investigation in pursuance of a determination under this section as they apply in relation to any investigation in pursuance of a determination under paragraph 15.
- (10) The [F127Director General] shall notify the appropriate authority of any determination that [F132the Director General] makes under this section and of [F133the Director General's] reasons for making the determination.
- (11) The [F127Director General] shall also notify the following of any determination that [F134the Director General] makes under this section and of [F135the Director General's] reasons for making the determination—
- (a) every person entitled to be kept properly informed in relation to the complaint, recordable conduct matter or DSI matter (as the case may be) under section 21;
  - (b) where the determination is made in relation to a complaint, the complainant;
  - (c) the person to whose conduct the re-investigation will relate.
- (12) The duty imposed by subsection (11) on the [F127Director General] shall have effect subject to such exceptions as may be provided for by regulations made by the Secretary of State.
- (13) Subsections (6) to (8) of section 20 apply for the purposes of subsection (12) as they apply for the purposes of that section.
- (14) In relation to a matter that was formerly a DSI matter but was recorded as a conduct matter in pursuance of paragraph 21A(5) of Schedule 3, the reference in subsection (10) to the appropriate authority is a reference to the appropriate authority in relation to the person whose conduct was in question.
- (15) The reference to a report in subsection (1) includes a report on a re-investigation by virtue of this section or paragraph 25 of Schedule 3.]

### Textual Amendments

- F125** S. 13B inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 18(1)**, 183(1)(5)(e)
- F126** Words in s. 13B heading substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 20(2)**; S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F127** Words in s. 13B substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 20(2)**; S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F128** Words in s. 13B(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 20(3)(a)**; S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F129** Words in s. 13B(1)(b) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 20(3)(b)**; S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))

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- F130** Words in s. 13B(2) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 20(4)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F131** Words in s. 13B(3) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 20(5)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F132** Words in s. 13B(10) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 20(6)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F133** Words in s. 13B(10) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 20(6)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F134** Words in s. 13B(11) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 20(7)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F135** Words in s. 13B(11) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 20(7)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)

**F136** **14 Direction and control matters** **E+W**

.....

**Textual Amendments**

- F136** 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 [F137 local policing bodies], chief officers and inspectors** **U.K.**

- (1) It shall be the duty of—
  - (a) every [F138 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).

[F139(1A) It shall be the duty of the [F140 National Crime Agency] to ensure that it is kept informed, in relation to the Agency, about all matters falling within subsection (2).]

**F141**(1B) .....

- (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

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- (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.
- [<sup>F142</sup>(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,
  - (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 [<sup>F143</sup>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<sup>F144</sup>... 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
  - [<sup>F145</sup>(c) a [<sup>F146</sup>local policing body] or chief officer requires the Director General of the [<sup>F147</sup>National Crime Agency] to provide a [<sup>F148</sup>National Crime Agency officer] for appointment under any of those paragraphs,]
- it shall be the duty of the chief officer [<sup>F149</sup>to whom the requirement is addressed or of the Director General][<sup>F150</sup>of the Agency] to comply with it.
- (4) It shall be the duty of—
- (a) every [<sup>F151</sup>local policing body] maintaining a police force,
  - (b) the chief officer of police of every police force, [<sup>F152</sup> and]
  - [<sup>F153</sup>(c) the [<sup>F154</sup>National Crime Agency],]
- to provide the [<sup>F155</sup>Director General] and every member of the [<sup>F156</sup>Office's] staff with all such assistance as the [<sup>F155</sup>Director General] or that member of staff may reasonably require for the purposes of, or in connection with, the carrying out of any investigation by the [<sup>F155</sup>Director General] under this Part [<sup>F157</sup>or any review under paragraph 25 of Schedule 3].
- (5) It shall be the duty of—
- (a) every [<sup>F158</sup>local policing body] maintaining a police force,
  - (b) the chief officer of every police force, [<sup>F159</sup>and]
  - [<sup>F160</sup>(c) the [<sup>F161</sup>National Crime Agency],]
- to ensure that a person appointed under paragraph 16<sup>F162</sup>... 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 [<sup>F163</sup>local policing body] maintaining a police force and on the chief officer of such a force and on [<sup>F164</sup>the [<sup>F165</sup>National Crime Agency]] have effect—
- (a) irrespective of whether the investigation [<sup>F166</sup>or review (as the case may be)] relates to the conduct of a person who is or has been a member of that force or [<sup>F167</sup>a [<sup>F168</sup>a National Crime Agency officer]]; <sup>F169</sup>...

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- (b) [<sup>F170</sup>in the case of an investigation,] irrespective of who has the person appointed to carry out the investigation under his direction and control; [<sup>F171</sup>and
- (c) in the case of a review applied for under paragraph 25(1B) of Schedule 3 in respect of an investigation, irrespective of who had 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 <sup>F172</sup> . . . .

(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;

[<sup>F173</sup> and where the person whose conduct is under investigation was a [<sup>F174</sup>National Crime Agency officer] 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.]

[<sup>F175</sup>(8) Where the person who requires assistance and co-operation under subsection (5) is a [<sup>F176</sup>National Crime Agency officer], 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.

<sup>F177</sup>(8A) . . . . .

[<sup>F178</sup>(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 [<sup>F179</sup>National Crime Agency officer]; and
- (b) the person whose conduct is under investigation was not a [<sup>F180</sup>National Crime Agency officer] at the time of the conduct,

[<sup>F181</sup>the Agency may be required to give assistance and co-operation under subsection (5) only with the approval of the relevant directing officer.]]

[<sup>F182</sup>(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; <sup>F183</sup> . . .

<sup>F184</sup>(b) . . . . .]

#### Textual Amendments

- F137** 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
- F138** 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
- F139** 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))

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- F140** Words in s. 15(1A) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(2)**; S.I. 2013/1682, art. 3(q)
- F141** S. 15(1B) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(3)**; S.I. 2013/1682, art. 3(q)
- F142** 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)
- F143** 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
- F144** Word in s. 15(3)(a) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(a)(i)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F145** 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))
- F146** 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
- F147** Words in s. 15(3)(c) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(4)(a)**; S.I. 2013/1682, art. 3(q)
- F148** Words in s. 15(3)(c) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(4)(b)**; S.I. 2013/1682, art. 3(q)
- F149** 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))
- F150** Words in s. 15(3) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 21(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F151** 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
- F152** 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))
- F153** 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))
- F154** Words in s. 15(4)(c) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(5)**; S.I. 2013/1682, art. 3(q)
- F155** Words in s. 15(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 21(3)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F156** Word in s. 15(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 21(3)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F157** Words in s. 15(4) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 42(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F158** 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
- F159** 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))
- F160** 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))
- F161** Words in s. 15(5)(c) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(5)**; S.I. 2013/1682, art. 3(q)
- F162** Word in s. 15(5) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(a)(ii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))



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- F163** 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
- F164** 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))
- F165** Words in s. 15(6) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(6)(a)**; S.I. 2013/1682, art. 3(q)
- F166** Words in s. 15(6)(a) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 42(b)(i)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F167** 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))
- F168** Words in s. 15(6)(a) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(6)(b)**; S.I. 2013/1682, art. 3(q)
- F169** Word in s. 15(6)(a) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 42(b)(ii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F170** Words in s. 15(6)(b) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 42(b)(iii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F171** S. 15(6)(c) and word inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 42(b)(iv)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F172** 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))
- F173** 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))
- F174** Words in s. 15(7) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(7)**; S.I. 2013/1682, art. 3(q)
- F175** 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))
- F176** Words in s. 15(8) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(8)**; S.I. 2013/1682, art. 3(q)
- F177** S. 15(8A) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(9)**; S.I. 2013/1682, art. 3(q)
- F178** 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)
- F179** Words in s. 15(9)(a) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(10)(a)**; S.I. 2013/1682, art. 3(q)
- F180** Words in s. 15(9)(b) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(10)(b)**; S.I. 2013/1682, art. 3(q)
- F181** 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)
- F182** 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)
- F183** Word in s. 15(10)(a) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(11)**; S.I. 2013/1682, art. 3(q)
- F184** S. 15(10)(b) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 11(11)**; S.I. 2013/1682, art. 3(q)

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#### Modifications etc. (not altering text)

C25 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 **U.K.**

- (1) This section applies where—
- (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 <sup>[F185]</sup>to the <sup>[F186]</sup>Director General] in connection with an investigation under this Part or a review under paragraph 25 of Schedule 3].
- (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
    - <sup>[F187]</sup>(ai) an investigation of a complaint where the complainant expressed dissatisfaction with the other force,]
    - <sup>[F188]</sup>(i) an investigation <sup>[F189]</sup>of a recordable conduct matter] 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 <sup>[F190]</sup>by a police force (“the assisting force”) to the <sup>[F186]</sup>Director General] in connection with an investigation under this Part or a review under paragraph 25 of Schedule 3] if the chief officer of that force complies with a requirement under section 15(4) that is made in connection with
    - <sup>[F191]</sup>(ai) an investigation of a complaint where the complainant expressed dissatisfaction with a force other than that force,]
    - <sup>[F192]</sup>(i) an investigation <sup>[F193]</sup>of a recordable conduct matter] relating to the conduct of a person who, at the time of the conduct, was not a member of that force, <sup>F194</sup>...
    - (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]]<sup>F195</sup>, or
    - (iii) a review under paragraph 25 of Schedule 3 of the outcome of a complaint where the complainant expressed dissatisfaction with a force other than that force.]
- (3) Where the assistance is required to be provided by one police force to another, the <sup>[F196]</sup>local policing body] maintaining that other police force shall pay to the <sup>[F196]</sup>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—

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- (i) have been agreed to by [<sup>F197</sup>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 [<sup>F186</sup>Director General], [<sup>F198</sup>Office] shall pay to the [<sup>F199</sup>local policing body] maintaining the assisting force such contribution (if any) towards the costs of the assistance—
- (a) as may be agreed between the [<sup>F186</sup>Director General] and [<sup>F200</sup>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 [<sup>F201</sup>local policing bodies] generally and by the [<sup>F186</sup>Director General]; 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 [<sup>F186</sup>Director General]; or
  - (c) in the absence of any such arrangements, as may be determined by the Secretary of State.
- [<sup>F202</sup>(5) In this section (subject to subsection (6))—
- (a) references to a police force and to a [<sup>F203</sup>local policing body] maintaining a police force include references to the [<sup>F204</sup>National Crime Agency]; and
  - (b) in relation to that Agency, references to the chief officer are references to the Director General [<sup>F205</sup>of that Agency].
- (6) This section shall have effect in relation to cases in which assistance is required to be provided by the [<sup>F206</sup>National Crime Agency] as if—
- (a) the reference in subsection (3)(b) to [<sup>F207</sup>local policing bodies] generally included a reference to the Agency; and
  - (b) the reference in subsection (4)(b) to [<sup>F207</sup>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

- F185** Words in s. 16(1)(b) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 43\(a\)](#); S.I. 2020/5, [reg. 2\(n\)](#) (with [art. 3\(1\)\(2\)\(4\)](#))
- F186** Words in s. 16 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 22\(2\)](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F187** S. 16(2)(a)(ai) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 4 para. 3\(2\)\(a\)](#); S.I. 2020/5, [reg. 2\(m\)](#) (with [art. 3\(1\)\(2\)\(4\)](#))
- F188** 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\(1\)\(w\)](#)

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- F189** Words in s. 16(2)(a)(i) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 3(2)(b)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F190** Words in s. 16(2)(b) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 43(b)(i)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F191** S. 16(2)(b)(ai) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 3(3)(a)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F192** 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)**
- F193** Words in s. 16(2)(b)(i) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 3(3)(b)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F194** Word in s. 16(2)(b)(i) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 43(b)(ii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F195** S. 16(2)(b)(iii) and word inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 43(b)(iii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F196** 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
- F197** 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
- F198** Word in s. 16(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 22(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F199** 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
- F200** 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
- F201** 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
- F202** 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))
- F203** 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
- F204** Words in s. 16(5)(a) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 12(2)**; S.I. 2013/1682, art. 3(q)
- F205** Words in s. 16(5)(b) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 22(4)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F206** Words in s. 16(6) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 12(3)**; S.I. 2013/1682, art. 3(q)
- F207** 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)

- C26** 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

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**F208 16A Investigations: National Policing Improvement Agency involvement** **E+W**

**Textual Amendments**

**F208** S. 16A omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\), s. 61\(2\), Sch. 6 para. 13; S.I. 2013/1682, art. 3\(q\)](#)

**17 Provision of information to the [F209]Director General** **E+W**

- (1) It shall be the duty of—
  - (a) every [F210]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 [F209]Director General] 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 [F211]local policing body] and of every chief officer—
  - (a) to provide the [F209]Director General] with all such other information and documents specified or described in a notification given by the [F209]Director General] to [F212]that body] or chief officer, and
  - (b) to produce or deliver up to the [F209]Director General] all such evidence and other things so specified or described,as appear to the [F209]Director General] to be required by [F213]the Director General] for the purposes of the carrying out of any of [F214]the Director General's] 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 [F209]Director General] to that person for the purposes of this subsection.
- (4) Nothing in this section shall require a [F215]local policing body] or chief officer—
  - (a) to provide the [F209]Director General] with any information or document, or to produce or deliver up any other thing, before the earliest time at which it is practicable for [F216]that body] or chief officer to do so; or
  - (b) to provide, produce or deliver up anything at all in a case in which it never becomes practicable for [F216]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 [F209]Director General] electronically.

**F217** (6) .....

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### Textual Amendments

- F209** Words in s. 17 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 23\(2\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F210** 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
- F211** 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
- F212** 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
- F213** Words in s. 17(2) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 23\(3\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F214** Words in s. 17(2) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 23\(3\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F215** 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
- F216** 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
- F217** S. 17(6) omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 6 para. 14](#); S.I. 2013/1682, art. 3(q)

### Modifications etc. (not altering text)

- C27** 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 <sup>F218</sup>Director General E+W

(1) Where—

- (a) the <sup>F218</sup>Director General] requires—
- (i) a <sup>F219</sup>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 <sup>F218</sup>Director General] 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),

it shall be the duty of <sup>F220</sup>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 <sup>F218</sup>Director General] of the efficiency and effectiveness of the arrangements made by the force in question for

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- handling complaints or dealing with recordable conduct matters [<sup>F221</sup>or DSI matters];
- (b) the purposes of any investigation by the [<sup>F218</sup>Director General] under this Part or of any investigation carried out under [<sup>F222</sup>the Director General's]<sup>F223</sup> ... [<sup>F224</sup>direction].
- [<sup>F225</sup>(c) the purposes of any review by the [<sup>F218</sup>Director General] under paragraph 25 of Schedule 3.]
- (3) A requirement imposed under this section for the purposes mentioned in subsection (2) (a) must be notified to [<sup>F226</sup>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 [<sup>F218</sup>Director General], in his capacity as a constable or as a person with the powers and privileges of a constable; or
- (b) the obligations of [<sup>F227</sup>local policing bodies] and chief officers under sections 15 and 17.

### Textual Amendments

- F218** Words in s. 18 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 24(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F219** 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
- F220** 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
- F221** 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)**
- F222** Words in s. 18(2)(b) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 24(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F223** Words in s. 18(2)(b) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(b)(i)**
- F224** Word in s. 18(2)(b) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(b)(ii)**
- F225** S. 18(2)(c) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 44**

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**F226** 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

**F227** 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)

**C28** 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

## 19 Use of investigatory powers by or on behalf of the <sup>F228</sup>Director General] **E+W**

- (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 <sup>F229</sup>Director General'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.

#### Textual Amendments

**F228** Words in s. 19 heading substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 25\(2\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

**F229** Words in s. 19(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 25\(3\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

#### Modifications etc. (not altering text)

**C29** 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

**C30** S. 19 applied (with modifications) (5.8.2009) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2009 \(S.I. 2009/2133\), reg. 4](#)

**C31** S. 19 applied (with modifications) (7.4.2010) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2010 \(S.I. 2010/782\), reg. 4](#)

**C32** 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)



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- C33 S. 19 applied (with modifications) (7.10.2013) by [The National Crime Agency \(Complaints and Misconduct\) Regulations 2013 \(S.I. 2013/2325\)](#), regs. 1(1), 5
- C34 S. 19 applied (with modifications) (30.4.2017) by [The Gangmasters and Labour Abuse Authority \(Complaints and Misconduct\) Regulations 2017 \(S.I. 2017/521\)](#), regs. 1, 5

## 20 Duty to keep the complainant informed **E+W**

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

- (a) by the [<sup>F230</sup>Director General], or
- (b) under [<sup>F231</sup>the Director General's][<sup>F232</sup>direction],

it shall be the duty of the [<sup>F230</sup>Director General] 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, <sup>F233</sup> ...

<sup>F234</sup>(b) .....

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 [<sup>F230</sup>Director General] to give the appropriate authority all such directions as [<sup>F235</sup>the Director General] 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.

<sup>F236</sup>(3A) In any case in which a complaint is being handled—

- (a) in accordance with paragraph 6(2A) of Schedule 3 otherwise than by the appropriate authority making arrangements for the complaint to be investigated by the authority on its own behalf, or
- (b) otherwise than in accordance with Schedule 3 (as to which see paragraph 2(6C) of that Schedule),

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 complaint is being handled and subsequently, of all the matters mentioned in subsection (4).]

<sup>F237</sup>(4) The matters of which the complainant must be kept properly informed are—

- (a) the progress of the handling of the complaint;
- (b) the outcome of the handling of the complaint;
- (c) any right to apply for a review conferred on the complainant by paragraph 6A or 25 of Schedule 3 (as the case may be);
- (d) such other matters as may be specified in regulations made by the Secretary of State.

(4A) The generality of subsection (4)(a) and (b) is not affected by any requirement to notify the complainant that is imposed by any other provision of this Part.]

(5) The duties imposed by this section on the [<sup>F230</sup>Director General] and the appropriate authority in relation to any complaint shall be performed in such manner, and shall

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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 [F230Director General] or any [F238local policing body] or chief officer.
- [F239(8A) In any case in which there is an investigation of a complaint, the [F230Director General] or the appropriate authority may comply with [F240their] duty under subsection (1) or (2) (as the case may be) so far as relating to the findings of a report submitted [F241(or finalised)] under provision made by virtue of paragraph 20A(4)(b) of Schedule 3, or a report of the investigation submitted [F242(or completed)] under paragraph 22 of Schedule 3, by sending the complainant a copy of the report.
- (8B) Subsection (8A) applies notwithstanding any obligation of secrecy imposed by any rule of law or otherwise but is subject to—
- (a) regulations made under subsection (5), and
  - (b) section 21A.]
- (9) It shall be the duty of a person appointed to carry out an investigation under this Part [F243, or who is otherwise involved in the handling of a complaint under this Part,] to provide the [F230Director General] or, as the case may be, the appropriate authority with all such information as the [F230Director General] or that authority may reasonably require for the purpose of performing [F244their] duty under this section.

#### Textual Amendments

- F230** Words in s. 20 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 26(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F231** Words in s. 20(1)(b) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 26(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F232** Word in s. 20(1)(b) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(c)(i)**

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- F233** Word in s. 20(2)(a) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(c)(i)**
- F234** S. 20(2)(b) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(c)(ii)**
- F235** Words in s. 20(3) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 26(4)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F236** S. 20(3A) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 15(2)**, 183(1)(5)(e)
- F237** S. 20(4)(4A) substituted for s. 20(4) (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 15(3)**, 183(1)(5)(e)
- F238** 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
- F239** S. 20(8A)(8B) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 15(4)**, 183(1)(5)(e)
- F240** Word in s. 20(8A) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 26(5)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F241** Words in s. 20(8A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 26(5)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F242** Words in s. 20(8A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 26(5)(c)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F243** Words in s. 20(9) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 15(5)**, 183(1)(5)(e); S.I. 2020/5, **reg. 2(c)** (with art. 3(1)(2)(4))
- F244** Word in s. 20(9) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 26(6)**; S.I. 2017/1249, reg. 2 (with reg. 3)

#### Modifications etc. (not altering text)

- C35** 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 **E+W**

- (1) A person has an interest in being kept properly informed about the handling of a complaint [<sup>F245</sup>, recordable conduct matter or DSI matter] if—
- it appears to the [<sup>F246</sup>Director General] or to an appropriate authority that he is a person falling within subsection (2) [<sup>F247</sup>or (2A)]; and
  - 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 [<sup>F248</sup>(in the case of a [<sup>F249</sup>complaint that relates to conduct of a person serving with the police or a] recordable conduct matter)]—

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- (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.
- [<sup>F250</sup>(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) [<sup>F251</sup>or (2A)] has an interest in being kept properly informed about the handling of a complaint [<sup>F252</sup>, recordable conduct matter or DSI matter] if—
- (a) the [<sup>F246</sup>Director General] or an appropriate authority considers that he has an interest in the handling of the complaint [<sup>F252</sup>, 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 [<sup>F253</sup>, 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 [<sup>F254</sup>, recordable conduct matter or DSI matter] in accordance with the provisions of Schedule 3—
- (a) by the [<sup>F246</sup>Director General], or
  - (b) under [<sup>F255</sup>the Director General's][<sup>F256</sup>direction],
- it shall be the duty of the [<sup>F246</sup>Director General] 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 [<sup>F254</sup>, recordable conduct matter or DSI matter] in accordance with the provisions of Schedule 3—
- (a) by the appropriate authority on its own behalf, <sup>F257</sup> ...
  - <sup>F258</sup>(b) .....
- 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 [<sup>F246</sup>Director General] to give the appropriate authority all such directions as [<sup>F259</sup>the Director General] 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.
- [<sup>F260</sup>(8A) In any case in which—

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- (a) the complaint is being handled in accordance with paragraph 6(2A) of Schedule 3 otherwise than by the appropriate authority making arrangements for the complaint to be investigated by the authority on its own behalf, or
- (b) the recordable conduct matter or DSI matter is being handled in a manner determined by the appropriate authority in accordance with paragraph 10(4D), 11(3E), 14(2) or 14D(2) of Schedule 3 otherwise than by the appropriate authority making arrangements for the matter to be investigated by the authority on its own behalf,

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 complaint, recordable conduct matter or DSI matter is being handled and subsequently, of all the matters mentioned in subsection (9).]

[<sup>F261</sup>(9) The matters of which the interested person must be kept properly informed are—

- (a) the progress of the handling of the complaint, recordable conduct matter or DSI matter;
- (b) the outcome of the handling of the complaint, recordable conduct matter or DSI matter;
- (c) such other matters as may be specified in regulations made by the Secretary of State.

(9A) The generality of subsection (9)(a) and (b) is not affected by any requirement to notify an interested person that is imposed by any other provision of this Part.]

(10) The duties imposed by this section on the [<sup>F246</sup>Director General] and the appropriate authority in relation to any complaint [<sup>F262</sup>, 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.

[<sup>F263</sup>(11A) In any case in which there is an investigation of a complaint, recordable conduct matter or DSI matter, the [<sup>F246</sup>Director General] or the appropriate authority may comply with [<sup>F264</sup>their] duty under subsection (6) or (7) (as the case may be) so far as relating to the findings of a report submitted [<sup>F265</sup>(or finalised)] under provision made by virtue of paragraph 20A(4)(b) of Schedule 3, or a report of the investigation submitted [<sup>F266</sup>(or completed)] under paragraph 22 or 24A of Schedule 3, by sending an interested person a copy of the report.

(11B) Subsection (11A) applies notwithstanding any obligation of secrecy imposed by any rule of law or otherwise but is subject to—

- (a) regulations made under subsection (10), and
- (b) section 21A.]

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

#### Textual Amendments

**F245** 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\(1\)\(w\)](#)

*Status: Point in time view as at 01/12/2018. 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 25 May 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)*

- F246** Words in s. 21 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 27(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F247** 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)**
- F248** 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)**
- F249** Words in s. 21(2) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 4**
- F250** 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)**
- F251** 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)**
- F252** 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)**
- F253** 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)**
- F254** 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)**
- F255** Words in s. 21(6)(b) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 27(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F256** Word in s. 21(6)(b) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(d)(i)**
- F257** Word in s. 21(7)(a) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(d)(ii)**
- F258** S. 21(7)(b) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(d)(ii)**
- F259** Words in s. 21(8) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 27(4)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F260** S. 21(8A) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 15(6), 183(1)(5)(e)**
- F261** S. 21(9)(9A) substituted for s. 21(9) (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 15(7), 183(1)(5)(e)**
- F262** 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)**
- F263** S. 21(11A)(11B) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 15(8), 183(1)(5)(e)**
- F264** Word in s. 21(11A) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 27(5)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F265** Words in s. 21(11A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 27(5)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F266** Words in s. 21(11A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 27(5)(c)**; S.I. 2017/1249, reg. 2 (with reg. 3)

#### Modifications etc. (not altering text)

- C36** 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

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### 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\(a\)](#)

## [<sup>F267</sup>21A Restriction on disclosure of sensitive information **U.K.**

- (1) Where the [<sup>F268</sup>Director General] receives information within subsection (3), the [<sup>F268</sup>Director General] must not disclose (whether under section 11, 20 or 21 or otherwise) the information, or the fact that it has been received, unless the relevant authority consents to the disclosure.
- (2) Where a person appointed under paragraph 18 of Schedule 3 to investigate a complaint or matter (a “paragraph 18 investigator”) receives information within subsection (3), the paragraph 18 investigator must not disclose the information, or the fact that it has been received, to any person other than the [<sup>F268</sup>Director General] unless the relevant authority consents to the disclosure.
- (3) The information is—
  - (a) intelligence service information;
  - (b) protected information relating to a relevant warrant;
  - (c) information obtained from a government department which, at the time it is provided to the [<sup>F268</sup>Director General] or the paragraph 18 investigator, is identified by the department as information the disclosure of which may, in the opinion of the relevant authority—
    - (i) cause damage to national security, international relations or the economic interests of the United Kingdom or any part of the United Kingdom, or
    - (ii) jeopardise the safety of any person.
- (4) Where the [<sup>F268</sup>Director General] or a paragraph 18 investigator discloses to another person information within subsection (3), or the fact that the [<sup>F268</sup>Director General] or the paragraph 18 investigator has received it, the other person must not disclose that information or that fact unless the relevant authority consents to the disclosure.
- (5) In this section—

“government department” means a department of Her Majesty's Government but does not include—

  - (a) the Security Service,
  - (b) the Secret Intelligence Service, or
  - (c) the Government Communications Headquarters (“GCHQ”);

“intelligence service information” means information that was obtained (directly or indirectly) from or that relates to—

  - (a) the Security Service,
  - (b) the Secret Intelligence Service,
  - (c) GCHQ, or
  - (d) any part of Her Majesty's forces, or of the Ministry of Defence, which engages in intelligence activities;

“Minister of the Crown” includes the Treasury;

“paragraph 18 investigator” has the meaning given by subsection (2);

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“protected information”, in relation to a relevant warrant, means information relating to any of the matters mentioned in section 57(4) of the Investigatory Powers Act 2016 in relation to the warrant;

“relevant authority” means—

- (a) in the case of intelligence service information obtained (directly or indirectly) from or relating to the Security Service, the Director-General of the Security Service;
- (b) in the case of intelligence service information obtained (directly or indirectly) from or relating to the Secret Intelligence Service, the Chief of the Secret Intelligence Service;
- (c) in the case of intelligence service information obtained (directly or indirectly) from or relating to GCHQ, the Director of GCHQ;
- (d) in the case of intelligence service information obtained (directly or indirectly) from or relating to Her Majesty's forces or the Ministry of Defence, the Secretary of State;
- (e) in the case of protected information relating to a relevant warrant, the person to whom the relevant warrant is or was addressed;
- (f) in the case of information within subsection (3)(c)—
  - (i) the Secretary of State, or
  - (ii) the Minister of the Crown in charge of the government department from which the information was obtained (if that Minister is not a Secretary of State);

“relevant warrant” means—

- (a) a warrant under Chapter 1 of Part 2 of the Investigatory Powers Act 2016, or
- (b) a warrant under Chapter 1 of Part 6 of that Act.

#### Textual Amendments

**F267** Ss. 21A, 21B inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 19\(2\)](#), [183\(1\)\(5\)\(e\)](#)

**F268** Words in s. 21A substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 28](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

## 21B Provision of sensitive information to the <sup>F269</sup>Director General] and certain investigators **U.K.**

- (1) A person who provides information that is intelligence service information or protected information relating to a relevant warrant to the <sup>F269</sup>Director General] or a paragraph 18 investigator (whether under a provision of this Part or otherwise) must—
  - (a) make the <sup>F269</sup>Director General] or the paragraph 18 investigator aware that the information is intelligence service information or (as the case may be) protected information relating to a relevant warrant, and
  - (b) provide the <sup>F269</sup>Director General] or the paragraph 18 investigator with such additional information as will enable the <sup>F269</sup>Director General] or the paragraph 18 investigator to identify the relevant authority in relation to the information.



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- (2) In this section, “intelligence service information”, “protected information relating to a relevant warrant”, “paragraph 18 investigator” and “relevant authority” have the same meaning as in section 21A.]

#### Textual Amendments

**F267** Ss. 21A, 21B inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 19\(2\)](#), [183\(1\)\(5\)\(e\)](#)

**F269** Words in s. 21B substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 29](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))

### Guidance and regulations

## 22 Power of the <sup>F270</sup>Director General] to issue guidance **E+W**

- (1) The <sup>F270</sup>Director General] may issue guidance—
- to <sup>F271</sup>local policing bodies],
  - to chief officers, and
  - 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—
- those that are conferred or imposed by or under this Part; and
  - those that are otherwise conferred or imposed but relate to—
    - the handling of complaints;
    - the means by which recordable conduct matters <sup>F272</sup>or DSI matters] are dealt with; or
    - the detection or deterrence of misconduct by persons serving with the police.
- (3) Before issuing any guidance under this section, the <sup>F270</sup>Director General] shall consult with—
- <sup>F273</sup><sup>F274</sup>(a) such persons as appear to the <sup>F270</sup>Director General] to represent the views of police and crime commissioners;
- the Mayor's Office for Policing and Crime;
  - the Common Council;]
  - <sup>F275</sup>the National Police Chiefs' Council]; and]
  - such other persons as <sup>F276</sup>the Director General] thinks fit.
- (4) The approval of the Secretary of State shall be required for the issue by the <sup>F270</sup>Director General] 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—
- guidance about the handling of complaints which have not yet been recorded and about dealing with recordable conduct matters <sup>F277</sup>or DSI matters] that have not been recorded;

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- (b) guidance about the procedure to be followed by the appropriate authority when recording a complaint or any recordable conduct matter [<sup>F278</sup>or DSI matter];
- <sup>F279</sup>(c) .....
- (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 [<sup>F278</sup>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 [<sup>F280</sup>, 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;
- <sup>F281</sup>(f) .....
- (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

- F270** Words in s. 22 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 30(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F271** 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
- F272** 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)**
- F273** 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)
- F274** 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)
- F275** Words in s. 22(3)(b) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 14 paras. 6, 7(e); S.I. 2017/399, reg. 2, **Sch. para. 41**
- F276** Words in s. 22(3)(c) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 30(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F277** 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)**
- F278** 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)**
- F279** S. 22(5)(c) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(e)(i)**

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**F280** 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\(1\)\(w\)](#)

**F281** S. 22(5)(f) omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(e\)\(ii\)](#)

#### Modifications etc. (not altering text)

**C37** 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

**C38** S. 22 applied (with modifications) (5.8.2009) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2009 \(S.I. 2009/2133\)](#), [reg. 4](#)

**C39** S. 22 applied (with modifications) (7.4.2010) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2010 \(S.I. 2010/782\)](#), [reg. 4](#)

**C40** 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)

**C41** 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))

**C42** S. 22 applied (with modifications) (7.10.2013) by [The National Crime Agency \(Complaints and Misconduct\) Regulations 2013 \(S.I. 2013/2325\)](#), [regs. 1\(1\), 5](#)

**C43** S. 22 applied (with modifications) (30.4.2017) by [The Gangmasters and Labour Abuse Authority \(Complaints and Misconduct\) Regulations 2017 \(S.I. 2017/521\)](#), [regs. 1, 5](#)

## 23 Regulations **E+W**

- (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 [<sup>F282</sup>that relates to conduct of a person serving with the police], 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 [<sup>F283</sup>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;
- [<sup>F284</sup>(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 [<sup>F285</sup>Director General] relinquishes the [<sup>F286</sup>...<sup>F287</sup>direction] of any investigation and for the consequences of [<sup>F288</sup>the Director General] doing so;
- (j) for the manner in which any reference of a complaint [<sup>F289</sup>, conduct matter or DSI matter] to the [<sup>F285</sup>Director General] 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;
- <sup>F290</sup>(m) .....
- (n) for the records to be kept by [<sup>F291</sup>local policing bodies] and chief officers—
  - (i) with respect to complaints and purported complaints;
  - (ii) with respect to recordable conduct matters [<sup>F292</sup>or DSI matters]; and
  - (iii) with respect to the exercise and performance of their powers and duties under this Part;
- (o) for the [<sup>F285</sup>Director General] to be required to establish and maintain a register of such information provided to [<sup>F293</sup>the Director General or the Office] 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 [<sup>F285</sup>Director General];

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- (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;
- [<sup>F294</sup>(pa) for local policing bodies to have power to delegate the exercise or performance of powers and duties conferred or imposed on them by or under this Part (including powers and duties that are acquired by virtue of giving a notice under section 13A);]
- (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.
- [<sup>F295</sup>(r) for enabling representations on behalf of a person to whose conduct an investigation relates to be made to the [<sup>F285</sup>Director General] by a person who is not that person's legal representative but is of a description specified in the regulations.]

#### Textual Amendments

- F282** Words in s. 23(2)(a) substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 4 para. 5](#)
- F283** 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\(1\)\(w\)](#)
- F284** 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\(1\)\(w\)](#)
- F285** Words in s. 23 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 31\(2\); S.I. 2017/1249, reg. 2 \(with reg. 3\)](#)
- F286** Words in s. 23(2)(i) omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 5 para. 47\(f\)\(i\)\(a\)](#)
- F287** Word in s. 23(2)(i) substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 5 para. 47\(f\)\(i\)\(b\)](#)
- F288** Words in s. 23(2)(i) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 31\(3\); S.I. 2017/1249, reg. 2 \(with reg. 3\)](#)
- F289** 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\(1\)\(w\)](#)
- F290** S. 23(2)(m) omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 5 para. 47\(f\)\(ii\)](#)
- F291** 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](#)
- F292** 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\(1\)\(w\)](#)
- F293** Words in s. 23(2)(o) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 31\(4\); S.I. 2017/1249, reg. 2 \(with reg. 3\)](#)
- F294** S. 23(2)(pa) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\), ss. 23\(1\), 183\(1\)\(5\)\(e\)](#)
- F295** 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)

- C44** 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](#)

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- C45** S. 23 applied (with modifications) (5.8.2009) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2009 \(S.I. 2009/2133\)](#), [reg. 4](#)
- C46** S. 23 applied (with modifications) (7.4.2010) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2010 \(S.I. 2010/782\)](#), [reg. 4](#)
- C47** 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 **E+W**

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

- <sup>[F296]</sup>(a) the Office;
- (aa) the Director General;
- <sup>[F297]</sup><sup>[F298]</sup>(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) <sup>[F299]</sup>the National Police Chiefs' Council]; and
- (d) such other persons as he thinks fit.

### Textual Amendments

- F296** S. 24(a)(aa) substituted for s. 24(a) (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 32](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F297** 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](#))
- F298** 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](#))
- F299** Words in s. 24(c) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 14 paras. 6, 7\(e\)](#); S.I. 2017/399, [reg. 2](#), [Sch. para. 41](#)

### Modifications etc. (not altering text)

- C48** 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](#)
- C49** S. 24 applied (with modifications) (5.8.2009) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2009 \(S.I. 2009/2133\)](#), [reg. 4](#)
- C50** S. 24 applied (with modifications) (7.4.2010) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2010 \(S.I. 2010/782\)](#), [reg. 4](#)
- C51** 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)
- C52** S. 24 applied (with modifications) (7.10.2013) by [The National Crime Agency \(Complaints and Misconduct\) Regulations 2013 \(S.I. 2013/2325\)](#), [regs. 1\(1\), 5](#)
- C53** S. 24 applied (with modifications) (30.4.2017) by [The Gangmasters and Labour Abuse Authority \(Complaints and Misconduct\) Regulations 2017 \(S.I. 2017/521\)](#), [regs. 1, 5](#)

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### Commencement Information

- 16** 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 **E+W**

**F300** .....

### Textual Amendments

- F300** 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 <sup>F301</sup>local policing bodies] **E+W**

- (1) Notwithstanding any provision made by or under any enactment passed or made before this Act—
- (a) the <sup>F302</sup>Director General], and
  - (b) an authority other than a <sup>F303</sup>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 <sup>F304</sup>local policing body] to establish any such corresponding or similar procedures, he may by order—
- (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 <sup>F302</sup>Director General] to bring and conduct, or

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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 <sup>F302</sup>Director General]; 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

- F301** 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
- F302** Words in s. 26 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 33](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F303** 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
- F304** 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)

- C54** 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)
- C55** 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

<sup>F305</sup>**26A Serious Organised Crime Agency** **E+W**

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**Textual Amendments**

**F305** S. 26A omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 6 para. 15](#); [S.I. 2013/1682](#), art. 3(q)

**<sup>F306</sup>26B National Policing Improvement Agency** **E+W**

.....

**Textual Amendments**

**F306** S. 26B omitted (7.10.2013) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 6 para. 15](#); [S.I. 2013/1682](#), art. 3(q)

**<sup>F307</sup>26BA College of Policing** **E+W**

- (1) The [<sup>F308</sup>Director General] and the College of Policing must enter into an agreement for the establishment, in relation to members of the College'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 [<sup>F308</sup>Director General] to bring and conduct, or otherwise participate or intervene in, any proceedings that are identified by the agreement as disciplinary hearings in relation to members of the College's staff.
- (4) 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 College's staff.]

**Textual Amendments**

**F307** S. 26BA inserted (13.5.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 130, 185\(1\)](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2014/949](#), art. 3, [Sch. para. 10](#)

**F308** Words in s. 26BA substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 34](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

**<sup>F309</sup>26C The National Crime Agency** **E+W**

- (1) The Secretary of State must make regulations conferring functions on the [<sup>F310</sup>Director General] in relation to the exercise of functions by the Director General [<sup>F311</sup>of the National Crime Agency] and other National Crime Agency officers.

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- (2) Regulations under this section may, in particular—
- (a) apply (with or without modifications), or make provision similar to, any provision of or made under this Part of this Act;
  - (b) make provision for payment by the National Crime Agency to, or in respect of, the [<sup>F312</sup>the Office or in respect of its Director General].
- (3) Regulations under this section must relate only to the exercise of functions in, or in relation to, England and Wales.
- (4) The [<sup>F313</sup>Director General] and the Parliamentary Commissioner for Administration may jointly investigate a matter in relation to which—
- (a) the [<sup>F313</sup>Director General] has functions by virtue of this section, and
  - (b) the Parliamentary Commissioner for Administration has functions by virtue of the Parliamentary Commissioner Act 1967.
- (5) A National Crime Agency officer may disclose information to the [<sup>F314</sup>Director General], or to a person acting on the [<sup>F315</sup>Director General's] behalf, for the purposes of the exercise by the [<sup>F316</sup>Director General], or by any person acting on the [<sup>F315</sup>Director General's] behalf, of an NCA complaints function.
- (6) The [<sup>F317</sup>Director General] and the Parliamentary Commissioner for Administration may disclose information to each other for the purposes of the exercise of a function—
- (a) by virtue of this section, or
  - (b) under the Parliamentary Commissioner Act 1967.
- (7) Regulations under this section may, in particular, make—
- (a) further provision about the disclosure of information under subsection (5) or (6);
  - (b) provision about the further disclosure of information that has been so disclosed;
- including provision which applies (with or without modifications), or is similar to, any provision of Schedule 7 to the Crime and Courts Act 2013.
- (8) Except as provided for in regulations under this section, that Schedule to that Act does not apply to—
- (a) the disclosure of information under subsection (5) or (6), or
  - (b) the further disclosure of information so disclosed.
- (9) In this section “NCA complaints function” means a function in relation to the exercise of functions by the Director General [<sup>F318</sup>of the National Crime Agency] or any other National Crime Agency officer.]

#### Textual Amendments

- F309** S. 26C inserted (8.5.2013 for specified purposes, 7.10.2013 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), [ss. 11\(6\)](#), [61\(2\)](#); [S.I. 2013/1042](#), [art. 2\(d\)](#); [S.I. 2013/1682](#), [art. 3\(p\)](#)
- F310** Words in s. 26C(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 35\(2\)\(a\)](#); [S.I. 2017/1249](#), [reg. 2 \(with reg. 3\)](#)
- F311** Words in s. 26C(1) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 35\(2\)\(b\)](#); [S.I. 2017/1249](#), [reg. 2 \(with reg. 3\)](#)

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- F312** Words in s. 26C(2) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 9 para. 35(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F313** Words in s. 26C(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 9 para. 35(4)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F314** Words in s. 26C(5) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 9 para. 35(5)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F315** Words in s. 26C(5) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 9 para. 35(5)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F316** Words in s. 26C(5) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 9 para. 35(5)(c)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F317** Words in s. 26C(6) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 9 para. 35(6)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F318** Words in s. 26C(9) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 9 para. 35(7)**; S.I. 2017/1249, reg. 2 (with reg. 3)

## **[<sup>F319</sup>26D Labour abuse prevention officers** **E+W**

- (1) The Secretary of State may make regulations conferring functions on the [<sup>F320</sup>Director General] in relation to the exercise of functions by officers of the Gangmasters and Labour Abuse Authority (the “Authority”) in their capacity as labour abuse prevention officers (see section 114B of the Police and Criminal Evidence Act 1984 (PACE powers for labour abuse prevention officers)).
- (2) Regulations under this section may, in particular—
  - (a) apply (with or without modifications), or make provision similar to, any provision of or made under this Part;
  - (b) make provision for payment by the Authority to, or in respect of, the [<sup>F321</sup>Office or in respect of the Director General].
- (3) The [<sup>F320</sup>Director General] and the Parliamentary Commissioner for Administration may jointly investigate a matter in relation to which—
  - (a) the [<sup>F320</sup>Director General] has functions by virtue of this section, and
  - (b) the Parliamentary Commissioner for Administration has functions by virtue of the Parliamentary Commissioner Act 1967.
- (4) An officer of the Authority may disclose information to the [<sup>F320</sup>Director General], or to a person acting on the [<sup>F322</sup>Director General's] behalf, for the purposes of the exercise by the [<sup>F320</sup>Director General], or by any person acting on the [<sup>F322</sup>Director General's] behalf, of an Authority complaints function.
- (5) The [<sup>F320</sup>Director General] and the Parliamentary Commissioner for Administration may disclose information to each other for the purposes of the exercise of a function—
  - (a) by virtue of this section, or
  - (b) under the Parliamentary Commissioner Act 1967.
- (6) Regulations under this section may, in particular, make—

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- (a) further provision about the disclosure of information under subsection (4) or (5);
  - (b) provision about the further disclosure of information that has been so disclosed.
- (7) In this section “Authority complaints function” means a function in relation to the exercise of functions by officers of the Authority.]

#### Textual Amendments

- F319** S. 26D inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 3 para. 12](#); S.I. 2016/603, reg. 3(u)
- F320** Words in s. 26D substituted in part (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 36\(2\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F321** Words in s. 26D(2)(b) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 36\(3\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F322** Words in s. 26D(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 36\(4\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

## 27 Conduct of the [<sup>F323</sup>Office's] staff **E+W**

- (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 [<sup>F323</sup>Office's] staff; and
  - (b) cases in which there is otherwise an indication that there may have been misconduct by a member of the [<sup>F323</sup>Office'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 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 [<sup>F324</sup>Office and the Director General].

#### Textual Amendments

- F323** Words in s. 27 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 37\(2\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F324** Words in s. 27(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 37\(3\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

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#### Modifications etc. (not altering text)

- C56** 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
- C57** S. 27 applied (with modifications) (5.8.2009) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2009 \(S.I. 2009/2133\)](#), **reg. 4**
- C58** S. 27 applied (with modifications) (7.4.2010) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2010 \(S.I. 2010/782\)](#), **reg. 4**
- C59** 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)
- C60** S. 27 applied (with modifications) (7.10.2013) by [The National Crime Agency \(Complaints and Misconduct\) Regulations 2013 \(S.I. 2013/2325\)](#), regs. 1(1), **5**

#### Transitional provisions

### <sup>F325</sup>28 **Transitional arrangements connected with establishing the Commission etc.** E +W

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#### Textual Amendments

- F325** S. 28 omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 38(1)** (with Sch. 9 para. 38(2)); S.I. 2017/1249, **reg. 2** (with reg. 3)

### <sup>F326</sup>28A **Application of Part 2 to old cases** E+W

- (1) The [<sup>F327</sup>Director General] may, if [<sup>F328</sup>the Director General] considers that there are exceptional circumstances—
  - (a) direct that a relevant transitional provision does not apply in relation to a pre-commencement matter, and
  - (b) direct the appropriate authority to record the matter under this Part.
- (2) A “pre-commencement matter” means a matter which—
  - (a) is a complaint or a conduct matter,
  - (b) relates to conduct which took place, or circumstances which occurred, before 1 April 2004, and
  - (c) (apart from this section) is prevented by a relevant transitional provision from being recorded under this Part as a complaint or a conduct matter.
- (3) “Relevant transitional provision” means article 2, 3 or 4 of the Independent Police Complaints Commission (Transitional Provisions) Order 2004 (S.I. 2004/671).
- (4) The [<sup>F327</sup>Director General] may, if [<sup>F329</sup>the Director General] considers that there are exceptional circumstances, direct that a matter to which subsection (5) applies should be treated as a conduct matter or a DSI matter.
- (5) This subsection applies to a matter which—
  - (a) relates to conduct which took place, or circumstances which occurred, before 1 April 2004,

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- (b) has been the subject of a relevant complaint, and
  - (c) would be a conduct matter or a DSI matter if it had not been the subject of a relevant complaint.
- (6) “Relevant complaint” means—
- (a) a complaint made before 1 April 2004, or
  - (b) a complaint made on or after that date to which a relevant transitional provision applied.
- (7) Where under subsection (1)(a) the [<sup>F327</sup>Director General] directs that a relevant transitional provision does not apply in relation to a pre-commencement matter, that provision does not apply in relation to that matter.
- (8) The appropriate authority must comply with a direction under subsection (1)(b).
- (9) Where under subsection (4) the [<sup>F327</sup>Director General] directs that a matter should be treated as a conduct matter or a DSI matter, the matter is (subject to any regulations under subsection (10)) to be treated as a conduct matter or a DSI matter for the purposes of this Part (including subsections (1) and (2)) and any provision made under it.
- (10) The Secretary of State may by regulations provide for this Part or any provision made under it to apply with such modifications as the Secretary of State thinks fit to a matter in relation to which the [<sup>F327</sup>Director General] has made a direction under subsection (1) or (4).]

#### Textual Amendments

**F326** S. 28A inserted (19.12.2012) by *Police (Complaints and Conduct) Act 2012 (c. 22)*, **ss. 2(2)**, 3(3)

**F327** Words in s. 28A substituted in part (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by *Policing and Crime Act 2017 (c. 3)*, s. 183(1)(5)(e), **Sch. 9 para. 39(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)

**F328** Words in s. 28A(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by *Policing and Crime Act 2017 (c. 3)*, s. 183(1)(5)(e), **Sch. 9 para. 39(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)

**F329** Words in s. 28A(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by *Policing and Crime Act 2017 (c. 3)*, s. 183(1)(5)(e), **Sch. 9 para. 39(4)**; S.I. 2017/1249, reg. 2 (with reg. 3)

### *Interpretation of Part 2*

## 29 Interpretation of Part 2 **U.K.**

- (1) In this Part—
- [<sup>F330</sup>“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 [<sup>F331</sup>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

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- (ii) if he is not [<sup>F332</sup>the chief officer or an acting chief officer], the chief officer under whose direction and control he is; <sup>F333</sup>...
  - (aa) [<sup>F334</sup>in relation to any other complaint, means the chief officer of the police force with which dissatisfaction is expressed by the complainant; and]
  - (b) in relation to a death or serious injury matter, means—
    - (i) if the relevant officer is [<sup>F335</sup>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 [<sup>F336</sup>the chief officer or an acting chief officer], the chief officer under whose direction and control he is;]  
[<sup>F337</sup>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; <sup>F338</sup>...
- “complainant” shall be construed in accordance with subsection (2);
- “complaint” has the meaning given by section 12;
- “conduct” includes acts, omissions [<sup>F339</sup>, statements and decisions] (whether actual, alleged or inferred);
- “conduct matter” has the meaning given by section 12;
- [<sup>F340</sup>“death or serious injury matter” and “DSI matter” have the meaning given by section 12;]
- [<sup>F341</sup>“the Director General” means (unless otherwise specified) the Director General of the Office;]
- “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; <sup>F342</sup>...
- [<sup>F343</sup>“the Office” means the Independent Office for Police Conduct;]
- “person complained against”, in relation to a complaint [<sup>F344</sup>that relates to conduct of a person serving with the police], 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))—

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- (a) a conduct matter that is required to be recorded by the appropriate authority under paragraph 10 [<sup>F345</sup>, 11 or 13A] of Schedule 3 or has been so recorded; or
  - (aa) [<sup>F346</sup>a conduct matter that is required to be recorded by the appropriate authority under section 28A(8) or has been so recorded;]
  - (b) <sup>F347</sup> .....  
 “relevant force”, in relation to the appropriate authority, means—
    - (a) [<sup>F348</sup>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; <sup>F349</sup> .....  
 “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 [<sup>F350</sup>12(7) to (10)] .
- [<sup>F351</sup>(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 [<sup>F352</sup>12(7) to (10)] )—
- (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.]
- (2) References in this Part, in relation to anything which is or purports to be a complaint, to the complainant are references—
- [<sup>F353</sup>(a) to the person by whom the complaint or purported complaint was made, or
  - (b) in a case where the complaint or purported complaint was made on behalf of someone else, to the person on whose behalf it 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;
  - [<sup>F354</sup>(ca) a National Crime Agency officer; or]
  - (d) a person engaged on relevant service, within the meaning of section 97(1)(a) <sup>F355</sup> ... or (d) of the 1996 Act [<sup>F356</sup>(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—



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- (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).
- [<sup>F357</sup>(4A) In this Part references, in relation to anything purporting to be a complaint other than a complaint about any conduct, to a member of the public include references to any person falling within subsection (3)(a) to (d) other than a person who is—
- (a) a member of the police force with which dissatisfaction is expressed,
  - (b) a civilian employee of that police force,
  - (c) a special constable who is under the direction and control of the chief officer of that police force, or
  - (d) where dissatisfaction is expressed with the City of London police force, an employee of the Common Council of the City of London who is under the direction and control of the chief officer of that force.]
- (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, <sup>F358</sup> ... under the [<sup>F359</sup>direction] of the [<sup>F360</sup>Director General] or by the [<sup>F360</sup>Director General]<sup>F361</sup> ... shall be construed as references to its investigation in accordance with paragraph 16, <sup>F362</sup> ... 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.
- [<sup>F363</sup>(8) References in sections 26, 26BA and 26C to England and Wales include the sea and other waters within the seaward limits of the territorial sea adjacent to England and Wales.]

#### Textual Amendments

- F330** 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)**
- F331** 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))
- F332** 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))
- F333** Word in s. 29(1) omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 4 para. 6(2)(a)**
- F334** Words in s. 29(1) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 4 para. 6(2)(b)**

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- F335** 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))
- F336** 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))
- F337** 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))
- F338** Words in s. 29(1) omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 40(2)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F339** 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)
- F340** 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)**
- F341** Words in s. 29(1) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 40(2)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F342** Words in s. 29(1) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(g)(i)**
- F343** Words in s. 29(1) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 40(2)(c)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F344** Words in s. 29(1) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 6(3)**
- F345** Words in s. 29(1) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 17(10), 183(1)(5)(e)**
- F346** Words in s. 29(1)(aa) inserted (19.12.2012) by Police (Complaints and Conduct) Act 2012 (c. 22), **ss. 2(4), 3(3)**
- F347** 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)
- F348** 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
- F349** 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)
- F350** Words in s. 29(1) substituted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 93(2)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(c)(i)
- F351** 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)**
- F352** Words in s. 29(1A) substituted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 93(3)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(c)(i)
- F353** S. 29(2)(a)(b) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 6(4)**
- F354** S. 29(3)(ca) substituted for s. 29(3)(b)(c) (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 16**; S.I. 2013/1682, art. 3(q)
- F355** 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)
- F356** 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))
- F357** S. 29(4A) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 6(5)**

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- F358** Words in s. 29(6) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(g)(ii)(a)**
- F359** Word in s. 29(6) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(g)(ii)(b)**
- F360** Words in s. 29(6) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 40(3)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F361** Word in s. 29(6) omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 40(3)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F362** Word in s. 29(6) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(g)(ii)(c)**
- F363** S. 29(8) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 21(1), 183(1)(5)(e)**

#### Modifications etc. (not altering text)

- C61** 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

## [<sup>F364</sup>PART 2A U.K.]

### SUPER-COMPLAINTS

#### Textual Amendments

- F364** Pt. 2A inserted (31.1.2017 for specified purposes, 16.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 25, 183(1)(5)(e)**; S.I. 2018/456, reg. 3(a)

## 29A Power to make super-complaints U.K.

(1) A designated body may make a complaint to Her Majesty's Chief Inspector of Constabulary that a feature, or combination of features, of policing in England and Wales by one or more than one police force is, or appears to be, significantly harming the interests of the public.

(2) See section 29B for the meaning of “designated body”.

(3) In this section-

“England and Wales” includes the adjacent United Kingdom waters within the meaning of section 30 of the Police Act 1996,

“police force” means any of the following—

- (a) the metropolitan police force,
- (b) a police force maintained under section 2 of the Police Act 1996 (police forces in England and Wales outside London),
- (c) the National Crime Agency,
- (d) the City of London police force,
- (e) the Ministry of Defence Police,
- (f) the Civil Nuclear Constabulary,
- (g) the British Transport Police.

*Status: Point in time view as at 01/12/2018. 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 25 May 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)*

## **Bodies who may make super-complaints** **U.K.**

**F365**<sup>29B</sup>

- (1) In this Part “designated body” means a body designated in regulations made by the Secretary of State.
- (2) The Secretary of State—
  - (a) may make or revoke such a designation if the Secretary of State considers it appropriate to do so, and
  - (b) must make or revoke such a designation if asked to do so by an authorised person.
- (3) The Secretary of State must, in deciding whether to act under subsection (2)(a), apply criteria specified or described in regulations made by the Secretary of State.
- (4) The authorised person must, in deciding whether to ask the Secretary of State to act under subsection (2)(b), apply criteria specified or described in regulations made by the Secretary of State.
- (5) The Secretary of State must, before making regulations under subsection (3) or (4), consult such persons as the Secretary of State considers appropriate.
- (6) In this section “authorised person” means any person specified or described in regulations made by the Secretary of State.]

### **Textual Amendments**

**F365** S. 29B inserted (31.1.2017 for specified purposes, 16.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 26, 183(1)(5)(e); S.I. 2018/456, reg. 3(b)

## **Regulations about super-complaints** **U.K.**

**F366**<sup>29C</sup>

- (1) The Secretary of State may by regulations make provision about complaints under section 29A.
- (2) Such provision may, in particular, include provision about—
  - (a) the procedure for dealing with a matter before a complaint is made under section 29A (including who is to deal with the matter),
  - (b) the procedure for dealing with a complaint under section 29A (including who is to deal with the matter),
  - (c) whether, or the extent to which, a matter is to be dealt with under this Part or Part 2.
- (3) Regulations under this section may—
  - (a) confer (or enable the conferring of) functions on Her Majesty's Chief Inspector of Constabulary, the <sup>F367</sup>Director General of the Independent Office for Police Conduct], the College of Policing or any other person,
  - (b) apply (with or without modifications), in relation to any matter to be dealt with by the <sup>F367</sup>Director General of the Independent Office for Police Conduct] under this Part, any provision made by or under Part 2.]]

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#### Textual Amendments

- F366** S. 29C inserted (31.1.2017 for specified purposes, 16.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), ss. 27(1), 183(1)(5)(e); S.I. 2018/456, reg. 3(c)
- F367** Words in s. 29C(3) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 41; S.I. 2017/1249, reg. 2 (with reg. 3)

## <sup>F368</sup>PART 2B U.K.

### INVESTIGATION OF CONCERNS RAISED BY WHISTLE-BLOWERS

#### Textual Amendments

- F368** Pt. 2B inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), ss. 28(1), 183(1)(5)(e)

## 29D Power to investigate concerns raised by whistle-blowers U.K.

- (1) The <sup>F369</sup>Director General] may investigate any concern raised by a whistle-blower of which <sup>F370</sup>the Director General] becomes aware (whether because the whistle-blower has contacted the <sup>F369</sup>Director General] or for any other reason) but only if the whistle-blower informs the <sup>F369</sup>Director General], before the beginning of the investigation, that he or she consents to an investigation taking place.
- (2) In deciding whether to investigate, the <sup>F369</sup>Director General] must take into account the public interest.
- (3) For the purposes of this Part, a person is a “whistle-blower” if—
  - (a) the person is, or was at any time, under the direction and control of a chief officer of police,
  - (b) the person raises a concern that is about a police force or a person serving with the police,
  - (c) the matter to which the concern relates is not—
    - (i) about the conditions of service of persons serving with the police, or
    - (ii) a matter that is, or could be, the subject of a complaint by the person under Part 2, and
  - (d) at the time the <sup>F369</sup>Director General] first becomes aware of the concern, the matter to which it relates is not—
    - (i) under investigation under the direction of the <sup>F369</sup>Director General] in accordance with paragraph 18 of Schedule 3,
    - (ii) under investigation by the <sup>F369</sup>Director General] in accordance with paragraph 19 of that Schedule,
    - (iii) being dealt with as a complaint under section 29A under regulations under section 29C (regulations about super-complaints), or
    - (iv) under investigation under this Part.

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- (4) Subsection (1) is subject to section 29F (which deals with the position where the concern is a conduct matter for the purposes of Part 2) and to section 29G (which deals with the position where the concern is a DSI matter for the purposes of that Part).
- (5) Schedule 3A (which makes provision about the procedure etc where the <sup>F369</sup>Director General] decides to investigate under subsection (1)) has effect.

#### Textual Amendments

- F369** Words in s. 29D substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 42\(2\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F370** Words in s. 29D(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 42\(3\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

#### 29E <sup>F371</sup>Director General's] powers and duties <sup>F372</sup>on decision] not to investigate **U.K.**

- (1) If the <sup>F373</sup>Director General] decides not to carry out an investigation under section 29D(1), the <sup>F373</sup>Director General] must inform the whistle-blower of the decision.
- (2) In such a case, the <sup>F373</sup>Director General] may, with the consent of the whistle-blower—
  - (a) disclose the nature of the concern to the appropriate authority, and
  - (b) make recommendations in the light of the concern.
- (3) In this Part, except where otherwise provided, “appropriate authority” means—
  - (a) if the concern relates to a chief officer or an acting chief officer, the local policing body for the area of the police force of which he or she is a member;
  - (b) if the concern relates to any other person, the chief officer under whose direction and control that person is;
  - (c) if the concern does not relate to any particular persons, the chief officer of the police force to which the concern relates.
- (4) The Secretary of State may by regulations make further provision about recommendations under subsection (2).
- (5) The regulations may (amongst other things)—
  - (a) describe the kinds of recommendations that the <sup>F373</sup>Director General] may make under subsection (2);
  - (b) specify the persons to whom the recommendations may be made;
  - (c) authorise the <sup>F373</sup>Director General] to require a response to any recommendation made by the <sup>F373</sup>Director General] under subsection (2).

#### Textual Amendments

- F371** Words in s. 29E heading substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 43\(3\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

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**F372** Words in s. 29E heading substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 43\(3\)\(b\)](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))

**F373** Words in s. 29E substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 43\(2\)](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))

## 29F Special provision for “conduct matters” **U.K.**

- (1) Before deciding whether to carry out an investigation under section 29D(1), the [<sup>F374</sup>Director General] must consider whether the concern is about a conduct matter for the purposes of Part 2 (see section 12(2)).
- (2) If the [<sup>F374</sup>Director General] determines that the concern is about a conduct matter for the purposes of Part 2—
  - (a) [<sup>F375</sup>the Director General] may not carry out an investigation under section 29D(1), and
  - (b) [<sup>F375</sup>the Director General] must notify the appropriate authority in relation to the person whose conduct is in question of [<sup>F376</sup>the] determination.
- (3) Where the appropriate authority in relation to the person whose conduct is in question is notified under subsection (2), it must record the matter under paragraph 11 of Schedule 3 to this Act as a conduct matter.
- (4) The Secretary of State may by regulations make provision modifying Schedule 3 in relation to a conduct matter that, in accordance with subsection (3), is recorded under paragraph 11 of that Schedule but only for the purpose of making provision for the protection of the anonymity of whistle-blowers.

### Textual Amendments

**F374** Words in s. 29F substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 44\(2\)](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))

**F375** Words in s. 29F(2) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 44\(3\)\(a\)](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))

**F376** Word in s. 29F(2) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 44\(3\)\(b\)](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))

## 29G Special provision for “DSI matters” **U.K.**

- (1) Before deciding whether to carry out an investigation under section 29D(1), the [<sup>F377</sup>Director General] must consider whether the concern is about a death or serious injury matter (“a DSI matter”) for the purposes of Part 2 (see section 12(2A)).
- (2) If the [<sup>F377</sup>Director General] determines that the concern is about a DSI matter for the purposes of Part 2—
  - (a) [<sup>F378</sup>the Director General] may not carry out an investigation under section 29D(1), and

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- (b) [<sup>F378</sup>the Director General] must notify the appropriate authority in relation to the DSI matter.
- (3) Where the appropriate authority in relation to the DSI matter is notified under subsection (2), it must record the matter under paragraph 14A of Schedule 3 to this Act as a DSI matter.
- (4) The Secretary of State may by regulations make provision modifying Schedule 3 in relation to a DSI matter that, in accordance with subsection (3), is recorded under paragraph 14A of that Schedule but only for the purpose of making provision for the protection of the anonymity of whistle-blowers.
- (5) In this section, references to the appropriate authority in relation to a DSI matter have the same meaning as in Part 2 (see section 29).

#### Textual Amendments

**F377** Words in s. 29G substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 45\(2\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

**F378** Words in s. 29G(2) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 45\(3\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

#### 29H [<sup>F379</sup>Director General's] powers and duties where whistle-blower is deceased **U.K.**

- (1) The power of the [<sup>F380</sup>Director General] to carry out an investigation under section 29D(1) applies where the whistle-blower dies before the [<sup>F380</sup>Director General] becomes aware of the concern (or before [<sup>F381</sup>the Director General] decides to investigate).
- (2) Any investigation begun by the [<sup>F380</sup>Director General] under section 29D(1) before the death of the whistle-blower may be continued after the death.
- (3) Where a whistle-blower dies—
- any requirement under this Part to obtain the consent of the whistle-blower may be satisfied by obtaining the consent of that person's approved representative;
  - any requirement under this Part to give any document or other information to the whistle-blower may be satisfied by giving the document or other information to the person's approved representative;
  - any requirement under this Part not to disclose the identity of the whistle-blower does not apply or (where the [<sup>F380</sup>Director General] became aware of the concern before the death) ceases to apply.
- (4) For the purpose of this section, “approved representative” means a person who has been approved by the [<sup>F380</sup>Director General] for the purposes of this Part.
- (5) The [<sup>F380</sup>Director General] may only approve a person who is—
- the widow or widower (or surviving civil partner) of the deceased whistle-blower,



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- (b) a personal representative (within the meaning of section 55(1)(xi) of the Administration of Estates Act 1925) of the deceased whistle-blower, or
- (c) any other person appearing to the [<sup>F380</sup>Director General] to have, by reason of a family or similar relationship with the deceased whistle-blower, a relevant interest in the outcome of the concern.

#### Textual Amendments

- F379** Words in s. 29H heading substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 46\(3\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F380** Words in s. 29H substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 46\(2\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F381** Words in s. 29H(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 46\(4\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

## 291 Duty to keep whistle-blowers informed **U.K.**

- (1) Where the [<sup>F382</sup>Director General] carries out an investigation under section 29D(1), [<sup>F383</sup>the Director General] must keep the whistle-blower properly informed about the progress of the investigation and its outcome.
- (2) The Secretary of State may by regulations provide for exceptions to the duty under subsection (1).
- (3) The power conferred by subsection (2) may be exercised only to the extent that the Secretary of State considers necessary for any of the permitted non-disclosure purposes.
- (4) “The permitted non-disclosure purposes” are—
  - (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 for the purposes of the investigation of an allegation of misconduct against the whistle-blower or the taking of disciplinary proceedings or other appropriate action in relation to such an allegation,
    - (iv) is for the purposes of an investigation under Part 2 that relates to the whistle-blower,
    - (v) is required on proportionality grounds, or
    - (vi) is otherwise necessary in the public interest.
- (5) 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.

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#### Textual Amendments

- F382** Words in s. 29I(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 47(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F383** Words in s. 29I(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 47(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)

### 29J Protection of anonymity of whistle-blowers **U.K.**

- (1) The Secretary of State may by regulations make provision setting out the circumstances in which the [<sup>F384</sup>Director General] is required or authorised to disclose information falling within subsection (2) (or any particular description of such information) to persons specified, or of a description specified, in the regulations.
- (2) The information falling within this subsection is—
  - (a) the identity of a whistle-blower or information that might (whether alone or with other information) tend to reveal that identity;
  - (b) the nature of a concern raised by a whistle-blower.
- (3) The power conferred by subsection (1) may be exercised only to the extent that the Secretary of State considers necessary for any of the permitted disclosure purposes.
- (4) “The permitted disclosure purposes” are—
  - (a) the protection of the interests of national security;
  - (b) the prevention or detection of crime or the apprehension of offenders;
  - (c) the institution or conduct of criminal proceedings;
  - (d) the investigation of allegations of misconduct against whistle-blowers and the taking of disciplinary proceedings or other appropriate action in relation to such allegations;
  - (e) investigations under Part 2 that relate to whistle-blowers;
  - (f) investigations under this Part;
  - (g) any other purpose that is for the protection of the public interest.
- (5) Except as provided by regulations under subsection (1) or by any other provision of this Part, the [<sup>F384</sup>Director General] may not disclose information falling within subsection (2) unless the whistle-blower consents to the disclosure.

#### Textual Amendments

- F384** Words in s. 29J substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 48**; S.I. 2017/1249, reg. 2 (with reg. 3)

### 29K Other restrictions on disclosure of information **U.K.**

- (1) The Secretary of State may by regulations make provision setting out the circumstances in which the [<sup>F385</sup>Director General] is required or authorised to disclose

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information falling within subsection (2) (or any particular description of such information) to persons specified, or of a description specified, in the regulations.

- (2) The information falling within this subsection is—
  - (a) information relating to an investigation under section 29D;
  - (b) information relating to the outcome of any such investigation.
- (3) The power conferred by subsection (1) may be exercised only to the extent that the Secretary of State considers necessary for any of the permitted disclosure purposes.
- (4) In this section, “the permitted disclosure purposes” has the same meaning as in section 29J.
- (5) Except as provided by regulations under subsection (1) or by any other provision of this Part, the [F385Director General] may not disclose information falling within subsection (2).

#### Textual Amendments

**F385** Words in s. 29K substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 49](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

## 29L Application of provisions of Part 2 **U.K.**

- (1) The following provisions of Part 2 apply in relation to the functions of the [F386Director General] under this Part as they apply in relation to the functions of the [F386Director General] under Part 2—
  - (a) section 15 (general duties of local policing bodies, chief officers and inspectors);
  - (b) section 16 (payment for assistance with investigation);
  - (c) section 17 (provision of information to the [F386Director General]);
  - (d) section 18 (inspection of police premises on behalf of the [F386Director General]);
  - (e) section 19 (use of investigatory powers by or on behalf of the [F386Director General]);
  - (f) section 21A (restriction on disclosure of sensitive information);
  - (g) section 21B (provision of sensitive information to the [F386Director General]);
  - (h) section 22 (power of the [F386Director General] to issue guidance);
  - (i) section 26 (forces maintained otherwise than by local policing bodies);
  - (j) section 26BA (College of Policing);
  - (k) section 26C (the National Crime Agency).
- (2) Except as provided by subsection (1), the provision made by sections 15 to 29 of Part 2 does not apply in relation to the functions of the [F386Director General] under this Part.

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#### Textual Amendments

**F386** Words in s. 29L substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 50**; S.I. 2017/1249, reg. 2 (with reg. 3)

### 29M Regulation-making powers: consultation **U.K.**

Before making regulations under this Part, the Secretary of State must consult—

- (a) the [<sup>F387</sup>Director General],
- (b) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
- (c) the Mayor's Office for Policing and Crime;
- (d) the Common Council,
- (e) the National Police Chiefs' Council, and
- (f) such other persons as the Secretary of State thinks fit.

#### Textual Amendments

**F387** Words in s. 29M substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 51**; S.I. 2017/1249, reg. 2 (with reg. 3)

### 29N Interpretation **U.K.**

(1) In this Part—

<sup>F388</sup>  
...

“appropriate authority” has the meaning given by section 29E(3);

“chief officer” means the chief officer of police of any police force; and  
“acting chief officer” means (as appropriate)—

- (a) a person exercising or performing functions of a chief constable in accordance with section 41 of the Police Reform and Social Responsibility Act 2011,
- (b) 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
- (c) 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;

“conduct” has the same meaning as in Part 2 (see section 29(1));

[<sup>F389</sup>“the Director General” means the Director General of the Independent Office for Police Conduct;]

“whistle-blower” has the meaning given by section 29D(3).

(2) References in this Part to a person serving with the police have the same meaning as in Part 2 (see section 12(7)).]

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### Textual Amendments

- F388** Words in s. 29N(1) omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 52\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F389** Words in s. 29N(1) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 52\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

## PART 3 U.K.

### REMOVAL, SUSPENSION AND DISCIPLINING OF POLICE OFFICERS

#### *Removal and suspension of senior officers*

### 30 Resignation in the interests of efficiency and effectiveness U.K.

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

- (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 “—
- 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
  - an opportunity to make representations;

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

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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 **U.K.**

- (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—

“(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

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- (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
  - (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 **U.K.**

- (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

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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 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)—



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- (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—
- (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** E+W

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.

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- (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** E+W

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;”.

**36 Conduct of disciplinary proceedings** E+W

- (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 [<sup>F390</sup>Director General of the Independent Office for Police Conduct];
  - (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.

**Textual Amendments**

**F390** Words in s. 36(1)(a) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 53](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))

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### 37 Protected disclosures by police officers **U.K.**

(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)—

- (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.

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**PART 4 U.K.**

POLICE POWERS ETC.

**CHAPTER 1 U.K.**

EXERCISE OF POLICE POWERS ETC. BY CIVILIANS

**38 Police powers for [<sup>F391</sup>civilian staff][<sup>F392</sup>and volunteers] **E+W****

[<sup>F393</sup>(1) The chief officer of police of any police force may designate a relevant employee as either or both of the following—

- (a) a community support officer;
- (b) a policing support officer.

(1A) The chief officer of police of any police force may designate a police volunteer as either or both of the following—

- (a) a community support volunteer;
- (b) a policing support volunteer.]

(2) The description of officers are as follows—

- (a) community support officer;
- (b) investigating officer;
- (c) detention officer;
- (d) escort officer.

(3) <sup>F394</sup> .....

(4) A chief officer of police <sup>F395</sup> . . . 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 [<sup>F396</sup>or 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.

<sup>F397</sup>(5A) .....

<sup>F397</sup>(5B) .....

<sup>F397</sup>(6) .....

<sup>F397</sup>(6A) .....

[<sup>F398</sup>(6B) The powers and duties that may be conferred or imposed on a person designated under this section are—

- (a) any power or duty of a constable, other than a power or duty specified in Part 1 of Schedule 3B (excluded powers and duties);

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- (b) where the person is designated as a community support officer or a community support volunteer, any power or duty that is described in Schedule 3C as a power or duty of a community support officer or community support volunteer.
- (6C) The Secretary of State may by regulations amend Part 1 of Schedule 3B so as to add to the list of powers and duties specified in it.
- (6D) Part 2 of Schedule 3B makes provision about the application of legislation in relation to powers or duties of a constable that may be exercised or performed by a person designated under this section.
- (6E) Any power or duty of a constable that is conferred or imposed on a person designated under this section by a chief officer of police of a police force may (subject to provision included in the designation under subsection (6F)) be exercised or performed by the person—
- (a) in the area of that police force, and
  - (b) in any cases or circumstances in which it could be exercised or performed by a constable who is a member of that force.
- (6F) A designation under this section may provide that any power or duty of a constable that is conferred or imposed by the designation may be exercised or performed by the person designated—
- (a) in such areas outside the area of the police force in question as are specified in the designation (as well as within the area of the police force);
  - (b) only in such parts of the area of that police force as are specified in the designation;
  - (c) only in cases or circumstances so specified.]
- (7) [<sup>F399</sup>A relevant employee]<sup>F400</sup> . . . 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.
- [<sup>F401</sup>(7A) A police volunteer 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 while acting as a police volunteer;
  - (b) shall be so authorised or required subject to such restrictions and conditions (if any) as may be specified in the 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

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(b) for the purpose of saving life or limb or preventing serious damage to property.

[<sup>F402</sup>(9A) The chief officer of police of a police force must ensure that no person designated by the chief officer under this section is authorised to use a firearm, within the meaning given by section 57(1) of the Firearms Act 1968, in carrying out functions for the purposes of the designation.

(9B) However, subsection (9A) does not apply to—

- (a) the use of a weapon, designed or adapted for the discharge of either of the following substances, for the purpose of discharging either of those substances—
  - (i) the substance, commonly known as “CS spray”, that is produced by the use of 2-chlorobenzalmalononitrile;
  - (ii) the substance, commonly known as PAVA spray, that is produced by the use of pelargonic acid vanillylamide;
- (b) the use of a weapon for a purpose specified in regulations made by the Secretary of State;
- (c) the use of a weapon of a description specified in regulations made by the Secretary of State, whether generally or for a purpose so specified.]

[<sup>F403</sup>(9C) A statutory instrument containing regulations under subsection (6C) or (9B)(b) or (c) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.]

[<sup>F404</sup>(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).]

[<sup>F405</sup>(11A) In the case of a police force maintained for a police area in England in accordance with section 2 of the Police Act 1996, the following are also relevant employees for the purposes of this section—

- (a) any member of staff transferred to the chief constable of the police force under a scheme made under section 4I(1) of the Fire and Rescue Services Act 2004 (transfer of property, rights and liabilities to chief constable to whom fire functions of a fire and rescue authority may be delegated);
- (b) any member of staff appointed by that chief constable under section 4I(4) of that Act (appointment of staff by chief constable to whom fire functions of a fire and rescue authority may be delegated).

[<sup>F406</sup>(c) any member of staff transferred to that chief constable under a scheme made by virtue of section 107EC(1) of the Local Democracy, Economic Development and Construction Act 2009 (transfer of property, rights and liabilities to chief constable to whom fire functions of combined authority may be delegated);

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- (d) any member of staff appointed by that chief constable under section 107EC(2) of that Act (appointment of staff by chief constable to whom fire functions of combined authority may be delegated).]]

[<sup>F407</sup>(12) In this section, “police volunteer” means a person who is under the direction and control of the chief officer making a designation under subsection (1A) otherwise than because the person is a constable, a special constable or a relevant employee.

- (13) For the purpose of subsection (12), a person is to be treated as a relevant employee only in relation to times when the person is acting in the course of the person's employment.]

### Textual Amendments

- F391** 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
- F392** Words in s. 38 heading inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), ss. 38\(9\), 183\(1\)\(5\)\(e\)](#); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, reg. 2)
- F393** S. 38(1)(1A) substituted for s. 38(1) (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), ss. 38\(2\), 183\(1\)\(5\)\(e\)](#); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, reg. 2)
- F394** 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))
- F395** 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))
- F396** 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)
- F397** S. 38(5A)-(6A) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\), ss. 38\(3\), 183\(1\)\(5\)\(e\)](#); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, reg. 2)
- F398** S. 38(6B)-(6F) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), ss. 38\(4\), 183\(1\)\(5\)\(e\)](#); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, reg. 2)
- F399** 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
- F400** 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))
- F401** S. 38(7A) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), ss. 38\(5\), 183\(1\)\(5\)\(e\)](#); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, reg. 2)
- F402** S. 38(9A)(9B) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), ss. 38\(6\), 183\(1\)\(5\)\(e\)](#); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, reg. 2)
- F403** S. 38(9C) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), ss. 38\(7\), 183\(1\)\(5\)\(e\)](#); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, reg. 2)
- F404** 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

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**F405** S. 38(11A) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 82**; S.I. 2017/399, reg. 2, **Sch. para. 38**

**F406** S. 38(11A)(c)(d) inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 8(7)**, 183(1)(5)(e); S.I. 2017/726, **reg. 2(a)**

**F407** S. 38(12)(13) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 38(8)**, 183(1)(5)(e); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, **reg. 2**)

**Modifications etc. (not altering text)**

**C62** 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)**

**F408 38A Standard powers and duties of community support officers** **E+W**

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**Textual Amendments**

**F408** S. 38A omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), **ss. 38(10)**, 183(1)(5)(e); S.I. 2017/1139, reg. 2(d) (with regs. 4, 5) (as amended by S.I. 2017/1162, **reg. 2**)

**F409 38B Police powers for civilian employees under collaboration agreements** **U.K.**

- (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 <sup>F410</sup>[ , or a police volunteer with,] 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 <sup>F411</sup>[ either or both of the descriptions specified in section 38(1) (if C is a civilian employee of the assisting force) or section 38(1A) (if C is a police volunteer with the assisting force)].
- (3) The collaboration designation may designate C as an officer of a particular description specified in <sup>F412</sup>[ section 38(1) or (as the case may be) section 38(1A)] 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.



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- (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 [F413 persons designated under section 38 by the chief officer of police of the assisting force] for the purposes of the assisted force have the same meaning as in [F414 section 23AA] of the Police Act 1996.
- (11) In this section—
  - “civilian employee” has the meaning given by section 23I of the Police Act 1996;
  - “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

- F409** 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
- F410** Words in s. 38B(1)(a) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 1\(2\)](#); S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, [reg. 2](#))
- F411** Words in s. 38B(2) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 1\(3\)](#); S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, [reg. 2](#))
- F412** Words in s. 38B(3) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 1\(4\)](#); S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, [reg. 2](#))
- F413** Words in s. 38B(10) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 1\(5\)\(a\)](#); S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, [reg. 2](#))
- F414** Words in s. 38B(10) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 1\(5\)\(b\)](#); S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, [reg. 2](#))

#### 38C Designations under section 38B: supplementary provision **U.K.**

- (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).

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- (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

**F409** 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 **E+W**

- (1) This section applies if a [<sup>F415</sup>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 [<sup>F415</sup>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—
  - (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

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- (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.
- <sup>F416</sup>(9) .....
- <sup>F416</sup>(10) .....
- <sup>F416</sup>(11) .....
- (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 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 [<sup>F417</sup>local policing body] and the contractor is terminated or expires.

**Textual Amendments**

- F415** 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
- F416** S. 39(9)-(11) repealed (8.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014](#) (c. 12), s. 185(1), [Sch. 11 para. 94](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 5(d)(i) (with arts. 6, 7)
- F417** 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)**

- C63** 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\(b\)](#)

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#### 40 Community safety accreditation schemes **E+W**

- (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 [<sup>F418</sup>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—
  - [<sup>F419</sup>(a) the Mayor’s Office for Policing and Crime;]
  - (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 [<sup>F420</sup>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, <sup>F421</sup>... 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 [<sup>F422</sup>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—

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- (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

- F418** 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
- F419** 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
- F420** 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
- F421** 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
- F422** 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

#### Modifications etc. (not altering text)

- C64** S. 40(7) applied (with modifications) (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017 \(S.I. 2017/470\)](#), art. 1(2), [Sch. 1 para. 11\(2\)](#)

## 41 Accreditation under community safety accreditation schemes E+W

- (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;

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- (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.
- [<sup>F423</sup>(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.
  - (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**

**F423** 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](#))

#### [<sup>F424</sup>**41A Accreditation of weights and measures inspectors** **E+W**]

- (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.

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- (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.]

#### Textual Amendments

**F424** 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)

#### [<sup>F425</sup> **41B Power to apply accreditation provisions** **E+W**]

- (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

**F425** 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)

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**42 Supplementary provisions relating to designations and accreditations E+W**

<sup>F426</sup>(A1) .....

<sup>F426</sup>(B1) .....

<sup>F426</sup>(C1) .....

(1) A person who exercises or performs any power or duty in relation to any person in reliance on his designation under section 38 [<sup>F427</sup>, 38B] or 39 or his accreditation under section 41 [<sup>F428</sup> or 41A], or who purports to do so, shall produce that designation or accreditation to that person, if requested to do so.

<sup>F429</sup>(1A) .....

(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 [<sup>F430</sup>, 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  
 (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.

[<sup>F431</sup>(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.]

[<sup>F432</sup>(2A) A police officer of or above the rank of inspector may direct a particular [<sup>F433</sup> policing support officer or policing support volunteer] not to wear a uniform for the purposes of a particular operation; and if he so directs, subsection (2) [<sup>F434</sup> or (2ZA)] shall not apply in relation to that [<sup>F433</sup> policing support officer or policing support volunteer] for the purposes of that operation.

(2B) In subsection (2A), [<sup>F435</sup> “policing support officer” and “policing support volunteer” mean (respectively) a person designated as a policing support officer or (as the case may be) a policing support volunteer] under section 38 [<sup>F436</sup> (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 [<sup>F437</sup>, 38B] , 39 or 41 [<sup>F438</sup> or an accreditation to any weights and measures inspector under section 41A] may at any time, by notice to the designated or accredited person [<sup>F439</sup> or the accredited inspector] , modify or withdraw that designation or accreditation.

<sup>F440</sup>(4) .....



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- (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.
- [<sup>F441</sup>(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 [<sup>F442</sup>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 [<sup>F442</sup>chief officer of police or local policing body]; and, in the case of a tort, [<sup>F443</sup>that chief officer or body] shall fall to be treated as a joint tortfeasor accordingly.
- [<sup>F444</sup>(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.]
- [<sup>F445</sup>(7B) For the purposes of determining liability for the unlawful conduct of police volunteers designated under section 38, conduct by such a volunteer in reliance or purported reliance on a designation under that section is to be taken to be conduct by that person in the course of employment by the chief officer of police by whom the designation is made; and, in the case of a tort, that chief officer is to be treated as a joint tortfeasor accordingly.
- (7C) For the purposes of determining liability for the unlawful conduct of police volunteers designated under section 38, conduct by such a volunteer in reliance or purported reliance on a designation under section 38B is to be taken to be conduct by that person in the course of employment by the chief officer of police by whom the designation under section 38 is made; and, in the case of a tort, that chief officer is to be treated as a joint tortfeasor accordingly.]
- [<sup>F440</sup>(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

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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.

[<sup>F446</sup>(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

- F426** S. 42(A1)-(C1) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 12 para. 2(2)(b)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)
- F427** 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
- F428** 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)
- F429** S. 42(1A) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 12 para. 2(2)(b)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)
- F430** 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)**
- F431** 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
- F432** 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)**
- F433** Words in s. 42(2A) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 12 para. 2(3)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)
- F434** 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
- F435** Words in s. 42(2B) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 12 para. 2(4)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)
- F436** 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
- F437** 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
- F438** 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)
- F439** 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)
- F440** 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))
- F441** 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)
- F442** 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

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- F443** 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
- F444** 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
- F445** S. 42(7B)(7C) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 2(5)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)
- F446** 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)**

- C65** 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)**
- C66** S. 42(7) applied (with modifications) (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 1 para. 11(3)**

**43 Railway safety accreditation scheme** **E+W**

- (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”).
- [<sup>F447</sup>(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—
- as to the purposes for which a railway safety accreditation scheme may be established;
  - as to the procedure to be followed in the establishment of such a scheme; and
  - 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 a constable <sup>F448</sup>... 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—

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- (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—
- (a) [<sup>F449</sup>the National Police Chiefs' Council];
  - (b) the chief constable of the British Transport Police Force;
  - [<sup>F450</sup>(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 [<sup>F451</sup>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

<sup>F452</sup>  
 .....

#### Textual Amendments

- F447** S. 43(2) substituted (1.7.2004) by [The British Transport Police \(Transitional and Consequential Provisions\) Order 2004 \(S.I. 2004/1573\)](#), [art. 12\(7\)\(a\)](#)
- F448** Words in s. 43(7) omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 14\(2\)](#); S.I. 2013/453, art. 4(e)
- F449** Words in s. 43(9)(a) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 14 paras. 6, 7\(e\)](#); S.I. 2017/399, reg. 2, [Sch. para. 41](#)
- F450** 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 \(with Sch. 2 para. 69\)](#)
- F451** 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\(7\)\(b\)](#)
- F452** 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)

- C67** 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\(jjj\)](#)

<sup>F453</sup> **44** **Removal of restriction on powers conferred on traffic wardens** E+W

.....

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**Textual Amendments**

**F453** S. 44 omitted (31.1.2017 for specified purposes, 1.12.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 13 para. 5**; S.I. 2017/1139, reg. 3

**F454** **45 Code of practice relating to chief officers' powers under Chapter 1** **U.K.**

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**Textual Amendments**

**F454** S. 45 omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 3**; S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, reg. 2)

**46 Offences against designated and accredited persons etc.** **E+W**

- (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,
  - [<sup>F455</sup>(ba) an accredited inspector in the execution of his duty,] or
  - (c) a person assisting a designated or accredited person [<sup>F456</sup>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,
  - [<sup>F457</sup>(ba) an accredited inspector in the execution of his duty,] or
  - (c) a person assisting a designated or accredited person [<sup>F456</sup>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 [<sup>F458</sup>, 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 [<sup>F459</sup>, that he is an accredited person or that he is an accredited inspector] , or
  - (c) makes any statement or does any act calculated falsely to suggest that he has powers as a designated or accredited person [<sup>F460</sup>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.

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- (4) In this section references to the execution by a designated person [F461, 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.
- [F462(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**

**F455** 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)

**F456** 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)

**F457** 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)

**F458** 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)

**F459** 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)

**F460** 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)

**F461** 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)

**F462** 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](#)

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**Modifications etc. (not altering text)**

**C68** 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 U.K.**

- (1) In this Chapter—
  - [F463“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;
  - “designated person” means a person in relation to whom a designation under section 38 or 39 is for the time being in force;
  - F464 .....
  - F465 .....

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[<sup>F466cc</sup>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

- F463** 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)
- F464** 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\(2\)-\(7\)](#))
- F465** 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\(2\)-\(7\)](#))
- F466** 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)

- C69** 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 **U.K.**

### PROVISIONS MODIFYING AND SUPPLEMENTING POLICE POWERS

#### *Powers of arrest*

#### 48 **Offences for which a person may be arrested without a warrant** **E+W**

<sup>F467</sup> .....

#### Textual Amendments

- F467** 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\(1\)\(t\)\(u\)\(xlix\)](#)

#### 49 **Power of arrest in relation to failure to stop a vehicle** **E+W**

- (1) <sup>F468</sup> .....
- (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—

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“(iia) 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

**F468** 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\(1\)\(f\)\(u\)\(xlix\)](#)

#### *Power to require name and address*

### 50 **Persons [<sup>F469</sup>engaging in anti-social behaviour] E+W**

(1) If a constable in uniform has reason to believe that a person [<sup>F470</sup>has engaged, or is engaging, in anti-social behaviour]<sup>F471</sup> ..., he may require that person to give his name and address to the constable.

[<sup>F472</sup>(1A) In subsection (1) “anti-social behaviour” has the meaning given by section 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (ignoring subsection (2) of that section).]

(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.

#### Textual Amendments

**F469** Words in s. 50 heading substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 33\(3\)](#); S.I. 2017/399, [reg. 2](#), [Sch. para. 40](#)

**F470** Words in s. 50(1) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 33\(2\)](#); S.I. 2017/399, [reg. 2](#), [Sch. para. 40](#)

**F471** Words in s. 50(1) omitted (23.3.2015) by virtue of [Anti Social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 31\(2\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, [art. 4\(f\)\(viii\)](#)

**F472** S. 50(1A) inserted (23.3.2015) by [Anti Social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 31\(3\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, [art. 4\(f\)\(viii\)](#)

#### *Persons in police detention*

### 51 **Independent custody visitors for places of detention E+W**

(1) Every [<sup>F473</sup>local policing body] shall—



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- (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.

[<sup>F474</sup>(1A) Every [<sup>F475</sup>local policing body] must ensure—

- (a) that the arrangements made by it require independent custody visitors to prepare and submit to it a report of any visit made under the arrangements to a suspected terrorist detainee, and
- (b) that a copy of any report submitted under paragraph (a) is given to the person appointed under section 36(1) of the Terrorism Act 2006 (independent reviewer of terrorism legislation).]

(2) The arrangements must secure that the persons appointed under the arrangements are independent of both—

- (a) the [<sup>F476</sup>local policing body]; and
- (b) the chief officer of police of the police force maintained by [<sup>F477</sup>that body].

(3) The arrangements may confer on independent custody visitors such powers as the [<sup>F478</sup>local policing body] considers necessary to enable them to carry out their functions under the arrangements and may, in particular, confer on them powers—

- (a) to require access to be given to each police station;
- (b) to examine records relating to the detention of persons there;
- [<sup>F479</sup>(ba) in relation to suspected terrorist detainees, to listen to the audio recordings and view the video recordings (with or without sound) of interviews with those detainees which have taken place during their detention there and which were conducted by a constable;]
- (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.

[<sup>F480</sup>(3A) The arrangements may include provision for access to the whole or part of an audio or video recording of an interview of the kind mentioned in subsection (3)(ba) 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 to such recordings are complied with.

(3B) Grounds are not to be specified in any arrangements for the purposes of subsection (3A)(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).]

(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;

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- (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 [<sup>F481</sup>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—
- [<sup>F482</sup>[<sup>F483</sup>(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;]
    - (b) [<sup>F484</sup>the National Police Chiefs' Council]; 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) [<sup>F485</sup>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.
- [<sup>F486</sup>(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 [<sup>F487</sup>local policing body];
  - “suspected terrorist detainee” means a detainee detained under section 41 of the Terrorism Act 2000.]

#### Textual Amendments

- F473** 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](#)
- F474** S. 51(1A) inserted (22.4.2013) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 117\(5\)](#), 182(5) (with s. 180); S.I. 2013/705, art. 2
- F475** Words in s. 51(1A) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 299\(3\)](#); S.I. 2011/3019, art. 3, [Sch. 1](#)
- F476** 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](#)
- F477** 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](#)
- F478** 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](#)
- F479** S. 51(3)(ba) inserted (22.4.2013) by [Coroners and Justice Act 2009 \(c. 25\)](#), [ss. 117\(6\)](#), 182(5) (with s. 180); S.I. 2013/705, art. 2

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- F480** S. 51(3A)(3B) inserted (22.4.2013) by Coroners and Justice Act 2009 (c. 25), ss. 117(7), 182(5) (with s. 180); S.I. 2013/705, art. 2
- F481** 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
- F482** 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)
- F483** 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)
- F484** Words in s. 51(7)(b) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 14 paras. 6, 7(e); S.I. 2017/399, reg. 2, Sch. para. 41
- F485** 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
- F486** S. 51(10) substituted (22.4.2013) by Coroners and Justice Act 2009 (c. 25), ss. 117(8), 182(5) (with s. 180); S.I. 2013/705, art. 2
- F487** 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)(b); S.I. 2011/3019, art. 3, Sch. 1

## 52 Detention reviews for detained persons who are asleep **U.K.**

- (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;”

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### 53 **Persons suspected of offences connected with transport systems** U.K.

- (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)—
  - (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** E

+W

- (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.”

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#### Commencement Information

- 18** 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 **E+W**

- (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 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.”

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#### **Commencement Information**

- 19** 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** E+W

- (1) After section 7 of the Road Traffic Act 1988 (c. 52) there shall be inserted—

### **“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 be 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

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- (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.”
- (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—

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“RTA section 7A	Failing to allow specimen of blood to be subjected to laboratory test	Sections 11 and 12(1).”
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- (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 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	(a) Obligatory in the case mentioned in column 4(a) (b) Discretionary in any other case	Obligatory	3-11, in case mentioned in column 4(a) 10, in any other case.”
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- (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 E+W

- (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
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- (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—
- “(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 **E+W**

- (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,

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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.

(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 be made to a police medical practitioner; or

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- (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.
- (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 ”.

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(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.”

(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)

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### *Seizure of motor vehicles*

## **59 Vehicles used in manner causing alarm, distress or annoyance** **E+W**

- (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).
- (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.

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- (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** E+W

- (1) The Secretary of State may by regulations make provision as to—
  - (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;

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“motor vehicle” has the same meaning as in section 59.

*Anti-social behaviour*

<sup>F488</sup> **61 Anti-social behaviour orders** **E+W**

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**Textual Amendments**

**F488** Ss. 61–66 repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

<sup>F488</sup> **62 Power of Secretary of State to add to relevant authorities** **U.K.**

.....

**Textual Amendments**

**F488** Ss. 61–66 repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

<sup>F488</sup> **63 Orders in county court proceedings** **U.K.**

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**Textual Amendments**

**F488** Ss. 61–66 repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

<sup>F488</sup> **64 Orders on conviction in criminal proceedings** **U.K.**

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**Textual Amendments**

**F488** Ss. 61–66 repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

<sup>F488</sup> **65 Interim orders** **U.K.**

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**Textual Amendments**

**F488** Ss. 61–66 repealed (23.3.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 50](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

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**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)**

<sup>F488</sup> **66 Consultation requirements** **U.K.**

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**Textual Amendments**

**F488** Ss. 61-66 repealed (23.3.2015) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 50** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 4(f)(xii)

**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)**

*Sex offenders*

**67 Sex offenders: England and Wales** **E+W**

<sup>F489</sup> .....

**Textual Amendments**

**F489** 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** **E+W**

<sup>F490</sup> .....

**Textual Amendments**

**F490** 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** **U.K.**

<sup>F491</sup> .....

**Textual Amendments**

**F491** 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**



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**70 Sex offenders: Scotland** **E+W+S**

F492 .....

**Textual Amendments**

**F492** 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** **U.K.**

F493 .....

**Textual Amendments**

**F493** 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**

**72 Sex offenders: Northern Ireland** **U.K.**

F494 .....

**Textual Amendments**

**F494** 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** **U.K.**

F495 .....

**Textual Amendments**

**F495** 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** **U.K.**

F496 .....

**Textual Amendments**

**F496** 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**

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### *The British Transport Police*

#### **75 Removal of truants to designated places** E+W

(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);”

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** E+W

(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) <sup>F497</sup> .....

(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);”.

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### Textual Amendments

**F497** 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** **E+W**

(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
  - (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** **U.K.**

### THE MINISTRY OF DEFENCE POLICE

## 78 **Ministry of Defence police serving with other forces** **U.K.**

After section 2A of the Ministry of Defence Police Act 1987 (c. 4) (provision of assistance to other forces) there shall be inserted—

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### **“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;
  - (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 U.K.**

- (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—

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- (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—

**“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.

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- (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—
    - (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** U.K.

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.

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- (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—
  - (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** **U.K.**

- (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

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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) <sup>F498</sup>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**

**F498** 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)

**PART 6 U.K.**

MISCELLANEOUS

*Appointment and attestation of police officers etc.*

**82 Nationality requirements applicable to police officers etc. U.K.**

- (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 <sup>F499</sup> ...;
  - <sup>F500</sup>(aa) a constable of the Police Service of Scotland;]
  - (b) a member of the Police Service of Northern Ireland or of the Police Service of Northern Ireland Reserve;
  - (c) <sup>F501</sup> .....
  - (d) a member of the British Transport Police Force;
  - <sup>F502</sup>(e) a member of the Civil Nuclear Constabulary; [<sup>F503</sup>or]]
  - (f) <sup>F504</sup> .....
  - (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.



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- (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; <sup>F505</sup> ...
  - <sup>F506</sup>(aa) the Police Service of Scotland; or]
  - (b) the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve; <sup>F507</sup> ...
  - (c) <sup>F507</sup> .....
- (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 [<sup>F508</sup>section 48 of the Police and Fire Reform (Scotland) Act 2012 (governance and administration of police)];
  - (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); [<sup>F509</sup>and]
  - (d) <sup>F510</sup> .....
  - (e) provision given effect to by any arrangements made for the purpose of regulating appointment to membership of the British Transport Police Force, [<sup>F511</sup>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;
  - (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 [<sup>F512</sup>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) <sup>F513</sup> .....

#### Textual Amendments

- F499** Words in s. 82(1)(a) omitted (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 39(2)(a)(i)**
- F500** S. 82(1)(aa) inserted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 39(2)(a)(ii)**
- F501** 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))

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- F502** 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
- F503** 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)**
- F504** 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)**
- F505** Word in s. 82(2)(a) omitted (1.4.2013) by virtue of The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 39(2)(b)**
- F506** S. 82(2)(aa) inserted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 39(2)(b)**
- F507** 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))
- F508** Words in s. 82(3)(b) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 39(2)(c)**
- F509** 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))
- F510** 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))
- F511** 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)**
- F512** 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))
- F513** 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)

- C70** 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 **E+W**

For Schedule 4 to the 1996 Act there shall be substituted—

“**SCHEDULE**  
4 **E+W**”

#### 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

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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** ..... **U.K.**

F514 .....

**Textual Amendments**

**F514** 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** **U.K.**

F515 .....

**Textual Amendments**

**F515** 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** **U.K.**

F516 .....

**Textual Amendments**

**F516** 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** **U.K.**

F517 .....

**Textual Amendments**

**F517** 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** **U.K.**

F518 .....

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#### Textual Amendments

**F518** 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 **U.K.**

**F519** .....

#### Textual Amendments

**F519** 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 **U.K.**

**F520** .....

#### Textual Amendments

**F520** 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 **U.K.**

**F521** .....

#### Textual Amendments

**F521** 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))

#### *Bodies with functions in relation to the police*

### 92 Police authorities to produce three-year strategy plans **U.K.**

(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

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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.
- (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

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- (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.
- (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

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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** **E+W**

F522 .....

**Textual Amendments**

**F522** 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.** **E+W**

F523 .....

**Textual Amendments**

**F523** 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** **U.K.**

F524 .....

**Textual Amendments**

**F524** 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

<sup>F525</sup>**96 President of ACPO** **E+W+N.I.**

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### Textual Amendments

**F525** S. 96 omitted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 14 para. 2(2)**; S.I. 2017/399, reg. 2, Sch. para. 41

## 97 Crime and disorder reduction partnerships **E+W**

- (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.”
- (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;”.



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(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) <sup>F526</sup> .....

(8) <sup>F526</sup> .....

(9) <sup>F526</sup> .....

(10) <sup>F526</sup> .....

(11) <sup>F526</sup> .....

(12) <sup>F526</sup> .....

(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
- (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.

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#### Textual Amendments

**F526** 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 **E+W**

F527

#### Textual Amendments

**F527** 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 **U.K.**

F528

#### Textual Amendments

**F528** 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 **E+W**

- (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.
- (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

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- (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** E+W

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.** U.K.

- (1) Each of the enactments specified in subsection (2) shall be amended as follows—
  - (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) <sup>F529</sup> .....
  - (d) <sup>F529</sup> .....
  - (e) section 27(8) of the Police (Northern Ireland) Act 1998 (c. 32) (liability of the Secretary of State);

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- (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) <sup>F530</sup> .....
- (3) <sup>F530</sup> .....
- (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) <sup>F531</sup> .....
  - (c) <sup>F531</sup> .....
  - (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

**F529** 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))

**F530** 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)

**F531** 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**

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*International joint investigation teams*

**103 Liability in respect of members of teams U.K.**

(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) <sup>F532</sup> .....

(3) <sup>F532</sup> .....

<sup>F533</sup>(4) .....

(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.

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(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.”

(6) Where—

- (a) any sums are paid by virtue of this section out of a police fund <sup>F534</sup> . . . 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.

<sup>F535</sup>(7) . . . . .

#### Textual Amendments

**F532** 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))

**F533** S. 103(4) omitted (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 39(3)**

**F534** 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))

**F535** S. 103(7) omitted (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 39(3)**

#### 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 **U.K.**

(1) In section 89 of the 1996 Act (assaults on constables), after subsection (3) there shall be inserted—

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- “(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—
- (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—

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- “(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—
- (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 U.K.

### SUPPLEMENTAL

#### 105 Powers of Secretary of State to make orders and regulations E+W

- (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) <sup>F536</sup>any order or regulations that are] required to be approved in draft by virtue of section 19(3), <sup>F537</sup>38(9C),] <sup>F538</sup>... <sup>F539</sup>or 41B] <sup>F540</sup>... <sup>F541</sup>... <sup>F542</sup>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;



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- (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 [F543 or 2B] 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 [F544 Director General of the Independent Office for Police Conduct].

### Textual Amendments

- F536** Words in s. 105(3)(b) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 4(a)**; S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, **reg. 2**)
- F537** Word in s. 105(3)(b) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 4(b)**; S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, **reg. 2**)
- F538** Word in s. 105(3)(b) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 4(c)**; S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, **reg. 2**)
- F539** 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)
- F540** 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)
- F541** Words in s. 105(3)(b) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 4(d)**; S.I. 2017/1139, reg. 2(k) (as amended by S.I. 2017/1162, **reg. 2**)
- F542** 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)**
- F543** Words in s. 105(5) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 28(4)**, s. 183(1)(5)(e)
- F544** Words in s. 105(5) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 54**; S.I. 2017/1249, reg. 2 (with reg. 3)

## 106 General interpretation **E+W**

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);

**F545**  
...

[F546 “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.

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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 25 May 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

- F545** Words in s. 106 omitted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 14 para. 2\(3\)](#); S.I. 2017/399, [reg. 2](#), [Sch. para. 41](#)
- F546** [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)

- C71** [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 **E+W**

- (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 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 **U.K.**

- (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.

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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 25 May 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)

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- (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—
  - [<sup>F547</sup>(za) the provision contained in paragraph 19F of Schedule 3 (and any interpretative or other supplementary provision as it has effect for the purposes of that provision);]
  - (a) the provision contained in Part 5;
  - (b) the provision contained in section 82;
  - (c) <sup>F548</sup> .....
  - (d) the provision contained in section 103(6);
  - (e) <sup>F549</sup> .....
- (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),
  - (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

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- 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

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#### **Textual Amendments**

- F547** S. 108(7)(za) inserted (19.12.2012) by Police (Complaints and Conduct) Act 2012 (c. 22), ss. 1(4), 3(3)
- F548** 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)
- F549** 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))

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## SCHEDULES

### <sup>F550</sup>SCHEDULE 1 E+W

#### Textual Amendments

**F550** 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))

### <sup>F551</sup>SCHEDULE 2 E+W

Section 9

#### [<sup>F551</sup>THE INDEPENDENT OFFICE FOR POLICE CONDUCT]

#### Textual Amendments

**F551** Sch. 2 title substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 55(2)**; S.I. 2017/1249, **reg. 2** (with **reg. 3**)

#### Modifications etc. (not altering text)

**C72** 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

**C73** Sch. 2 applied (with modifications) (7.10.2013) by The National Crime Agency (Complaints and Misconduct) Regulations 2013 (S.I. 2013/2325), **regs. 1(1), 5**

#### [<sup>F552</sup>Director General]

1 [<sup>F553</sup>(1) The Director General holds office in accordance with the terms of his or her appointment.

(1A) A person who holds office as Director General must not be an employee of the Office (but may have been such an employee before appointment as the Director General).]

(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 [<sup>F554</sup>Director General]; and an appointment made in contravention of this sub-paragraph shall have no effect.

(3) The appointment of the [<sup>F555</sup>Director General] shall be for a term not exceeding five years; but the [<sup>F556</sup>Director General] shall be eligible for re-appointment at the end of his term of office.

(4) The [<sup>F557</sup>Director General] may be removed from office by Her Majesty either—

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- (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 [<sup>F558</sup>Director General].
- (5) The following are grounds for removing the [<sup>F559</sup>Director General] 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);
  - (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 [<sup>F560</sup>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

- F552** Sch. 2 para. 1 cross-heading substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 55\(3\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F553** Sch. 2 para. 1(1)(1A) substituted for Sch. 2 para. 1(1) (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 2\(2\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F554** Words in Sch. 2 para. 1(2) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 2\(3\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F555** Words in Sch. 2 para. 1(3) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 2\(4\)\(a\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F556** Words in Sch. 2 para. 1(3) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 2\(4\)\(b\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

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- F557** Words in Sch. 2 para. 1(4) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), **Sch. 9 para. 2(5)(a)**; S.I. 2017/399, reg. 2, **Sch. para. 39(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F558** Words in Sch. 2 para. 1(4) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), **Sch. 9 para. 2(5)(b)**; S.I. 2017/399, reg. 2, **Sch. para. 39(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F559** Words in Sch. 2 para. 1(5) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), **Sch. 9 para. 2(6)**; S.I. 2017/399, reg. 2, **Sch. para. 39(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F560** 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)

### *Appointment of members*

[<sup>F561</sup>1A(1) The non-executive members of the Office are to be appointed by the Secretary of State.

- (2) A person who is a non-executive member must not be an employee of the Office (but may have been such an employee before appointment as a non-executive member).

#### **Textual Amendments**

**F561** Sch. 2 paras. 1A, 1B and cross-heading inserted (31.1.2017 for specified purposes, 3.4.2017 for the insertion of Sch. 2 para. 1A(1) for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), **Sch. 9 para. 3**; S.I. 2017/399, reg. 2, Sch. para. 39(c); S.I. 2017/1249, reg. 2 (with reg. 3)

- 1B (1) The employee members of the Office are to be appointed from the staff of the Office by the non-executive members.
- (2) If the non-executive members propose to appoint an employee member, the Director General must recommend a person to the non-executive members for appointment.
- (3) The Director General may also recommend a person to the non-executive members for appointment as an employee member without any proposal having been made under sub-paragraph (2).
- (4) On a recommendation of a person for appointment under sub-paragraph (2) or (3), the non-executive members may—
- (a) appoint the person, or
- (b) reject the recommendation.
- (5) If the non-executive members reject a recommendation they may require the Director General to recommend another person for appointment (in which case this sub-paragraph applies again and so on until somebody is appointed).]

#### **Textual Amendments**

**F561** Sch. 2 paras. 1A, 1B and cross-heading inserted (31.1.2017 for specified purposes, 3.4.2017 for the insertion of Sch. 2 para. 1A(1) for specified purposes, 8.1.2018 in so far as not already in force) by

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Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 3**; S.I. 2017/399, reg. 2, Sch. para. 39(c); S.I. 2017/1249, reg. 2 (with reg. 3)

<sup>F562</sup>*Terms of appointment etc: non-executive members]*

2 (1) Subject to the provisions of this Schedule, a person shall hold office as <sup>F563</sup>a non-executive] member in accordance with the terms of his appointment.

<sup>F564</sup>(2) .....

(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 <sup>F565</sup>a non-executive] member; and an appointment made in contravention of this sub-paragraph shall have no effect.

(4) A person shall not be appointed to be <sup>F566</sup>a non-executive] member for a term of more than <sup>F567</sup>three] years; but <sup>F566</sup>a non-executive] member shall be eligible for re-appointment at the end of his term of office.

(5) <sup>F568</sup>A non-executive] member may at any time resign <sup>F569</sup>from being a non-executive member of the Office] by notice in writing to the Secretary of State.

(6) The Secretary of State may at any time remove a person from office as <sup>F570</sup>a non-executive] 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;

<sup>F571</sup>(b) .....

(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 <sup>F572</sup>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.

<sup>F573</sup>(8) .....



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### Textual Amendments

- F562** Sch. 2 para. 2 cross-heading substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 55\(4\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F563** Words in Sch. 2 para. 2(1) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 4\(2\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F564** Sch. 2 para. 2(2) omitted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 4\(3\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F565** Words in Sch. 2 para. 2(3) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 4\(4\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F566** Words in Sch. 2 para. 2(4) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 4\(5\)\(a\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F567** Word in Sch. 2 para. 2(4) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 4\(5\)\(b\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F568** Words in Sch. 2 para. 2(5) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 4\(6\)\(a\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F569** Words in Sch. 2 para. 2(5) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 4\(6\)\(b\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F570** Words in Sch. 2 para. 2(6) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 4\(7\)\(a\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F571** Sch. 2 para. 2(6)(b) omitted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 4\(7\)\(b\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F572** 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)
- F573** Sch. 2 para. 2(8) omitted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 4\(8\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

### *Terms of appointment etc: employee members*

- [<sup>F574</sup>2A(1) A person holds office as an employee member in accordance with the terms of his or her appointment (subject to the provisions of this Schedule).
- (2) Those terms may not include arrangements in relation to remuneration.
  - (3) An appointment as an employee member may be full-time or part-time.
  - (4) The appointment of an employee member terminates—
    - (a) if the terms of the member's appointment provides for it to expire at the end of a period, at the end of that period, and
    - (b) in any event, when the member ceases to be an employee of the Office.

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- (5) An employee member may resign by giving written notice to the non-executive members.
- (6) The non-executive members may terminate the appointment of an employee member by giving the member written notice if they are satisfied that any of the grounds mentioned in paragraph 2(6)(a) to (g) apply in relation to the employee member.]

#### **Textual Amendments**

**F574** Sch. 2 para. 2A and cross-heading inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 5; S.I. 2017/1249, reg. 2 (with reg. 3)

#### *Deputy Chairmen*

<sup>F575</sup>3 .....

#### **Textual Amendments**

**F575** Sch. 2 para. 3 omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 6; S.I. 2017/1249, reg. 2 (with reg. 3)

#### *Director General: vacancy or incapacity*

[<sup>F576</sup>3A(1) This paragraph applies if—

- (a) the office of Director General is vacant, or
  - (b) it appears to the Office that the ability of the Director General to carry out the Director General's functions is seriously impaired because of ill health (whether mental or physical).
- (2) The Office may, with the agreement of the Secretary of State, authorise an employee of the Office to carry out the functions of the Director General during the vacancy or period of ill health.
  - (3) A person who falls within section 9(3) may not be authorised under this paragraph to carry out the functions of the Director General.
  - (4) A person who has been sentenced to a term of imprisonment of three months or more may not, at any time in the five years following the day of sentence, be authorised under this paragraph to carry out the functions of the Director General.
  - (5) Paragraph 1(6) applies for the purposes of sub-paragraph (4).
  - (6) Authorisation of a person under this paragraph ceases to have effect—
    - (a) at the end of the vacancy or period of ill health,
    - (b) on the Office revoking the authorisation for any reason, or
    - (c) on the Secretary of State withdrawing agreement to the authorisation for any reason.]

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### Textual Amendments

**F576** Sch. 2 para. 3A and cross-heading inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 8; S.I. 2017/1249, reg. 2 (with reg. 3)

### 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 [<sup>F577</sup>the Director General as the Secretary of State may determine].
- (2) Where—
- (a) a person ceases, otherwise than on the expiry of his term of office, to hold office as [<sup>F578</sup>Director General], 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 [<sup>F579</sup>Office] to make a payment to that person of such amount as the Secretary of State may determine.
- [<sup>F580</sup>(3) The Secretary of State may make remuneration arrangements in relation to non-executive members of the Office.
- (4) Remuneration arrangements under sub-paragraph (3)—
- (a) may make provision for a salary, allowances and other benefits but not for a pension, and
  - (b) may include a formula or other mechanism for adjusting one or more of those elements from time to time.
- (5) Amounts payable by virtue of sub-paragraph (4) are to be paid by the Office.]

### Textual Amendments

**F577** Words in Sch. 2 para. 4(1) substituted (31.1.2017 for specified purposes, 17.7.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 9(2); S.I. 2017/726, reg. 2(e)(ii); S.I. 2017/1249, reg. 2 (with reg. 3)

**F578** Words in Sch. 2 para. 4(2)(a) substituted (31.1.2017 for specified purposes, 17.7.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 9(3)(a); S.I. 2017/726, reg. 2(e)(ii) (with reg. 3); S.I. 2017/1249, reg. 2 (with reg. 3)

**F579** Word in Sch. 2 para. 4(2) substituted (31.1.2017 for specified purposes, 17.7.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 9(3)(b); S.I. 2017/726, reg. 2(e)(ii) (with reg. 3); S.I. 2017/1249, reg. 2 (with reg. 3)

**F580** Sch. 2 para. 4(3)-(5) inserted (31.1.2017 for specified purposes, 17.7.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 9(4); S.I. 2017/726, reg. 2(e)(ii) (with reg. 3); S.I. 2017/1249, reg. 2 (with reg. 3)

### The Chief Executive

<sup>F581</sup>5 .....

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### Textual Amendments

**F581** Sch. 2 para. 5 omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 7; S.I. 2017/1249, reg. 2 (with reg. 3)

### Staff

- 6 <sup>F582</sup>(1) The Office may appoint staff.]
- (2) The <sup>F583</sup>Office] 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 <sup>F584</sup>the Police Service of Scotland], or
  - (c) the Chief Constable of the Police Service of Northern Ireland,
- under which members of his force are engaged on temporary service with the <sup>F583</sup>Office].
- (3) The <sup>F585</sup>Office] may make such other arrangements for its staffing <sup>F586</sup>(including arrangements in relation to terms and conditions and management of staff)] as <sup>F587</sup>the Director General] thinks fit.
- (4) A member of a police force on temporary service with the <sup>F588</sup>Office] shall be under the direction and control of the <sup>F589</sup>Director General].
- <sup>F590</sup>(4A) The powers under this paragraph are exercisable only by the Director General acting on behalf of the Office (subject to the power under paragraph 6A(1)).]
- (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 <sup>F591</sup>of the] powers under this paragraph.

### Textual Amendments

**F582** Sch. 2 para. 6(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 10(2); S.I. 2017/1249, reg. 2 (with reg. 3)

**F583** Word in Sch. 2 para. 6(2) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 10(3); S.I. 2017/1249, reg. 2 (with reg. 3)

**F584** Words in Sch. 2 para. 6(2)(b) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), Sch. 2 para. 39(4)

**F585** Word in Sch. 2 para. 6(3) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 10(4)(a); S.I. 2017/1249, reg. 2 (with reg. 3)

**F586** Words in Sch. 2 para. 6(3) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 10(4)(b); S.I. 2017/1249, reg. 2 (with reg. 3)

**F587** Words in Sch. 2 para. 6(3) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 10(4)(c); S.I. 2017/1249, reg. 2 (with reg. 3)

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**F588** Word in [Sch. 2 para. 6\(4\)](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 10\(5\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

**F589** Words in [Sch. 2 para. 6\(4\)](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 10\(5\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

**F590** [Sch. 2 para. 6\(4A\)](#) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 10\(6\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

**F591** Words in [Sch. 2 para. 6\(5\)](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 10\(7\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

#### **Modifications etc. (not altering text)**

**C74** [Sch. 2 para. 6](#) applied (5.8.2009) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2009 \(S.I. 2009/2133\)](#), [reg. 5](#)

**C75** [Sch. 2 para. 6](#) applied (7.4.2010) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2010 \(S.I. 2010/782\)](#), [reg. 5](#)

#### *Delegation of functions*

<sup>F592</sup>[6A\(1\)](#) The Director General may authorise a person within sub-paragraph (2) to exercise on the Director General's behalf a function of the Director General.

- (2) The persons within this sub-paragraph are—
  - (a) employee members of the Office;
  - (b) employees of the Office appointed under paragraph 6;
  - (c) seconded constables within the meaning of paragraph 8.
- (3) The reference in sub-paragraph (1) to a function of the Director General is to any function that the Director General has under this Act or any other enactment.
- (4) A person (“A”) who is authorised under sub-paragraph (1) to exercise a function may authorise another person within sub-paragraph (2) to exercise that function (but only so far as permitted to do so by the authorisation given to A).
- (5) An authorisation under this paragraph may provide for a function to which it relates to be exercisable—
  - (a) either to its full extent or to the extent specified in the authorisation;
  - (b) either generally or in cases, circumstances or areas so specified;
  - (c) either unconditionally or subject to conditions so specified.
- (6) Provision under sub-paragraph (5) may (in particular) include provision for restricted persons not to exercise designated functions.
- (7) For the purposes of sub-paragraph (6)—
  - (a) “designated functions” are any functions of the Director General that are designated by the Director General for the purposes of this paragraph (and such functions may in particular be designated by reference to the position or seniority of members of staff);
  - (b) “restricted persons” are, subject to any determination made under sub-paragraph (8), persons who fall within section 9(3).

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- (8) The Director General may, in such circumstances as the Director General considers appropriate, determine that persons are not to be treated as restricted persons so far as relating to the exercise of designated functions (whether generally or in respect of particular functions specified in the determination).
- (9) The Director General must publish a statement of policy about how the Director General proposes to exercise the powers conferred by sub-paragraphs (7)(a) and (8).
- (10) The statement must in particular draw attention to any restrictions on the carrying out of functions imposed by virtue of their designation under sub-paragraph (7)(a) and explain the reasons for imposing them.
- (11) The exercise of the powers conferred by sub-paragraphs (7)(a) and (8) is subject to any regulations under section 23(1) of the kind mentioned in section 23(2)(g) (regulations limiting persons who may be appointed to carry out investigations etc).
- (12) An authorisation under this paragraph does not prevent the Director General from exercising the function to which the authorisation relates.
- (13) Anything done or omitted to be done by or in relation to a person authorised under this paragraph in, or in connection with, the exercise or purported exercise of the function to which the authorisation relates is to be treated for all purposes as done or omitted to be done by or in relation to the Director General.
- (14) Sub-paragraph (13) does not apply for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person.]

#### Textual Amendments

**F592** Sch. 2 para. 6A and cross-heading inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 11; S.I. 2017/1249, reg. 2 (with reg. 3)

#### *Superannuation and insurance*

- 7 (1) Where a person who—
- (a) is employed by the [<sup>F593</sup>Office], 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 [<sup>F594</sup>Director General]<sup>F595</sup> ..., 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 [<sup>F593</sup>Office]; 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 [<sup>F593</sup>Office].

#### Textual Amendments

**F593** Word in Sch. 2 para. 7 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(5)(a); S.I. 2017/1249, reg. 2 (with reg. 3)

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**F594** Words in [Sch. 2 para. 7](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(5\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

**F595** Words in [Sch. 2 para. 7](#) omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(5\)\(c\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

### *Liability for acts of the Director General*

[<sup>F596</sup>7A(1) A person holding office as the Director General has no personal liability for an act or omission done by the person in the exercise of the Director General's functions unless it is shown to have been done otherwise than in good faith.

(2) The Office is liable in respect of unlawful conduct of the Director General in the carrying out, or purported carrying out, of the Director General's functions in the same way as an employer is liable in respect of any unlawful conduct of employees in the course of their employment.

(3) Accordingly, the Office is to be treated, in the case of any such unlawful conduct which is a tort, as a joint tortfeasor.]

#### **Textual Amendments**

**F596** [Sch. 2 para. 7A](#) and cross-heading inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 12](#); S.I. 2017/1249, reg. 2 (with reg. 3)

### *Liability for acts of seconded staff*

8 (1) The [<sup>F597</sup>Office] 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 [<sup>F598</sup>Office'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 [<sup>F597</sup>Office] 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 [<sup>F598</sup>Office's] staff without being employed by it.

#### **Textual Amendments**

**F597** Word in [Sch. 2 para. 8](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(6\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

**F598** Word in [Sch. 2 para. 8](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(6\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

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Power <sup>F599</sup>... to set up regional offices

- [<sup>F600</sup>9 (1) The Office may set up regional offices in places in England and Wales.
- (2) But the power under sub-paragraph (1) is exercisable only by the Director General acting on behalf of the Office (subject to the power in paragraph 6A(1)).
- (3) The power under sub-paragraph (1) may be exercised—
- (a) only with the consent of the Secretary of State, and
  - (b) only if it appears to the Director General necessary to do so for the purpose of ensuring that the functions of the Director General, or those of the Office, are carried out efficiently and effectively.]

#### Textual Amendments

**F599** Words in [Sch. 2 para. 9](#) heading omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(7\)](#); [S.I. 2017/1249, reg. 2](#) (with [reg. 3](#))

**F600** [Sch. 2 para. 9](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 13](#); [S.I. 2017/1249, reg. 2](#) (with [reg. 3](#))

Proceedings

- 10 (1) The arrangements for the proceedings of the [<sup>F601</sup>Office] (including the quorum for meetings and the establishment of committees) shall be such as the [<sup>F601</sup>Office] may determine.
- [<sup>F602</sup>(1A) But the arrangements must include provision for—
- (a) the quorum for meetings to be met only if a majority of members present are non-executive members of the Office, and
  - (b) an audit committee of the Office to be established to perform such monitoring, reviewing and other functions as are appropriate.
- (1B) The arrangements must secure that the audit committee consists only of non-executive members of the Office.]
- (2) The arrangements may include provision for the committees established under the arrangements to include members of the [<sup>F603</sup>Office's] staff and other persons who are not members of the [<sup>F601</sup>Office].
- (3) The arrangements may include provision for persons selected by the [<sup>F601</sup>Office] to attend meetings of the [<sup>F601</sup>Office] or of any committee established by it.
- (4) The [<sup>F601</sup>Office] may—
- (a) pay such remuneration and allowances as it may determine to members of committees established by it who are neither members of the [<sup>F601</sup>Office] 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 [<sup>F601</sup>Office], of any of the [<sup>F603</sup>Office's] functions—



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- (a) by a committee established by the [F601Office];
- (b) by one or more of the members of the [F601Office]; or
- (c) F604 ... by one or more members of the [F603Office's] staff.

F605(6) .....

#### Textual Amendments

- F601** Word in [Sch. 2 para. 10](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 55\(8\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F602** [Sch. 2 para. 10\(1A\)\(1B\)](#) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 14](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F603** Word in [Sch. 2 para. 10](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 55\(8\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F604** Words in [Sch. 2 para. 10\(5\)\(c\)](#) omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 55\(8\)\(c\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F605** [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 [F606Office] or of any of its committees shall not be affected by—
- (a) any defect in the appointment of the [F607Director General] or any member of the [F606Office]; or
  - (b) any vacancy in the office of [F608Director General] or among the members of the [F606Office].

#### Textual Amendments

- F606** Word in [Sch. 2 para. 11](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 55\(9\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F607** Words in [Sch. 2 para. 11\(a\)](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 55\(9\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F608** Words in [Sch. 2 para. 11\(b\)](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 55\(9\)\(c\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

#### Authentication of the [F609Office's] seal

- 12 The application of the seal of the [F610Office] shall be authenticated by the signature of—
- (a) any member of the [F611Office]; or
  - (b) any other person who has been authorised by the [F612Director General] (whether generally or specially) for that purpose.

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### Textual Amendments

- F609** Word in [Sch. 2 para. 12](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(10\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F610** Word in [Sch. 2 para. 12](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(11\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F611** Word in [Sch. 2 para. 12\(a\)](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(11\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F612** Words in [Sch. 2 para. 12\(b\)](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(11\)\(c\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

### *Evidence of documents*

- 13 A document purporting to be—
- (a) duly executed by the [<sup>F613</sup>Office] under its seal, or
  - (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.

### Textual Amendments

- F613** Word in [Sch. 2 para. 13](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(12\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

### *Payments by the Secretary of State*

- 14 The Secretary of State may pay to the [<sup>F614</sup>Office]—
- (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 [<sup>F615</sup> in the carrying out of its or the Director General's functions].

### Textual Amendments

- F614** Word in [Sch. 2 para. 14](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(13\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F615** Words in [Sch. 2 para. 14\(b\)](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(13\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

*Status: Point in time view as at 01/12/2018. 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 25 May 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)*

### *Other receipts by the [F616 Office]*

- 15 (1) The [F617 Office] 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 [F618 or the Director General's] 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.

#### **Textual Amendments**

**F616** Word in Sch. 2 para. 15 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(14); S.I. 2017/1249, reg. 2 (with reg. 3)

**F617** Word in Sch. 2 para. 15(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(15)(a); S.I. 2017/1249, reg. 2 (with reg. 3)

**F618** Words in Sch. 2 para. 15(1) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(15)(b); S.I. 2017/1249, reg. 2 (with reg. 3)

### *Borrowing*

- 16 The [F619 Office] shall not borrow money unless authorised to do so (whether generally or specially) by the Secretary of State.

#### **Textual Amendments**

**F619** Word in Sch. 2 para. 16 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 55(16); S.I. 2017/1249, reg. 2 (with reg. 3)

### *Accounts*

- 17 (1) The [F620 Office] shall—
- (a) keep proper accounts and proper records in relation to the accounts;
  - (b) prepare in respect of each financial year of the [F620 Office] 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 [F620 Office] 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.

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### Textual Amendments

**F620** Word in [Sch. 2 para. 17](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(17\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

### *Financial year of the [F621 Office]*

- 18 The following are financial years of the [F622 Office]—
- (a) the period beginning with the day on which the [F622 Office] is established and ending with 31st March falling next after that day; and
  - (b) every subsequent period of twelve months ending with 31st March.

### Textual Amendments

**F621** Word in [Sch. 2 para. 18](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(18\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

**F622** Word in [Sch. 2 para. 18](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 55\(19\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

## SCHEDULE 3 U.K.

Section 13

### HANDLING OF COMPLAINTS AND CONDUCT MATTERS ETC.

#### Modifications etc. (not altering text)

**C76** [Sch. 3](#) modified (15.12.2017) by [S.I. 2012/1204](#), [Sch. Pt. 1](#) (as inserted by [The Police \(Conduct, Complaints and Misconduct and Appeal Tribunal\) \(Amendment\) Regulations 2017 \(S.I. 2017/1134\)](#), reg. 1(1), [Sch. 2](#) (with reg. 2))

## PART 1 E+W

### 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 [F623 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—

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- (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 [<sup>F624</sup>Director General] or to a [<sup>F625</sup>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 [<sup>F626</sup>local policing body] to comply with all such directions as may be given to it by the [<sup>F624</sup>Director General] 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 <sup>F627</sup>... the subject-matter of a complaint as he may be directed to take for the purposes of this paragraph by the [<sup>F628</sup>local policing body] maintaining his force or by the [<sup>F624</sup>Director General].

#### Textual Amendments

- F623** 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
- F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 56\(2\)](#) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F625** 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
- F626** 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
- F627** Words in Sch. 3 para. 1(6) omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 4 para. 7\(2\)](#)
- F628** 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)

- C77** 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

- I21** 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\(d\)](#)

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*Initial handling and recording of complaints*

- 2 <sup>F629</sup>(1) Where a complaint is made to the <sup>F624</sup>Director General], <sup>F630</sup>the Director General] shall give notification of the complaint to the appropriate authority.
- (1A) But the <sup>F624</sup>Director General] need not give that notification if the <sup>F624</sup>Director General] considers that there are exceptional circumstances that justify its not being given.]
- (2) Where a complaint is made to a <sup>F631</sup>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.
- <sup>F632</sup>(4) .....
- (5) Where the <sup>F624</sup>Director General], a <sup>F633</sup>local policing body] or a chief officer gives notification of a complaint under any of sub-paragraphs (1) to (3) <sup>F634</sup>..., the person who gave the notification <sup>F635</sup>... shall notify the complainant—
- (a) that the notification has been given and of what it contained; or
  - <sup>F636</sup>(b) .....
- (6) Where—
- (a) a <sup>F637</sup>local policing body] determines, in the case of any complaint made to <sup>F638</sup>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 <sup>F639</sup>local policing body] or chief officer under this paragraph,
- <sup>F640</sup>the body] or chief officer shall <sup>F641</sup>contact the complainant and seek the complainant's views on how the complaint should be handled].
- <sup>F642</sup>(6A) A local policing body or chief officer that is subject to the duty in sub-paragraph (6) in relation to a complaint must record the complaint if—
- (a) at any time the complainant indicates a wish for the complaint to be recorded, or
  - (b) the local policing body or chief officer determines that the complaint is to be handled in accordance with this Schedule.
- (6B) The local policing body or chief officer must determine that a complaint is to be handled in accordance with this Schedule if—
- (a) the complaint is one alleging that the conduct or other matter complained of has resulted in death or serious injury,
  - (b) the complaint is one alleging that there has been conduct by a person serving with the police which (if proved) might constitute the commission of a criminal offence or justify the bringing of disciplinary proceedings,

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- (c) the conduct or other matter complained of (if proved) might have involved the infringement of a person's rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998), or
  - (d) the complaint is of a description specified for the purposes of paragraph 4(1)(b) in regulations made by the Secretary of State.
- (6C) Where a local policing body or chief officer determines (for the purposes of sub-paragraph (6A)) that a complaint is to be handled otherwise than in accordance with this Schedule, the local policing body or chief officer must handle the complaint in such other manner as the local policing body or chief officer considers appropriate with a view to resolving the complaint to the complainant's satisfaction.
- (The duty in this sub-paragraph ceases to apply if the complaint is recorded in accordance with sub-paragraph (6A)(a).)
- (6D) Where a local policing body or chief officer records a complaint under sub-paragraph (6A), or determines that a complaint is to be handled otherwise than in accordance with this Schedule, the local policing body or chief officer must notify the complainant of the recording of the complaint or (as the case may be) of the determination.]
- [<sup>F643</sup>(7) Nothing in this paragraph shall require the taking of any action in relation to a complaint if the complaint has been withdrawn.]
- <sup>F644</sup>(8) .....
- [<sup>F645</sup>(9) If a local policing body or chief officer decides that it or (as the case may be) he is not required to comply with any of sub-paragraphs (2), (3) and (6) to (6C) on the basis of a determination that what purports to be a complaint is not a complaint, the local policing body or chief officer must notify the complainant of the determination and the grounds on which it was made.
- (10) If a local policing body or chief officer determines that part of what has been received (whether directly or by virtue of a notification under this paragraph) is a complaint and part is not, the local policing body or chief officer must proceed under this paragraph as if those two parts had been separately received.]

#### Textual Amendments

- F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(2) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F629** 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)
- F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(4) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F631** 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
- F632** 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)

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- F633** 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
- F634** 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)
- F635** 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)
- F636** 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)
- F637** 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
- F638** 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
- F639** 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
- F640** 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
- F641** Words in Sch. 3 para. 2(6) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 2(2)**
- F642** Sch. 3 para. 2(6A)-(6D) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 2(3)**
- F643** Sch. 3 para. 2(7) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 2(4)**
- F644** Sch. 3 para. 2(8) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 2(5)**
- F645** Sch. 3 para. 2(9)(10) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 2(6)**

#### Modifications etc. (not altering text)

- C78** 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

- I22** 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)**

F646  
...

#### Textual Amendments

- F646** Sch. 3 para. 3 and cross-heading omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 3**

F646<sub>3</sub> .....

*Reference of complaints to the [F624 Director General]*

- 4 (1) It shall be the duty of the appropriate authority to refer a complaint to the [F624 Director General] if—



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- (a) the complaint is one alleging that the conduct [<sup>F647</sup>or other matter] 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 [<sup>F624</sup>Director General] notifies the appropriate authority that [<sup>F630</sup>the Director General] requires the complaint in question to be referred to the [<sup>F624</sup>Director General] for [<sup>F648</sup>the Director General's] 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 [<sup>F624</sup>Director General] if that authority considers that it would be appropriate to do so by reason of—
  - (a) the gravity of the subject-matter of the complaint; 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 [<sup>F649</sup>local policing body] may refer a complaint to the [<sup>F624</sup>Director General] if—
  - (a) it is one in relation to which the chief officer of police of the police force maintained by [<sup>F650</sup>that body] is the appropriate authority; and
  - (b) the [<sup>F649</sup>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 [<sup>F624</sup>Director General], 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 [<sup>F624</sup>Director General] by virtue of sub-paragraph (1)(c) to require a complaint to be referred to [<sup>F630</sup>the Director General], and
  - (b) the power of a [<sup>F651</sup>local policing body] or chief officer to refer a complaint to the [<sup>F624</sup>Director General] 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 [<sup>F624</sup>Director General].
- [<sup>F652</sup>(5A) The power of an appropriate authority to refer a complaint to the [<sup>F624</sup>Director General] under sub-paragraph (2) is also exercisable after a complaint has been handled in accordance with this Schedule if a recommendation is made under paragraph 6A(6)(a) or 25(4E)(b) (recommendation on a review).]
- (6) A [<sup>F653</sup>local policing body] or chief officer which refers a complaint to the [<sup>F624</sup>Director General] 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 [<sup>F654</sup>that body] or chief officer that to do so might prejudice [<sup>F655</sup>an investigation of the complaint (whether an existing

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investigation or a possible future one)], to the person complained against  
 [F656(if any)].

[F657(6A) A local policing body which refers a complaint to the [F624Director General] under sub-paragraph (3) shall also give a notification of the making of the reference to the appropriate authority.]

(7) A complaint that has already been referred to the [F658Director General] under this paragraph on a previous occasion [F659, or that has been treated as having been so referred by virtue of paragraph 4A]—

- (a) shall not be required to be referred again under this paragraph unless the [F624Director General] so directs; and
- (b) shall not be referred in exercise of any power conferred by this paragraph unless the [F624Director General] consents.

F660(8) .....

[F661(9) The appropriate authority must record any complaint that is referred to the [F624Director General] under this paragraph that has not already been recorded.]

#### Textual Amendments

- F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F647** Words in Sch. 3 para. 4(1)(a) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 7(3)**
- F648** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(5)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F649** 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
- F650** 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
- F651** 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
- F652** Sch. 3 para. 4(5A) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 30**
- F653** 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
- F654** 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
- F655** Words in Sch. 3 para. 4(6)(b) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 4(2)**
- F656** Words in Sch. 3 para. 4(6)(b) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 7(4)**
- F657** Sch. 3 para. 4(6A) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 4(3)**
- F658** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(3)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

*Status: Point in time view as at 01/12/2018. 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 25 May 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)*

**F659** Words in Sch. 3 para. 4(7) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), ss. 17(2), 183(1)(5)(e)

**F660** Sch. 3 para. 4(8) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 4(4)

**F661** Sch. 3 para. 4(9) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 4(5)

#### Modifications etc. (not altering text)

**C79** 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

**I23** 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)

*[<sup>F662</sup>Power of [<sup>F624</sup>Director General] to treat complaint as having been referred*

#### Textual Amendments

**F662** Sch. 3 para. 4A and cross-heading inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), ss.17(3), 183(1)(5)(e)

- 4A (1) The [<sup>F624</sup>Director General] may treat a complaint that comes to [<sup>F648</sup>the Director General's] attention otherwise than by having been referred to [<sup>F630</sup>the Director General] under paragraph 4 as having been so referred.
- (2) Where the [<sup>F624</sup>Director General] treats a complaint as having been referred to [<sup>F630</sup>the Director General]—
- paragraphs 2 and 4 do not apply, or cease to apply, in relation to the complaint except to the extent provided for by paragraph 4(7), and
  - paragraphs 5, 6, 6A, 15 and 25 apply in relation to the complaint as if it had been referred to the [<sup>F624</sup>Director General] by the appropriate authority under paragraph 4.
- (3) The [<sup>F624</sup>Director General] must notify the following that [<sup>F630</sup>the Director General] is treating a complaint as having been referred to [<sup>F630</sup>the Director General]—
- the appropriate authority;
  - the complainant;
  - except in a case where it appears to the [<sup>F624</sup>Director General] that to do so might prejudice an investigation of the complaint (whether an existing investigation or a possible future one), the person complained against (if any).
- (4) Where an appropriate authority receives a notification under sub-paragraph (3) in respect of a complaint and the complaint has not yet been recorded, the appropriate authority must record the complaint.]

*Status: Point in time view as at 01/12/2018. This version of this Act contains provisions that are prospective.*

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### Textual Amendments

**F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(4) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

**F648** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(5) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

### *Duties of [F624Director General] on references under paragraph 4*

- 5 (1) It shall be the duty of the [F624Director General] in the case of every complaint referred to [F630the Director General] by a [F663local policing body] or chief officer, to determine whether or not it is necessary for the complaint to be investigated.
- [F664(1A) The Secretary of State may by regulations provide that the [F624Director General] must determine that it is necessary for complaints referred to [F630the Director General] that relate to the conduct of a chief officer or the Deputy Commissioner of Police of the Metropolis to be investigated.
- (1B) Regulations under sub-paragraph (1A) may provide that the duty on the [F624Director General] applies only in relation to complaints relating to the conduct of a chief officer or the Deputy Commissioner of Police of the Metropolis that are of a description specified in the regulations.
- (1C) Regulations under sub-paragraph (1A) may also provide that, where the [F624Director General] is required by the regulations to determine that it is necessary for a complaint to be investigated, paragraph 15 is to apply in relation to the complaint as if sub-paragraphs (4)(a), (4A) and (5A)(b) were omitted.]
- (2) Where the [F624Director General] determines under this paragraph that it is not necessary for a complaint to be investigated [F665—
- (a) in a case where the complaint is already being investigated by the appropriate authority on its own behalf (and notwithstanding the [F658Director General's] determination), the [F624Director General] must refer the complaint back to the appropriate authority for the investigation to be completed, and
  - (b) in any other case, the [F624Director General] may, if [F630the Director General] 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 [F624Director General] refers a complaint back under sub-paragraph (2), [F630the Director General] 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 [F624Director General] that to do so might prejudice [F666an investigation of the complaint (whether an existing investigation or a possible future one)], to the person complained against [F667(if any)].

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### Textual Amendments

- F630** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 56\(4\)](#) (with [Sch. 9 para. 56\(6\)](#)); [S.I. 2017/1249, reg. 2](#) (with [reg. 3](#))
- F658** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 56\(3\)](#) (with [Sch. 9 para. 56\(6\)](#)); [S.I. 2017/1249, reg. 2](#) (with [reg. 3](#))
- F663** 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](#)
- F664** [Sch. 3](#) para. 5(1A)-(1C) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 5 para. 10\(2\)](#)
- F665** Words in [Sch. 3](#) para. 5(2) substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 5 para. 10\(3\)](#)
- F666** Words in [Sch. 3](#) para. 5(3)(b) substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 5 para. 10\(4\)](#)
- F667** Words in [Sch. 3](#) para. 5(3)(b) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 4 para. 7\(5\)](#)

### Modifications etc. (not altering text)

- C80** [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

- I24** [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\(d\)](#)

### *Handling of complaints by the appropriate authority*

- <sup>F668</sup>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 <sup>F624</sup>Director General] under paragraph 4, unless the complaint is for the time being—
- (a) referred back to the authority under paragraph <sup>F669</sup>5(2)(b)], <sup>F670</sup> ...
- <sup>F671</sup>(b) .....
- <sup>F672</sup>(2A) The appropriate authority must handle the complaint in such reasonable and proportionate manner as the authority determines.
- (2B) An appropriate authority may handle a complaint in accordance with sub-paragraph (2A) by (amongst other things)—
- (a) making arrangements for the complaint to be investigated by the authority on its own behalf;
- (b) notifying the complainant that no further action is to be taken in relation to the complaint.
- (2C) The appropriate authority must comply with its duty under sub-paragraph (2A) by making arrangements for the complaint to be investigated by the authority on its

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own behalf if at any time it appears to the authority from the complaint, or from the authority's handling of the complaint to that point, that there is an indication that—

- (a) a person serving with the police may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings, or
- (b) there may have been the infringement of a person's rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998).

(2D) The Secretary of State may by regulations provide for the duty in sub-paragraph (2C) to be subject to exceptions.

(2E) A statement made by any person for the purposes of the handling of any complaint in accordance with sub-paragraph (2A) otherwise than by the appropriate authority making arrangements for the complaint to be investigated by the authority on its own behalf is not 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 such handling.]

- F673(3) . . . . .
- F673(4) . . . . .
- F673(5) . . . . .
- F673(6) . . . . .
- F673(7) . . . . .
- F673(8) . . . . .
- F673(9) . . . . .
- F673(10) . . . . .
- F673(11) . . . . .]

**Textual Amendments**

**F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

**F668** 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)

**F669** Words in Sch. 3 para. 6(2)(a) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 11**

**F670** Word in Sch. 3 para. 6(2)(a) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 6(2)**

**F671** Sch. 3 para. 6(2)(b) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 6(2)**

**F672** Sch. 3 para. 6(2A)-(2E) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 6(3)**

**F673** Sch. 3 para. 6(3)-(11) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 6(4)**

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*[<sup>F674</sup>Reviews relating to complaints dealt with other than by investigation*

**Textual Amendments**

**F674** Sch. 3 para. 6A and cross-heading inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 5 para. 31](#)

- 6A (1) This paragraph applies where a complaint is handled by the appropriate authority in accordance with paragraph 6(2A) otherwise than by the authority making arrangements for the complaint to be investigated by the authority on its own behalf.
- (2) The complainant has the right to apply to the relevant review body for a review of the outcome of the complaint.
- (3) The relevant review body must notify the following of an application for a review under sub-paragraph (2)—
- the appropriate authority,
  - every person entitled to be kept properly informed in relation to the complaint under section 21, and
  - the person complained against (if any).
- (4) On a review applied for under sub-paragraph (2), the relevant review body must determine whether the outcome is a reasonable and proportionate outcome.
- (5) Where the [<sup>F624</sup>Director General] is the relevant review body and the [<sup>F624</sup>Director General] finds that the outcome is not a reasonable and proportionate outcome, the [<sup>F624</sup>Director General] may—
- determine that it is necessary for the complaint to be investigated;
  - make a recommendation under paragraph 28ZA.
- (6) Where a local policing body is the relevant review body and the local policing body finds that the outcome is not a reasonable and proportionate outcome, the local policing body may—
- where the complaint has not previously been referred to the [<sup>F624</sup>Director General] under paragraph 4, make a recommendation to the appropriate authority that it refer the complaint to the [<sup>F624</sup>Director General] under sub-paragraph (2) of that paragraph;
  - make a recommendation to the appropriate authority that it make arrangements for the complaint to be investigated by the authority on its own behalf;
  - make a recommendation under paragraph 28ZA.
- (7) The Secretary of State may by regulations make further provision about recommendations under sub-paragraph (6)(a) or (b).
- (8) The regulations may (amongst other things) authorise the local policing body making the recommendation to require a response to the recommendation.
- (9) The relevant review body must give notification of the outcome of a review under this paragraph and of its reasons for the determination made under sub-paragraph (4)—
- to the appropriate authority,
  - to the complainant,

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- (c) to every person entitled to be kept properly informed in relation to the complaint under section 21, and
- (d) except in a case where it appears to the relevant review body that to do so might prejudice any investigation of the complaint, to the person complained against (if any).

(10) In this paragraph references to the outcome of a complaint do not include the outcome of any criminal or disciplinary proceedings brought in relation to any matter which was the subject of the complaint.]

**Textual Amendments**  
**F624** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(2\)](#) (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, reg. 2 (with reg. 3)

F675 ...

**Textual Amendments**  
**F675** [Sch. 3 para. 7](#) and cross-heading omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 7](#)

F6757 .....

F676 ...

**Textual Amendments**  
**F676** [Sch. 3 para. 8](#) and cross-heading omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 8](#)

F6768 .....

F677 ...

**Textual Amendments**  
**F677** [Sch. 3 para. 8A](#) and cross-heading omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 32](#)

F6778A .....



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## PART 2 **E+W**

### HANDLING OF CONDUCT MATTERS

#### *Conduct matters arising in civil proceedings*

- 10 (1) This paragraph applies where—
- (a) a [<sup>F678</sup>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 [<sup>F679</sup>that body] or chief officer, or it otherwise appears to a [<sup>F678</sup>local policing body] or chief officer that such proceedings are likely to be so brought; and
  - (b) it appears to [<sup>F679</sup>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) [<sup>F680</sup>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 [<sup>F681</sup>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 [<sup>F682</sup>determine whether the matter is one which it or he is required to refer to the [<sup>F624</sup>Director General] under paragraph 13 or is one which it would be appropriate to so refer].
- [<sup>F683</sup>(4) In a case where the appropriate authority determines that the matter is one which it or he is required to refer to the [<sup>F624</sup>Director General] 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 [<sup>F624</sup>Director General] 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 [<sup>F684</sup>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.

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- (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

- F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(2\)](#) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F678** 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
- F679** 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
- F680** 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
- F681** 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
- F682** 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)
- F683** 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)
- F684** 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)

- C81** 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\(5\)](#))
- C82** 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

- I25** 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) [<sup>F685</sup>This paragraph applies where—]
- (a) a conduct matter comes (otherwise than as mentioned in paragraph 10) to the attention of the [<sup>F686</sup>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),

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F687

- (2) Conduct falls within this sub-paragraph if (assuming it to have taken place)—
- (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.
- [<sup>F688</sup>(3) The appropriate authority must determine whether the matter is one which it or he is required to refer to the [<sup>F624</sup>Director General] 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 [<sup>F624</sup>Director General] 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 [<sup>F624</sup>Director General] 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 [<sup>F689</sup>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.
- <sup>F690</sup>(5) .....

#### Textual Amendments

- F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(2) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F685** 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)
- F686** 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
- F687** 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)
- F688** 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)

*Status: Point in time view as at 01/12/2018. 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 25 May 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)*

**F689** 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)

**F690** Sch. 3 para. 11(5) omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\), ss. 17\(4\), 183\(1\)\(5\)\(e\)](#)

#### **Modifications etc. (not altering text)**

**C83** 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\(5\)](#))

**C84** 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**

**I26** 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 [<sup>F691</sup>local policing body] maintaining his force, it shall be the duty of [<sup>F692</sup>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 [<sup>F693</sup>local policing body] to comply with all such directions as may be given to it by the [<sup>F624</sup>Director General] 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 [<sup>F694</sup>local policing body] maintaining his force or by the [<sup>F624</sup>Director General].

#### **Textual Amendments**

**F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 56\(2\)](#) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

*Status: Point in time view as at 01/12/2018. 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 25 May 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)*

**F691** 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

**F692** 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

**F693** 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

**F694** 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)

**C85** 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

**I27** 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 <sup>F624</sup>Director General*

- 13 (1) It shall be the duty of a <sup>F695</sup>local policing body] or a chief officer to refer a recordable conduct matter to the <sup>F624</sup>Director General] if, in a case (whether or not falling within paragraph 10) in which <sup>F696</sup>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 <sup>F624</sup>Director General] notifies the appropriate authority that <sup>F630</sup>the Director General] requires that matter to be referred to the <sup>F624</sup>Director General] for <sup>F648</sup>the Director General's] 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 <sup>F624</sup>Director General] 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 <sup>F697</sup>local policing body] maintaining any police force may refer any recordable conduct matter to the <sup>F624</sup>Director General] if—
- (a) it is one in relation to which the chief officer of police of that force is the appropriate authority; and
  - (b) the <sup>F698</sup>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.

*Status: Point in time view as at 01/12/2018. This version of this Act contains provisions that are prospective.*

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- (4) Where there is an obligation under this paragraph to refer any matter to the <sup>F624</sup>Director General], 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 <sup>F624</sup>Director General] by virtue of sub-paragraph (1)(c) to require a matter to be referred to <sup>F630</sup>the Director General], and
  - (b) the power of a <sup>F699</sup>local policing body] or chief officer to refer any matter to the <sup>F624</sup>Director General] 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 <sup>F624</sup>Director General].
- (6) Where—
- (a) a <sup>F700</sup>local policing body] or chief officer refers a matter to the <sup>F624</sup>Director General] under this paragraph, and
  - (b) <sup>F701</sup>that body] or chief officer does not consider that to do so might prejudice <sup>F702</sup>an investigation of that matter (whether an existing investigation or a possible future one)],
- <sup>F701</sup>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 <sup>F624</sup>Director General] under this paragraph on a previous occasion <sup>F703</sup>, or that has been treated as having been so referred by virtue of paragraph 13A]—
- (a) shall not be required to be referred again under this paragraph unless the <sup>F624</sup>Director General] so directs; and
  - (b) shall not be referred in exercise of any power conferred by this paragraph unless the <sup>F624</sup>Director General] consents.

#### Textual Amendments

- F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(4) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F648** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(5) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F695** 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
- F696** 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
- F697** 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
- F698** 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
- F699** 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

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**F700** 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

**F701** 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

**F702** Words in Sch. 3 para. 13(6)(b) substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017](#) (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 12**

**F703** Words in Sch. 3 para. 13(7) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017](#) (c. 3), **ss. 17(5), 183(1)(5)(e)**

#### Modifications etc. (not altering text)

**C86** 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

**I28** 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)**

*[<sup>F704</sup>Power of [<sup>F624</sup>Director General] to treat conduct matter as having been referred*

#### Textual Amendments

**F704** Sch. 3 para. 13A and cross-heading inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017](#) (c. 3), **ss. 17(6), 183(1)(5)(e)**

- 13A (1) The [<sup>F624</sup>Director General] may treat a conduct matter that comes to [<sup>F648</sup>the Director General's] attention otherwise than by having been referred to [<sup>F630</sup>the Director General] under paragraph 13 as having been so referred.
- (2) Where the [<sup>F624</sup>Director General] treats a conduct matter as having been referred to [<sup>F630</sup>the Director General]—
- paragraphs 10, 11 and 13 do not apply, or cease to apply, in relation to the matter except to the extent provided for by paragraph 13(7), and
  - paragraphs 14 and 15 apply in relation to the matter as if it had been referred to the [<sup>F624</sup>Director General] by the appropriate authority under paragraph 13.
- (3) The [<sup>F624</sup>Director General] must notify the following that [<sup>F630</sup>the Director General] is treating a conduct matter as having been referred to [<sup>F630</sup>the Director General]—
- the appropriate authority;
  - except in a case where it appears to the [<sup>F624</sup>Director General] that to do so might prejudice an investigation of the matter (whether an existing investigation or a possible future one), the person to whose conduct the matter relates.
- (4) Where an appropriate authority receives a notification under sub-paragraph (3) in respect of a conduct matter and the matter has not yet been recorded, the appropriate authority must record the matter.]

*Status: Point in time view as at 01/12/2018. 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 25 May 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

**F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(4) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

**F648** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(5) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

### *Duties of [F624 Director General] on references under paragraph 13*

14 (1) It shall be the duty of the [F624 Director General], in the case of every recordable conduct matter referred to [F630 the Director General] by a [F705 local policing body] or chief officer under paragraph 13, to determine whether or not it is necessary for the matter to be investigated.

[F706(1A) The Secretary of State may by regulations provide that the [F624 Director General] must determine that it is necessary for recordable conduct matters referred to [F630 the Director General] that relate to the conduct of a chief officer or the Deputy Commissioner of Police of the Metropolis to be investigated.

(1B) Regulations under sub-paragraph (1A) may provide that the duty on the [F624 Director General] applies only in relation to recordable conduct matters relating to the conduct of a chief officer or the Deputy Commissioner of Police of the Metropolis that are of a description specified in the regulations.

(1C) Regulations under sub-paragraph (1A) may also provide that, where the [F624 Director General] is required by the regulations to determine that it is necessary for a recordable conduct matter to be investigated, paragraph 15 is to apply in relation to the matter as if sub-paragraphs (4)(a), (4A) and (5A)(b) were omitted.]

(2) Where the [F624 Director General] determines under this paragraph that it is not necessary for a recordable conduct matter to be investigated [F707—

(a) in a case where the recordable conduct matter is already being investigated by the appropriate authority on its own behalf (and notwithstanding the [F658 Director General's] determination), the [F624 Director General] must refer the matter back to the appropriate authority for the investigation to be completed, and

(b) in any other case, the [F624 Director General] may, if [F630 the Director General] 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.]

(3) Where—

(a) the [F624 Director General] refers a matter back to the appropriate authority under this paragraph, and

(b) the [F624 Director General] does not consider that to do so might prejudice [F708 an investigation of that matter (whether an existing investigation or a possible future one)],

the [F624 Director General] shall give a notification of the making of the reference to the person to whose conduct that matter relates.



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### Textual Amendments

- F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F658** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(3)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F705** 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
- F706** Sch. 3 para. 14(1A)-(1C) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 13(2)**
- F707** Words in Sch. 3 para. 14(2) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 13(3)**
- F708** Words in Sch. 3 para. 14(3)(b) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 13(4)**

### Modifications etc. (not altering text)

- C87** 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

- I29** 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)**

## [<sup>F709</sup>PART 2A E+W

### HANDLING OF DEATH AND SERIOUS INJURY (DSI) MATTERS

### Textual Amendments

- F709** 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 [<sup>F710</sup>local 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.

<sup>F711</sup>(2) .....

### Textual Amendments

- F710** 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
- F711** Sch. 3 para. 14A(2) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), ss. 17(7), 183(1)(5)(e)

*Status: Point in time view as at 01/12/2018. 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 25 May 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)**

**C88** 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 [<sup>F712</sup>local policing body] , and
- (b) the relevant officer in relation to that matter is the chief officer of the force maintained by [<sup>F713</sup>that body],

it shall be the duty of [<sup>F713</sup>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 [<sup>F714</sup>local policing body] to comply with all such directions as may be given to it by the [<sup>F624</sup>Director General] 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 [<sup>F715</sup>local policing body] maintaining his force or by the [<sup>F624</sup>Director General].

#### **Textual Amendments**

**F624** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(2\)](#) (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))

**F712** 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

**F713** 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

**F714** 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

*Status: Point in time view as at 01/12/2018. 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 25 May 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)*

**F715** 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)**

**C89** 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 <sup>F624</sup>Director General*

- 14C (1) It shall be the duty of the appropriate authority to refer a DSI matter to the <sup>F624</sup>Director General].
- (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 <sup>F624</sup>Director General] under this paragraph on a previous occasion <sup>F716</sup>, or that has been treated as having been so referred by virtue of paragraph 14CA,] shall not be required to be referred again under this paragraph unless the <sup>F624</sup>Director General] so directs.

**Textual Amendments**

**F716** Words in [Sch. 3 para. 14C\(3\)](#) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\), ss. 17\(8\), 183\(1\)\(5\)\(e\)](#)

**Modifications etc. (not altering text)**

**C90** 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](#)

*<sup>F717</sup>Power of <sup>F624</sup>Director General] to treat DSI matter as having been referred*

**Textual Amendments**

**F717** Sch. 3 para. 14CA and cross-heading inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\), ss. 17\(9\), 183\(1\)\(5\)\(e\)](#)

- 14CA (1) The <sup>F624</sup>Director General] may treat a DSI matter that comes to <sup>F648</sup>the Director General's] attention otherwise than by having been referred to <sup>F630</sup>the Director General] under paragraph 14C as having been so referred.
- (2) Where the <sup>F624</sup>Director General] treats a DSI matter as having been referred to <sup>F630</sup>the Director General]—
- (a) paragraphs 14A and 14C do not apply, or cease to apply, in relation to the matter except to the extent provided for by paragraph 14C(3), and
- (b) paragraphs 14D and 15 apply in relation to the matter as if it had been referred to the <sup>F624</sup>Director General] by the appropriate authority under paragraph 14C.
- (3) The <sup>F624</sup>Director General] must notify the appropriate authority that <sup>F630</sup>the Director General] is treating a DSI matter as having been referred to <sup>F630</sup>the Director General].

*Status: Point in time view as at 01/12/2018. 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 25 May 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) Where an appropriate authority receives a notification under sub-paragraph (3) in respect of a DSI matter and the matter has not yet been recorded, the appropriate authority must record the matter.]

#### Textual Amendments

**F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(4) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

**F648** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(5) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

#### *Duties of [F624Director General] on references under paragraph 14C*

- 14D (1) It shall be the duty of the [F624Director General], in the case of every DSI matter referred to [F630the Director General] by a [F718local policing body] or a chief officer, to determine whether or not it is necessary for the matter to be investigated.

[ The Secretary of State may by regulations provide that the [F624Director General] F719(1A) must determine that it is necessary for DSI matters referred to [F630the Director General] in relation to which the relevant officer is a chief officer or the Deputy Commissioner of Police of the Metropolis to be investigated.

- (1B) Regulations under sub-paragraph (1A) may provide that the duty on the [F624Director General] applies only in relation to DSI matters in relation to which the relevant officer is a chief officer or the Deputy Commissioner of Police of the Metropolis that are of a description specified in the regulations.

- (1C) Regulations under sub-paragraph (1A) may also provide that, where the [F624Director General] is required by the regulations to determine that it is necessary for a DSI matter to be investigated, paragraph 15 is to apply in relation to the matter as if sub-paragraphs (4)(a), (4A) and (5A)(b) were omitted.]

- (2) Where the [F624Director General] determines under this paragraph that it is not necessary for a DSI matter to be investigated [F720—

(a) in a case where the DSI matter is already being investigated by the appropriate authority on its own behalf (and notwithstanding the [F658Director General's] determination), the [F624Director General] must refer the matter back to the appropriate authority for the investigation to be completed, and

(b) in any other case, the [F624Director General] may, if [F630the Director General] 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

**F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(4) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

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**F658** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(3)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

**F718** 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

**F719** Sch. 3 para. 14D(1A)-(1C) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 14(2)**

**F720** Words in Sch. 3 para. 14D(2) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 14(3)**

**Modifications etc. (not altering text)**

**C91** 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

**PART 3 U.K.**

INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS

*Power of the [F624 Director General] to determine the form of an investigation*

- 15 (1) This paragraph applies where—
- (a) a complaint [F721, recordable conduct matter or DSI matter] is referred to the [F624 Director General]; and
  - (b) the [F624 Director General] determines [F722 under paragraph 5(1), 14(1) or 14D(1)] that it is necessary for the complaint or matter to be investigated.

[F723(1A) This paragraph also applies where the [F624 Director General] determines under paragraph 6A(5)(a) that it is necessary for a complaint to be investigated.]

(2) It shall be the duty of the [F624 Director General] to determine the form which the investigation should take.

<sup>F724</sup>(3) .....

(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;
- <sup>F725</sup>(b) .....
- (c) an investigation by that authority under the [F726 direction] of the [F624 Director General];
- (d) an investigation by the [F624 Director General].

[F727(4A) In making a determination under sub-paragraph (2) the [F624 Director General] must first determine whether, having regard to the seriousness of the case and the public interest, it is appropriate for the investigation to take the form of an investigation by the appropriate authority on its own behalf and if it is the [F624 Director General] must determine that the investigation is to take that form.

(4B) Where, in accordance with sub-paragraph (4A), the [F624 Director General] determines that it is not appropriate for the investigation to take the form of an investigation by

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the appropriate authority on its own behalf, the [F624Director General] must determine that the investigation is to take the form of an investigation by the [F624Director General] unless sub-paragraph (4C) applies.

- (4C) This sub-paragraph applies where the [F624Director General] determines that it would be more appropriate for the investigation to take the form of an investigation by the appropriate authority under the direction of the [F624Director General], in which case the [F624Director General] must determine that the investigation is to take that form.]
- [F728](5) Where the [F624Director General] determines under sub-paragraph (4C) or (5B) that an investigation is to take the form of an investigation by the appropriate authority under the direction of the [F624Director General], the [F624Director General] must keep under review whether that form of investigation continues to be the most appropriate form of investigation.
- (5A) If, on such a review, the [F624Director General] determines that—
- (a) it would be more appropriate for the investigation to take the form of an investigation by the [F624Director General], the [F624Director General] must make a further determination under this paragraph (to replace the earlier one) that the investigation is instead to take that form;
  - (b) having regard to the seriousness of the case and the public interest, it would be more appropriate for the investigation to take the form of an investigation by the appropriate authority on its own behalf, the [F624Director General] may make a further determination under this paragraph (to replace the earlier one) that the investigation is instead to take that form.
- (5B) Subject to sub-paragraph (5A), if at any time the [F624Director General] determines that, were [F630the Director General] to apply sub-paragraphs (4A) to (4C) again, the form of the investigation would be different, the [F624Director General] may make a further determination under this paragraph (to replace the earlier one) such that the investigation takes that different form.]
- (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 [F624Director General] may give—
- (a) the appropriate authority, and
  - (b) any person previously appointed to carry out the investigation,
- such directions as [F630the Director General] 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 [F624Director General] shall notify the appropriate authority of any determination that [F630the Director General] makes under this paragraph in relation to a particular complaint [F721, recordable conduct matter or DSI matter][F729] and of [F648the Director General's] reasons for making the determination].
- [F730](9) The [F624Director General] shall also notify the following of any determination that [F630the Director General] makes under this paragraph in relation to a particular

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complaint, recordable conduct matter or DSI matter and of [<sup>F648</sup>the Director General's] reasons for making the determination—

- (a) every person entitled to be kept properly informed in relation to the complaint or matter under section 21;
  - (b) where the determination is made in relation to a complaint, the complainant;
  - (c) the person to whose conduct the investigation will relate.
- (10) The duty imposed by sub-paragraph (9) on the [<sup>F624</sup>Director General] in relation to a complaint, recordable conduct matter or DSI matter shall have effect subject to such exceptions as may be provided for by regulations made by the Secretary of State.
- (11) Subsections (6) to (8) of section 20 apply for the purposes of sub-paragraph (10) as they apply for the purposes of that section.]

#### Textual Amendments

- F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F648** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(5)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F721** 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)**
- F722** Words in Sch. 3 para. 15(1)(b) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 15(2)**
- F723** Sch. 3 para. 15(1A) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 15(3)**
- F724** Sch. 3 para. 15(3) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 15(4)**
- F725** Sch. 3 para. 15(4)(b) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 15(5)(a)**
- F726** Word in Sch. 3 para. 15(4)(c) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 15(5)(b)**
- F727** Sch. 3 para. 15(4A)-(4C) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 15(6)**
- F728** Sch. 3 para. 15(5)-(5B) substituted for Sch. 3 para. 15(5) (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 15(7)**
- F729** Words in Sch. 3 para. 15(8) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 15(8)**
- F730** Sch. 3 para. 15(9)-(11) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 15(9)**

#### Modifications etc. (not altering text)

- C92** 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

- I30** 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)**

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*Investigations by the appropriate authority on its own behalf*

<sup>F731</sup>(A1) This paragraph applies if the appropriate authority, acting in accordance with paragraph 6(2A) or in response to a recommendation under paragraph 6A(6)(b), is to make arrangements for a complaint to be investigated by the appropriate authority on its own behalf.]

(1) This paragraph [<sup>F732</sup>also] applies if the appropriate authority is required by virtue of—

<sup>F733</sup>(a) .....

(b) any determination made by the [<sup>F624</sup>Director General] under paragraph 15, to make arrangements for a complaint<sup>F734</sup>, 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 [<sup>F735</sup>10(4D)], or [<sup>F736</sup>11(3E)] or 14(2) in relation to any recordable conduct matter [<sup>F737</sup>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) [<sup>F738</sup>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

<sup>F739</sup>(d) a National Crime Agency officer,]

to investigate the complaint or matter.

(4) The person appointed under this paragraph to investigate any complaint or [<sup>F740</sup>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.

<sup>F741</sup>(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 be the person nominated by the Secretary of State for appointment under this paragraph.]

**Textual Amendments**

**F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)



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- F731** Sch. 3 para. 16(A1) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 16(2)**
- F732** Word in Sch. 3 para. 16(1) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 16(3)(a)**
- F733** Sch. 3 para. 16(1)(a) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 16(3)(b)**
- F734** 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)**
- F735** 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)
- F736** 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)
- F737** 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)**
- F738** 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)**
- F739** Sch. 3 para. 16(3)(d) substituted for Sch. 3 para. 16(3)(b)(c) Sch. 3 (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 17(2)**; S.I. 2013/1682, art. 3(q)
- F740** 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)**
- F741** 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)**

- C93** 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**

- I31** 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)**

F742 ...

**Textual Amendments**

- F742** Sch. 3 para. 17 and cross-heading omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 17**

F742 17 .....

*Investigations [F743 directed] by the [F624 Director General]*

**Textual Amendments**

- F743** Word in Sch. 3 para. 18 cross-heading substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 18**

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- 18 (1) This paragraph applies where the [<sup>F624</sup>Director General] has determined that [<sup>F630</sup>the Director General] should [<sup>F744</sup>direct] the investigation by the appropriate authority of any complaint [<sup>F745</sup>, recordable conduct matter or DSI matter].
- [<sup>F746</sup>(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
  - (b) a National Crime Agency officer,
- to investigate the complaint or matter.
- (2A) The [<sup>F624</sup>Director General] may require that no appointment is made under sub-paragraph (2) unless [<sup>F630</sup>the Director General] has given notice to the appropriate authority that [<sup>F630</sup>the Director General] approves the person whom that authority proposes to appoint.
- (2B) Where at any time the [<sup>F624</sup>Director General] is not satisfied with the person investigating, the [<sup>F624</sup>Director General] 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) or (b) to investigate the complaint or matter, and
  - (b) to notify the [<sup>F624</sup>Director General] of the person selected.
- (2C) Sub-paragraph (2B) applies whether the person investigating was appointed—
- (a) before the appropriate authority was given notice of the [<sup>F658</sup>Director General's] determination that [<sup>F630</sup>the Director General] should direct the investigation by the appropriate authority,
  - (b) under sub-paragraph (2) (including where the appointment was approved by the [<sup>F624</sup>Director General] in accordance with sub-paragraph (2A)), or
  - (c) under sub-paragraph (2D)(a).
- (2D) Where a selection made in pursuance of a requirement under sub-paragraph (2B) has been notified to the [<sup>F624</sup>Director General]—
- (a) the appropriate authority shall appoint that person to investigate the complaint or matter if, but only if, the [<sup>F624</sup>Director General] notifies the authority that [<sup>F630</sup>the Director General] approves the appointment of that person;
  - (b) if the [<sup>F624</sup>Director General] notifies the authority that [<sup>F630</sup>the Director General] does not approve the appointment of that person, the appropriate authority must make another selection in accordance with sub-paragraph (2B).
- (2E) A person appointed under this paragraph to investigate any complaint or 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 a person nominated by the Secretary of State

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for appointment under this paragraph (and approved for appointment in accordance with sub-paragraph (2A) (if required) or (2D)(a)).

- (2F) A 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, and
  - (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 a person nominated by the Secretary of State for appointment under this paragraph (and approved for appointment in accordance with sub-paragraph (2A) (if required) or (2D)(a)).]
- (3) The person appointed to investigate the complaint or matter shall, in relation to that investigation, be under the direction and control of the [<sup>F624</sup>Director General].
- [<sup>F747</sup>(4) The person appointed to investigate the complaint or matter shall keep the [<sup>F624</sup>Director General] informed of the progress of the investigation.]

#### Textual Amendments

- F630** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(4\)](#) (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F658** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(3\)](#) (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F744** Word in [Sch. 3 para. 18\(1\)](#) substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 19\(2\)](#)
- F745** 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\(1\)\(w\)](#)
- F746** [Sch. 3 para. 18\(2\)-\(2F\)](#) substituted for [Sch. 3 para. 18\(2\)](#) (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 19\(3\)](#)
- F747** [Sch. 3 para. 18\(4\)](#) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 19\(4\)](#)

#### Modifications etc. (not altering text)

- C94** [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

- I32** [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 [<sup>F624</sup>Director General]<sup>F748</sup> ...*

#### Textual Amendments

- F748** Word in [Sch. 3 para. 19 heading](#) omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(7\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

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- 19 (1) This paragraph applies where the [<sup>F624</sup>Director General] has determined that [<sup>F630</sup>the Director General] should <sup>F749</sup>... carry out the investigation of a complaint [<sup>F750</sup>, recordable conduct matter or DSI matter].
- [<sup>F751</sup>(2) The Director General must designate both—
- (a) a person to take charge of the investigation, and
  - (b) such members of the Office's staff as are required by the Director General to assist the person designated to take charge of the investigation.
- (2A) The person designated under sub-paragraph (2) to take charge of an investigation must be—
- (a) the Director General acting personally, or
  - (b) a person who is authorised to exercise the function of taking charge of the investigation on behalf of the Director General by virtue of paragraph 6A of Schedule 2 (delegation of Director General's functions).]

(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.

[<sup>F752</sup>(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 [<sup>F753</sup>person] 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 [<sup>F754</sup>person designated under sub-paragraph (2)] 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).

<sup>F755</sup>(6) The Secretary of State may by order [<sup>F756</sup>provide that—

    - (a) such provisions of the 1984 Act relating to investigations of offences conducted by police officers as may be specified in the order, and
    - (b) such provisions of a code of practice under section 60, 60A or 66 of that Act as may be so specified,

shall apply.]

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[<sup>F757</sup>(6A) An order under sub-paragraph (6) may, in particular, provide that where a provision applied by the order allows a power to be exercised only if an authorisation is given by a police officer of or above a particular rank, the authorisation may be given by a [<sup>F758</sup>the Director General or a member of the Office's staff] of or above a specified grade.]

(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

<sup>F759</sup>(aa) .....

(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

**F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(4) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

**F749** Word in Sch. 3 para. 19(1) omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(7)(b); S.I. 2017/1249, reg. 2 (with reg. 3)

**F750** 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)

**F751** Sch. 3 para. 19(2)(2A) substituted for Sch. 3 para. 19(2) (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(7)(e); S.I. 2017/1249, reg. 2 (with reg. 3)

**F752** 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)

**F753** Word in Sch. 3 para. 19(4) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(7)(d); S.I. 2017/1249, reg. 2 (with reg. 3)

**F754** Words in Sch. 3 para. 19(5) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(7)(e); S.I. 2017/1249, reg. 2 (with reg. 3)

**F755** Word in Sch. 3 para. 19(6) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(7)(f); S.I. 2017/1249, reg. 2 (with reg. 3)

**F756** Words in Sch. 3 para. 19(6) substituted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), ss. 136(2), 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(a)

**F757** Sch. 3 para. 19(6A) inserted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), ss. 136(3), 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(a)

**F758** Words in Sch. 3 para. 19(6A) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(7)(g); S.I. 2017/1249, reg. 2 (with reg. 3)

**F759** Sch. 3 para. 19(7)(aa) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 20

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#### Modifications etc. (not altering text)

- C95** 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
- C96** 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

- I33** 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\(d\)](#)

*[<sup>F760</sup>Investigations by the [<sup>F624</sup>Director General]: power to serve information notice*

#### Textual Amendments

- F760** Sch. 3 paras. 19ZA-19ZD and cross-headings inserted (8.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), [ss. 137, 185\(1\)](#) (with [ss. 21, 33, 42, 58, 75, 93](#)); [S.I. 2015/373](#), [art. 5\(b\)](#)

- 19ZA (1) The [<sup>F624</sup>Director General] may serve upon any person an information notice requiring the person to provide [<sup>F630</sup>the Director General] with information that [<sup>F630</sup>the Director General] reasonably requires for the purposes of an investigation in accordance with paragraph 19.
- (2) But an information notice must not require a person—
- (a) to provide information that might incriminate the person;
  - (b) to provide an item subject to legal privilege within the meaning of the Police and Criminal Evidence Act 1984 (see section 10 of that Act);
  - (c) to make a disclosure that would be prohibited by [<sup>F761</sup>any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016];
  - (d) to provide information that was provided to the person by, or by an agency of, the government of a country or territory outside the United Kingdom where that government does not consent to the disclosure of the information.
- (3) Neither must an information notice require a postal or telecommunications operator (within the meaning of Chapter 2 of Part 1 of the Regulation of Investigatory Powers Act 2000) to provide communications data (within the meaning of that Chapter).
- (4) An information notice must—
- (a) specify or describe the information that is required by the [<sup>F624</sup>Director General] and the form in which it must be provided;
  - (b) specify the period within which the information must be provided;
  - (c) give details of the right of appeal against the information notice under paragraph 19ZC.
- (5) The period specified under sub-paragraph (4)(b) must not end before the end of the period within which an appeal can be brought against the notice and, if such an appeal is brought, the information need not be provided pending the determination or withdrawal of the appeal.

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- (6) The [<sup>F624</sup>Director General] may cancel an information notice by written notice to the person on whom it was served.]

#### Textual Amendments

**F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(4) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

**F761** Words in Sch. 3 para. 19ZA(2)(c) substituted (27.6.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), Sch. 10 para. 13 (with Sch. 9 paras. 7, 8, 10); S.I. 2018/652, reg. 12(g)(iii)

#### *[<sup>F760</sup>Failure to comply with information notice*

- 19ZB (1) If a person who has received an information notice—
- (a) fails or refuses to provide the information required by the notice, or
  - (b) knowingly or recklessly provides information in response to the notice that is false in a material respect,
- the [<sup>F624</sup>Director General] may certify in writing to the High Court that the person has failed to comply with the information notice.
- (2) The High Court may then inquire into the matter and, after hearing any witness who may be produced against or on behalf of the person, and after hearing any statement offered in defence, deal with the person as if the person had committed a contempt of court.]

#### Textual Amendments

**F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(2) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

#### *[<sup>F760</sup>Appeals against information notices*

- 19ZC (1) A person on whom an information notice is served may appeal against the notice to the First-tier Tribunal on the ground that the notice is not in accordance with the law.
- (2) If the Tribunal considers that the notice is not in accordance with the law—
- (a) it must quash the notice, and
  - (b) it may give directions to the [<sup>F624</sup>Director General] in relation to the service of a further information notice.]

#### Textual Amendments

**F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(2) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

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*[<sup>F760</sup>Sensitive information: restriction on further disclosure*

<sup>F762</sup>19ZD .....]

**Textual Amendments**

**F762** Sch. 3 para. 19ZD omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 19(3)(a)**, 183(1)(5)(e)

*[<sup>F763</sup>Investigations by the [<sup>F624</sup>Director General]: power of seizure*

**Textual Amendments**

**F763** Sch. 3 paras. 19ZE-19ZH and cross-headings inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss.20(1)**, 183(1)(5)(e)

- 19ZE (1) The powers conferred by this paragraph are exercisable by a person—
- (a) who is designated under paragraph 19(2) in relation to an investigation (the “designated person”), and
  - (b) who is lawfully on any premises for the purposes of the investigation.
- (2) The designated person may seize anything which is on the premises if the designated person has reasonable grounds for believing—
- (a) that it is evidence relating to the conduct or other matter to which the investigation relates, and
  - (b) that it is necessary to seize it in order to prevent the evidence being concealed, lost, altered or destroyed.
- (3) The designated person may require any information which is stored in any electronic form and is accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible, or from which it can readily be produced in a visible and legible form, if the designated person has reasonable grounds for believing—
- (a) that it is evidence relating to the conduct or other matter to which the investigation relates, and
  - (b) that it is necessary to do so in order to prevent the evidence being concealed, lost, tampered with or destroyed.
- (4) The powers conferred by this paragraph do not authorise the seizure of an item which the designated person exercising the power has reasonable grounds for believing to be an item subject to legal privilege within the meaning of the 1984 Act (see section 10 of that Act).
- (5) Where a designated person has the power to seize a thing or require information to be produced under this paragraph and under section 19 of the 1984 Act (by virtue of section 97(8) of the 1996 Act or paragraph 19(4)), the designated person is to be treated for all purposes as acting in exercise of the power conferred by section 19 of the 1984 Act.
- (6) In this paragraph “premises” has the same meaning as in the 1984 Act (see section 23 of that Act).



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*Further provision about seizure under paragraph 19ZE*

- 19ZF (1) This paragraph applies where a designated person seizes anything under paragraph 19ZE(2).
- (2) The designated person must provide a notice in relation to the thing seized if requested to do so by a person showing himself—
- (a) to be the occupier of the premises on which it was seized, or
  - (b) to have had custody or control of it immediately before the seizure.
- (3) The notice must state what has been seized and the reason for its seizure.
- (4) The notice must be provided within a reasonable time from the making of the request for it.
- (5) In this paragraph “designated person” has the same meaning as in paragraph 19ZE.

*Investigations by the [F624Director General]: power of retention*

- 19ZG (1) This paragraph applies to anything which, for the purposes of an investigation in accordance with paragraph 19—
- (a) has been seized under paragraph 19ZE(2) or taken away following a requirement imposed under paragraph 19ZE(3), or
  - (b) is otherwise lawfully in the possession of the [F624Director General].
- (2) Anything to which this paragraph applies may be retained by the [F624Director General] for as long as is necessary in all the circumstances, including (amongst other things) so that it may be used as evidence in criminal or disciplinary proceedings or in an inquest held under Part 1 of the Coroners and Justice Act 2009.
- (3) For the purposes of sub-paragraph (2), the retention of anything to which this paragraph applies is not necessary if having a photograph or copy of the thing would suffice (and the [F624Director General] may arrange for the thing to be photographed or copied before it ceases to be retained).

*Further provision about things retained under paragraph 19ZG*

- 19ZH (1) This paragraph applies to anything which—
- (a) has been seized (whether under paragraph 19ZE(2) or otherwise), and
  - (b) is being retained by the [F624Director General] under paragraph 19ZG.
- (2) If a request for permission to be granted access to a thing to which this paragraph applies is made to the [F624Director General] by—
- (a) a person who had custody or control of the thing immediately before it was seized, or
  - (b) someone acting on behalf of such a person,
- the [F624Director General] must allow the person who made the request access to it under the supervision of a member of the [F764Office's] staff.
- (3) Sub-paragraph (4) applies if a request for a photograph or copy of a thing to which this paragraph applies is made to the [F624Director General] by—
- (a) a person who had custody or control of the thing immediately before it was seized, or

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- (b) someone acting on behalf of such a person.
- (4) The [<sup>F624</sup>Director General] must either—
  - (a) allow the person who made the request access to the thing under the supervision of a member of the [<sup>F765</sup>Office's] staff for the purpose of photographing or copying it, or
  - (b) arrange for the thing to be photographed or copied.
- (5) If the [<sup>F624</sup>Director General] acts under sub-paragraph (4)(b), the [<sup>F624</sup>Director General] must supply the photograph or copy to the person who made the request within a reasonable time from the making of the request.
- (6) The [<sup>F624</sup>Director General] is not obliged to do anything in response to a request under sub-paragraph (2) or (3) if the [<sup>F624</sup>Director General] has reasonable grounds for believing that to do so would prejudice—
  - (a) any investigation being carried out in accordance with this Schedule, or
  - (b) any criminal or disciplinary proceedings or any inquest held under Part 1 of the Coroners and Justice Act 2009.]

#### Textual Amendments

**F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(2) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

**F764** Word in Sch. 3 para. 19ZH(2) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(8)(a); S.I. 2017/1249, reg. 2 (with reg. 3)

**F765** Word in Sch. 3 para. 19ZH(4)(a) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(8)(b); S.I. 2017/1249, reg. 2 (with reg. 3)

*[<sup>F766</sup>Special procedure where investigation relates to police officer or special constable*

#### Textual Amendments

**F766** 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)

[<sup>F767</sup>19A] This paragraph applies to an investigation where condition A, B or C is satisfied.

- (2) Condition A is that—
  - (a) the investigation is an investigation of a complaint, and
  - (b) during the course of the investigation it appears to the person investigating [<sup>F768</sup>or, in the case of an investigation by a designated person under paragraph 19, the Director General,] that there is an indication that a member of a police force, or a special constable, to whose conduct the investigation relates may have committed a criminal offence or behaved in a manner which would justify the bringing of disciplinary proceedings.

*Status: Point in time view as at 01/12/2018. 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 25 May 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) Condition B is that—
- (a) the investigation is an investigation of a complaint being carried out by a person appointed under paragraph 18, and
  - (b) during the course of the investigation the [<sup>F624</sup>Director General] determines that there is an indication that a member of a police force, or a special constable, to whose conduct the investigation relates may have committed a criminal offence or behaved in a manner which would justify the bringing of disciplinary proceedings.
- (4) Condition C is that—
- (a) the investigation is an investigation of a recordable conduct matter, and
  - (b) the investigation relates to the conduct of a member of a police force or a special constable.
- (5) Where this paragraph applies to an investigation the person investigating must proceed with the investigation in accordance with regulations made by the Secretary of State under this sub-paragraph.
- (6) Regulations under sub-paragraph (5) may (amongst other things) make provision—
- (a) as to the procedure to be followed in connection with any interview of the person concerned, including provision requiring the person concerned to attend an interview;
  - (b) requiring the person investigating to supply information to the appropriate authority.
- (7) In this paragraph “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 [<sup>F769</sup>or, in the case of an investigation by a designated person under paragraph 19, the Director General,] that there is the indication mentioned in sub-paragraph (2)(b) or (as the case may be) the person in respect of whom the [<sup>F624</sup>Director General] determines that there is the indication mentioned in sub-paragraph (3)(b);
  - (b) in relation to an investigation of a recordable conduct matter, means the person to whose conduct the investigation relates.]

#### Textual Amendments

- F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(2) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F767** Sch. 3 para. 19A substituted for Sch. 3 paras. 19A-19E (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 21; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F768** Words in Sch. 3 para. 19A(2)(b) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(9); S.I. 2017/1249, reg. 2 (with reg. 3)
- F769** Words in Sch. 3 para. 19A(7)(a) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(9); S.I. 2017/1249, reg. 2 (with reg. 3)

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*Assessment of seriousness of conduct under investigation*

F767 19B .....

**Textual Amendments**  
F767 Sch. 3 para. 19A substituted for Sch. 3 paras. 19A-19E (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 21; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

*Duty to consider submissions from person whose conduct is being investigated*

F767 19C .....

**Textual Amendments**  
F767 Sch. 3 para. 19A substituted for Sch. 3 paras. 19A-19E (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 21; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

*Interview of person whose conduct is being investigated*

F767 19D .....

**Textual Amendments**  
F767 Sch. 3 para. 19A substituted for Sch. 3 paras. 19A-19E (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 21; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

*Duty to provide certain information to appropriate authority*

F767 19E .....]

**Textual Amendments**  
F767 Sch. 3 para. 19A substituted for Sch. 3 paras. 19A-19E (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 21; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

*[F770 Interview of persons serving with the police etc during certain investigations*

**Textual Amendments**  
F770 Sch. 3 para. 19F and cross-heading inserted (19.12.2012) by Police (Complaints and Conduct) Act 2012 (c. 22), ss. 1(2), 3(3)

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- 19F (1) This paragraph applies to an investigation of a complaint, recordable conduct matter or DSI matter which—
- (a) is carried out by the appropriate authority under the [<sup>F771</sup>direction] of the [<sup>F624</sup>Director General], or
  - (b) is carried out by [<sup>F772</sup>a person designated under paragraph 19 (investigations by Director General)].
- (2) The Secretary of State may by regulations make provision as to the procedure to be followed in connection with an interview which—
- (a) is held with a serving officer during the course of the investigation by the person investigating the complaint or matter [<sup>F773</sup>other than, in the case of an investigation to which paragraph 19A applies, a serving officer who is the person concerned in relation to the investigation (within the meaning of paragraph 19A).]
  - <sup>F774</sup>(b) .....
- (3) Regulations under sub-paragraph (2) may in particular make provision—
- (a) requiring a serving officer to attend an interview,
  - (b) for determining how the time at which an interview is to be held is to be agreed or decided,
  - (c) about the information that must be provided to a serving officer being interviewed,
  - (d) for enabling a serving officer to be accompanied at the interview by a person of a prescribed description.
- (4) “Serving officer” means a person who—
- (a) is serving with the police, or
  - (b) is serving with an additional police body.
- (5) A person is serving with an additional police body if the person is a member of, or is employed or otherwise engaged for the purposes of, that body (subject to sub-paragraph (6)).
- (6) The Secretary of State may by regulations provide, in relation to an additional police body, that a person is serving with that body only if the person—
- (a) is a member of, or is employed or otherwise engaged for the purposes of, that body, and
  - (b) is of a prescribed description.
- (7) An “additional police body” means—
- (a) a body of constables which is maintained by an authority other than a local policing body and is prescribed in regulations made by the Secretary of State under this sub-paragraph, <sup>F775</sup>...
  - [ a body required by section 26BA to enter into an agreement with the
  - <sup>F776</sup>(aa) [<sup>F624</sup>Director General], or]
  - <sup>F777</sup>(b) the National Crime Agency.]
- (8) The Secretary of State must obtain the consent of the Northern Ireland Assembly before making provision in regulations under this paragraph which would be within the legislative competence of the Northern Ireland Assembly.
- (9) But consent under sub-paragraph (8) is not required in relation to a provision if—

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- (a) a Bill for an Act of the Northern Ireland Assembly containing the provision would require the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998, and
  - (b) the provision does not affect, other than incidentally, a transferred matter (within the meaning of that Act).
- (10) Nothing in this paragraph prevents or restricts the holding of interviews to which regulations under this paragraph do not apply during the course of any investigation under this Schedule.]

#### Textual Amendments

- F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F771** Word in Sch. 3 para. 19F(1)(a) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(i)**
- F772** Words in Sch. 3 para. 19F(1)(b) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(10)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F773** Words in Sch. 3 para. 19F(2)(a) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 22(2)(a)**
- F774** Sch. 3 para. 19F(2)(b) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 22(2)(b)**
- F775** Word in Sch. 3 para. 19F(7)(a) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 22(3)(a)**
- F776** Sch. 3 para. 19F(7)(aa) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 22(3)(b)**
- F777** Sch. 3 para. 19F(7)(b) substituted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 153(2)**; S.I. 2013/1682, art. 3(v)

#### *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 [<sup>F778</sup> until—
- [<sup>F779</sup>(a) the conduct to which the investigation relates has been certified in accordance with regulations under paragraph 20A, or]]
  - [<sup>F780</sup>(b)] a report on that investigation has been submitted to the [<sup>F624</sup>Director General] or to the appropriate authority under paragraph 22 [<sup>F781</sup>or 24A][<sup>F782</sup>or, where under paragraph 19 the Director General has personally carried out the investigation, a report has been completed by the Director General].
- <sup>F783</sup>(2) .....
- (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.

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### Textual Amendments

- F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F778** 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)**
- F779** Sch. 3 para. 20(1)(a) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(ii)**
- F780** 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)**
- F781** 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)**
- F782** Words in Sch. 3 para. 20(1)(b) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(11)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F783** Sch. 3 para. 20(2) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(iii)**

### Modifications etc. (not altering text)

- C97** 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
- C98** 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

- I34** 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)**

*[<sup>F784</sup>Accelerated procedure in special cases*

### Textual Amendments

- F784** 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)**

<sup>F786</sup>~~<sup>F785</sup>~~<sup>F788</sup> **20(A)** This paragraph applies where—

- (a) at any time before the completion of an investigation of a complaint or recordable conduct matter, the person investigating [<sup>F789</sup>or, in the case of an investigation by a designated person under paragraph 19, the Director General,] believes that the appropriate authority would, on consideration of the matter, be likely to consider that the conditions in sub-paragraph (2) are satisfied, or
- (b) at any time before the completion of an investigation of a complaint or recordable conduct matter being carried out by a person appointed under paragraph 18, the [<sup>F624</sup>Director General] determines that the appropriate authority would, on consideration of the matter, be likely to consider that the conditions in sub-paragraph (2) are satisfied.

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- (2) The conditions in this sub-paragraph are that—
- (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, and
  - (b) it is in the public interest for the person whose conduct it is to cease to be a member of a police force, or to be a special constable, without delay.
- <sup>F790</sup>(3) Where this paragraph applies the person investigating, the appropriate authority and [<sup>F791</sup>(where the person investigating is not also the Director General carrying out an investigation under paragraph 19 personally)] the [<sup>F624</sup>Director General] must proceed in accordance with regulations made by the Secretary of State.
- (4) Regulations under sub-paragraph (3) may (amongst other things) make provision—
- (a) for the person investigating to continue the investigation (whether to its full extent or to such lesser extent as is provided) or to stop investigating;
  - (b) for the person investigating to submit a report on the investigation [<sup>F792</sup>or, where the investigation is carried out under paragraph 19 by the Director General personally, finalise one,] to a point before its completion (not being a report under paragraph 22);
  - (c) for the conduct to which the investigation relates to be certified for the purposes of paragraph 20(1)(a).]

#### Textual Amendments

- F624** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(2\)](#) (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F785** [Sch. 3 para. 20A](#) substituted for [Sch. 3 paras. 20A-20I](#) (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 23](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F786** Word in [Sch. 3 para. 20A\(1\)](#) substituted (cond.) (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 57\(3\)\(a\)\(i\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F787** Words in [Sch. 3 para. 20A\(1\)](#) inserted (cond.) (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 57\(3\)\(a\)\(ii\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F788** Words in [Sch. 3 para. 20A\(1\)](#) substituted (cond.) (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 57\(3\)\(a\)\(iii\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F789** Words in [Sch. 3 para. 20A\(1\)\(a\)](#) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(12\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F790** Words in [Sch. 3 para. 20A\(3\)](#) substituted (cond.) (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 57\(3\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F791** Words in [Sch. 3 para. 20A\(3\)](#) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(12\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F792** Words in [Sch. 3 para. 20A\(4\)\(b\)](#) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(12\)\(c\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)



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*Investigations managed or carried out by Commission: action by appropriate authority*

F785 20B .....

**Textual Amendments**

**F785** Sch. 3 para. 20A substituted for Sch. 3 paras. 20A-20I (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 23; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

*Investigations managed or carried out by Commission: action by Commission*

F785 20C .....

**Textual Amendments**

**F785** Sch. 3 para. 20A substituted for Sch. 3 paras. 20A-20I (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 23; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

*Investigations managed or carried out by Commission: action by Commission*

F785 20D .....

**Textual Amendments**

**F785** Sch. 3 para. 20A substituted for Sch. 3 paras. 20A-20I (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 23; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

*Other investigations: action by appropriate authority*

F785 20E .....

**Textual Amendments**

**F785** Sch. 3 para. 20A substituted for Sch. 3 paras. 20A-20I (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 23; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

*Other investigations: action by appropriate authority*

F785 20F .....

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**Textual Amendments**

**F785** Sch. 3 para. 20A substituted for Sch. 3 paras. 20A-20I (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 23**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

20G

**F793**

**Textual Amendments**

**F793** 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*

**F785** 20H

**Textual Amendments**

**F785** Sch. 3 para. 20A substituted for Sch. 3 paras. 20A-20I (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 23**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

*Special cases: recommendation or direction of Commission*

**F785** 20I

**Textual Amendments**

**F785** Sch. 3 para. 20A substituted for Sch. 3 paras. 20A-20I (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 23**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

**F794** ...

**Textual Amendments**

**F794** Sch. 3 para. 21 and cross-heading omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 24**

**F794** 21

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*[<sup>F795</sup>Procedure where conduct matter is revealed during investigation of DSI matter*

**Textual Amendments**

**F795** 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\(1\)\(w\)](#)

21A (1) If during the course of an investigation of a DSI matter it appears to a person appointed under paragraph 18 <sup>F796</sup>... 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 [<sup>F624</sup>Director General].

(2) If, after considering a submission under sub-paragraph (1), the [<sup>F624</sup>Director General] determines that there is such an indication, [<sup>F630</sup>the Director General] 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 [<sup>F648</sup>the Director General's] determination; and
- (b) send to it (or each of them) a copy of the submission under sub-paragraph (1).

[ If during the course of an investigation of a DSI matter being carried out by a person <sup>F797</sup>(2A) appointed under paragraph 18 the [<sup>F624</sup>Director General] determines (without there having been a submission under sub-paragraph (1)) 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,

[<sup>F630</sup>the Director General] shall 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 [<sup>F648</sup>the Director General's] determination.]

[ If during the course of an investigation of a DSI matter being carried out by a <sup>F798</sup>(2B) person designated under paragraph 19 the Director General determines 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,

the Director General must proceed under sub-paragraph (2C).

(2C) The Director General must—

- (a) prepare a record of the determination,
- (b) 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 the determination, and
- (c) send to it (or each of them) a copy of the record of the determination prepared under paragraph (a).]

*Status: Point in time view as at 01/12/2018. This version of this Act contains provisions that are prospective.*

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- (3) If during the course of an investigation of a DSI matter it appears to a person appointed under paragraph 16<sup>F799</sup> ... 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 [<sup>F624</sup>Director General] 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 [<sup>F624</sup>Director General] under sub-paragraph (2) [<sup>F800</sup>or (2A)],  
 [ is notified of a determination by the Director General under sub-<sup>F801</sup>(aa) paragraph (2C),]
  - (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),
- <sup>F802</sup> it shall record the matter under paragraph 11 as a conduct matter . . . .
- [ Where a DSI matter is recorded under paragraph 11 as a conduct matter by virtue<sup>F803</sup>(6) of sub-paragraph (5)—
- (a) the person investigating the DSI matter shall (subject to any determination made by the [<sup>F624</sup>Director General] under paragraph [<sup>F804</sup>15(5A) or (5B)]) 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

- F624** Words in *Sch. 3* substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by *Policing and Crime Act 2017 (c. 3)*, s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with *Sch. 9 para. 56(6)*); *S.I. 2017/1249, reg. 2* (with *reg. 3*)
- F630** Words in *Sch. 3* substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by *Policing and Crime Act 2017 (c. 3)*, s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with *Sch. 9 para. 56(6)*); *S.I. 2017/1249, reg. 2* (with *reg. 3*)
- F648** Words in *Sch. 3* substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by *Policing and Crime Act 2017 (c. 3)*, s. 183(1)(5)(e), **Sch. 9 para. 56(5)** (with *Sch. 9 para. 56(6)*); *S.I. 2017/1249, reg. 2* (with *reg. 3*)

*Status: Point in time view as at 01/12/2018. This version of this Act contains provisions that are prospective.*

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- F796** Words in Sch. 3 para. 21A(1) omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(13)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F797** Sch. 3 para. 21A(2A) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 25(2)**
- F798** Sch. 3 para. 21A(2B)(2C) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(13)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F799** Words in Sch. 3 para. 21A(3) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(iv)**
- F800** Words in Sch. 3 para. 21A(5)(a) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 25(3)**
- F801** Sch. 3 para. 21A(5)(aa) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(13)(c)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F802** 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)
- F803** 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)
- F804** Word in Sch. 3 para. 21A(6)(a) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(v)**

**Modifications etc. (not altering text)**

- C99** 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*

- [<sup>F805</sup>22(1) This paragraph applies on the completion of an investigation of—
  - (a) a complaint, [<sup>F806</sup> or]
  - (b) a conduct matter, or
  - (c) <sup>F807</sup> .....
- (2) A person appointed under paragraph 16 shall submit a report on his investigation to the appropriate authority.
- (3) A person appointed under paragraph <sup>F808</sup>... 18 shall—
  - (a) submit a report on his investigation to the [<sup>F624</sup>Director General]; and
  - (b) send a copy of that report to the appropriate authority.
- (4) In relation to [<sup>F809</sup>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.
- [<sup>F810</sup>(5) A person designated under paragraph 19 as the person in charge of an investigation must—
  - (a) submit a report on the investigation to the Director General, or

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- (b) where the person in charge of the investigation is the Director General acting personally, complete a report on the investigation.]
- (6) A person submitting [<sup>F811</sup>or, in the case of an investigation under paragraph 19 by the Director General personally, completing] 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.
- [<sup>F812</sup>(6A) Where a person would contravene section 21A by submitting, or (as the case may be) sending a copy of, a report in its entirety to the appropriate authority under sub-paragraph (2) or (3)(b), the person must instead submit, or send a copy of, the report after having removed or obscured the information which by virtue of section 21A the person must not disclose.]
- [<sup>F813</sup>(7) The Secretary of State may by regulations make provision requiring a report on an investigation [<sup>F814</sup>to which paragraph 19A applies]—
- (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 [<sup>F815</sup>or, in the case of an investigation under paragraph 19 by the Director General personally, completed] a report under this paragraph on an investigation [<sup>F814</sup>to which paragraph 19A applies] must supply the appropriate authority with such copies of further documents or other items in that person's possession as the authority may request [<sup>F816</sup>except so far as the person is prevented from doing so by section 21A].
- (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

- F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(2) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F805** 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)
- F806** 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)
- F807** 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)
- F808** Words in Sch. 3 para. 22(3) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 47(h)(vi)

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- F809** 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)
- F810** Sch. 3 para. 22(5) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 56\(14\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F811** Words in Sch. 3 para. 22(6) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 56\(14\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F812** Sch. 3 para. 22(6A) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\), ss. 19\(3\)\(b\)\(i\), 183\(1\)\(5\)\(e\)](#)
- F813** 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)
- F814** Words in Sch. 3 para. 22(7)(8) substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 5 para. 47\(h\)\(vii\)](#)
- F815** Words in Sch. 3 para. 22(8) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 56\(14\)\(c\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F816** Words in Sch. 3 para. 22(8) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\), ss. 19\(3\)\(b\)\(ii\), 183\(1\)\(5\)\(e\)](#)

#### Modifications etc. (not altering text)

- C100** 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

#### Commencement Information

- I35** 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 <sup>F624</sup>Director General] in <sup>F817</sup>relation]  
to an investigation report <sup>F818</sup>under paragraph 22]*

#### Textual Amendments

- F817** Word in [Sch. 3 para. 23 cross-heading](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 56\(15\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F818** 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\(1\)\(w\)](#)

- 23 (1) This paragraph applies where—
- a report on an investigation carried out under the <sup>F819</sup>direction] of the <sup>F624</sup>Director General] is submitted to <sup>F630</sup>the Director General] under sub-paragraph <sup>F820</sup>(3)] of paragraph 22; or
  - a report on an investigation carried out by a person designated by the <sup>F624</sup>Director General] is submitted to <sup>F630</sup>the Director General][<sup>F821</sup>, or is otherwise completed,] under sub-paragraph <sup>F822</sup>(5)] of that paragraph.

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- [<sup>F823</sup>(1A) But if, following the submission [<sup>F824</sup>or completion] of such a report, the [<sup>F624</sup>Director General] determines under section 13B that the complaint or recordable conduct matter is to be re-investigated the provisions of this paragraph other than sub-paragraph (2)(a) [<sup>F825</sup>(read with sub-paragraph (2ZA))] do not apply, or cease to apply, in relation to that report.]
- (2) On receipt of the report [<sup>F826</sup>(or on its completion by the Director General)], the [<sup>F624</sup>Director General]—
- (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;
  - [<sup>F827</sup>(b) shall determine whether the conditions set out in sub-paragraphs (2A) and (2B) are satisfied in respect of the report;]
  - (c) if [<sup>F630</sup>the Director General] determines that [<sup>F828</sup>those 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 [<sup>F829</sup>and the persons mentioned in sub-paragraph (5)] of [<sup>F648</sup>the Director General's] determination under paragraph (b) and of any action taken by [<sup>F630</sup>the Director General] under paragraph (c).
- [<sup>F830</sup>(2ZA) Where the [<sup>F624</sup>Director General] would contravene section 21A by sending a copy of a report in its entirety to the appropriate authority under sub-paragraph (2)(a) or to the Director of Public Prosecutions under sub-paragraph (2)(c), the [<sup>F624</sup>Director General] must instead send a copy of the report after having removed or obscured the information which by virtue of section 21A the [<sup>F624</sup>Director General] must not disclose.]
- [<sup>F831</sup>(2A) The first condition is that the report indicates that a criminal offence may have been committed by a person [<sup>F832</sup>(if any)] to whose conduct the investigation related.
- (2B) The second condition is that—
- (a) the circumstances are such that, in the opinion of the [<sup>F624</sup>Director General], 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 [<sup>F624</sup>Director General] 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).
- [<sup>F833</sup>(4) . . . . .]
- (5) [<sup>F834</sup>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.
- [<sup>F835</sup>(5A) On receipt of the report [<sup>F836</sup>(or on its completion by the Director General)], the [<sup>F624</sup>Director General] shall also—



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- (a) seek the views of the appropriate authority on—
    - (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,
    - (ii) whether or not any such person's performance is unsatisfactory, and
    - (iii) the other matters (if any) dealt with in the report (but not on whether the conditions in sub-paragraphs (2A) and (2B) are satisfied in respect of the report),
  - (b) having considered the views (if any) of the appropriate authority, make a determination as to—
    - (i) the matters described in paragraph (a)(i) and (ii), and
    - (ii) whether or not disciplinary proceedings should be brought against any person to whose conduct the investigation related and, if so, what form the disciplinary proceedings should take,
  - (c) having considered the views (if any) of the appropriate authority and if the [F624Director General] considers it appropriate to do so, make a determination as to any matter dealt with in the report, being a determination other than one that [F630the Director General] is required to make under sub-paragraph (2) (b) or paragraph (b) of this sub-paragraph,
  - (d) notify the appropriate authority of [F648the Director General's] determination under paragraph (b) and any determination under paragraph (c),
  - (e) where the [F624Director General] determines that disciplinary proceedings of a form specified in the determination should be brought against a person, direct the appropriate authority to bring those proceedings, and
  - (f) direct the appropriate authority to determine what action (if any) the appropriate authority will in its discretion take, not being action involving the bringing of disciplinary proceedings, in respect of the matters dealt with in the report and having regard to the [F658Director General's] determination under paragraph (b) and any determination under paragraph (c).
- (5B) The appropriate authority must comply with a direction given under sub-paragraph (5A)(e) and must secure that the proceedings, once brought, are proceeded with to a proper conclusion.
- (5C) The [F624Director General] may at any time withdraw a direction given under sub-paragraph (5A)(e); and sub-paragraph (5B) shall not impose any obligation in relation to any time after the withdrawal of the direction.
- (5D) The appropriate authority must keep the [F624Director General] informed of the action it takes in response to a direction given under sub-paragraph (5A)(e).
- (5E) The appropriate authority must comply with the direction given under sub-paragraph (5A)(f) and must notify the [F624Director General] of the determination it makes.
- (5F) On receipt of the report [F837(or on its completion by the Director General)], where it is a report of an investigation of a complaint, the [F624Director General] may also make a recommendation under paragraph 28ZA.]

F838F839 (6) .....

F838 (7) .....

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- F838(8) .....
- F840(9) .....
- F840(10) .....
- F840(11) .....
- F840(12) .....
- [<sup>F841</sup>(13) In relation to a DSI matter in respect of which a determination has been made under paragraph 21A(2) [<sup>F842</sup>, (2A)][<sup>F843</sup>, (2B)] 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

- F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F648** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(5)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F658** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(3)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F819** Word in Sch. 3 para. 23(1)(a) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(viii)**
- F820** 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)**
- F821** Words in Sch. 3 para. 23(1)(b) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(16)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F822** 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)**
- F823** Sch. 3 para. 23(1A) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 18(3)**, 183(1)(5)(e)
- F824** Words in Sch. 3 para. 23(1A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(16)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F825** Words in Sch. 3 para. 23(1A) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 19(3)(c)(i)**, 183(1)(5)(e)
- F826** Words in Sch. 3 para. 23(2) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(16)(c)(i)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F827** 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)
- F828** 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)
- F829** 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)
- F830** Sch. 3 para. 23(2ZA) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 19(3)(c)(ii)**, 183(1)(5)(e)

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- F831** 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)
- F832** Words in Sch. 3 para. 23(2A) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 8(2)**
- F833** Sch. 3 para. 23(4) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), **ss. 15(9)(a)**, 183(1)(5)(e)
- F834** 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)
- F835** Sch. 3 para. 23(5A)-(5F) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 26(2)**
- F836** Words in Sch. 3 para. 23(5A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(16)(c)(ii)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F837** Words in Sch. 3 para. 23(5F) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(16)(c)(iii)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F838** Sch. 3 para. 23(6)-(8) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 26(3)**
- F839** Words in Sch. 3 para. 23(6) inserted (cond.) (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 57(5)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F840** Sch. 3 para. 23(9)-(12) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), **ss. 15(9)(a)**, 183(1)(5)(e)
- F841** 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)**
- F842** Word in Sch. 3 para. 23(13) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(ix)**
- F843** Words in Sch. 3 para. 23(13) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(16)(c)(iv)**; S.I. 2017/1249, reg. 2 (with reg. 3)

#### Modifications etc. (not altering text)

- C101** 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

- I36** 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 [<sup>F844</sup> under paragraph 22]*

#### Textual Amendments

- F844** 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)**

- 24 (1) This paragraph applies where—
- (a) a report of an investigation is submitted to the appropriate authority in accordance with paragraph [<sup>F845</sup>22(2)]; <sup>F846</sup> ...

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<sup>F847</sup>(b) .....

(2) On receipt of the report <sup>F848</sup> ..., the appropriate authority—

- <sup>F849</sup>(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 [<sup>F850</sup>those conditions are so satisfied], shall notify the Director of Public Prosecutions of the determination and send him a copy of the report<sup>F851</sup> 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).]

<sup>F852</sup>(2A) The first condition is that the report indicates that a criminal offence may have been committed by a person [<sup>F853</sup>(if any)] 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).

<sup>F854</sup>(4) .....

(5) [<sup>F855</sup>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.

<sup>F856</sup>(5A) .....

<sup>F856</sup>(5B) .....

<sup>F856</sup>(5C) .....

<sup>F857</sup>(6) On receipt of the report <sup>F858</sup> ..., the appropriate authority shall also—

- (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
  - <sup>F859</sup>(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

<sup>F860</sup>(aa) if it considers it appropriate to do so, make a determination as to any matter dealt with in the report, being a determination other than one that it is required to make by sub-paragraph (2)(a) or paragraph (a) of this sub-paragraph, and]

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[<sup>F861</sup>(b) determine what action (if any), in addition to the action mentioned in paragraph (a)(ii), the authority will in its discretion take in respect of the matters dealt with in the report.]]

[<sup>F862</sup>(6A) Where the report is a report of an investigation of a complaint and the appropriate authority is a local policing body, the appropriate authority may also, on receipt of the report, make a recommendation under paragraph 28ZA.]

[<sup>F863</sup>(6B) It shall be the duty of the appropriate authority—

- (a) to take the action which it determines under sub-paragraph (6) that it is required to, or will in its discretion, take, 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.]

<sup>F864</sup>(7) .....

<sup>F864</sup>(8) .....

<sup>F864</sup>(9) .....

<sup>F864</sup>(10) .....

[<sup>F865</sup>(11) In relation to a DSI matter in respect of which a determination has been made under paragraph 21A(2) [<sup>F866</sup>, (2A)][<sup>F867</sup>, (2B)] 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

- F845** 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\(1\)\(w\)](#)
- F846** Word in Sch. 3 para. 24(1)(a) omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(h\)\(x\)](#)
- F847** Sch. 3 para. 24(1)(b) omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(h\)\(x\)](#)
- F848** Words in Sch. 3 para. 24(2) omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(h\)\(xi\)](#)
- F849** 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)
- F850** 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)
- F851** 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)
- F852** 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)
- F853** Words in Sch. 3 para. 24(2A) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 4 para. 8\(3\)](#)
- F854** Sch. 3 para. 24(4) omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 15\(9\)\(b\)](#), 183(1)(5)(e)
- F855** 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)
- F856** Sch. 3 para. 24(5A)-(5C) omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(h\)\(xii\)](#)

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- F857** 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)
- F858** Words in Sch. 3 para. 24(6) omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(h\)\(xiii\)](#)
- F859** 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)
- F860** Sch. 3 para. 24(6)(aa) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 27\(2\)\(a\)](#)
- F861** Sch. 3 para. 24(6)(b) substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 27\(2\)\(b\)](#)
- F862** Sch. 3 para. 24(6A) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 27\(3\)](#)
- F863** Sch. 3 para. 24(6B) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 15\(10\)\(a\)](#), 183(1)(5)(e)
- F864** Sch. 3 para. 24(7)-(10) omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 15\(9\)\(b\)](#), 183(1)(5)(e)
- F865** 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\(1\)\(w\)](#)
- F866** Word in Sch. 3 para. 24(11) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(h\)\(xiv\)](#)
- F867** Word in Sch. 3 para. 24(11) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(17\)](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))

#### Modifications etc. (not altering text)

- C102** 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

- I37** 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\(d\)](#)

### *[<sup>F868</sup>Final reports on investigations: other DSI matters*

#### Textual Amendments

- F868** 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\(1\)\(w\)](#)

24A (1) This paragraph applies on the completion of an investigation of a DSI matter in respect of which neither the [<sup>F624</sup>Director General] nor the appropriate authority has made a determination under paragraph 21A(2) [<sup>F869</sup>, (2A)][<sup>F870</sup>, (2B)] or (4).

(2) [<sup>F871</sup>The person investigating] shall—

- (a) submit a report on the investigation to the [<sup>F624</sup>Director General]; and
- (b) send a copy of that report to the appropriate authority.

[ Sub-paragraph (2)(a) does not apply where the person investigating is the Director  
<sup>F872</sup>(2A) General carrying out an investigation personally under paragraph 19, but the Director General must complete a report on the investigation.]

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- (3) A person submitting a report [<sup>F873</sup>to the [<sup>F624</sup>Director General]] under [<sup>F874</sup>sub-paragraph (2) or completing one under sub-paragraph (2A)] 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.
- [ Where a person would contravene section 21A by sending a copy of a report in  
<sup>F875</sup>(3A) its entirety to the appropriate authority under sub-paragraph (2)(b), the person must instead send a copy of the report after having removed or obscured the information which by virtue of section 21A the person must not disclose.]
- (4) On receipt of the report [<sup>F876</sup>(or on its completion by the Director General)], the [<sup>F624</sup>Director General] shall determine whether the report indicates that a person serving with the police may have—
- committed a criminal offence, or
  - behaved in a manner which would justify the bringing of disciplinary proceedings.
- [ On receipt of the report [<sup>F878</sup>(or on its completion by the Director General)], the  
<sup>F877</sup>(5) [<sup>F624</sup>Director General] shall also, if [<sup>F630</sup>the Director General] considers it appropriate to do so, make a determination as to any matter dealt with in the report, being a determination other than one that [<sup>F630</sup>the Director General] is required to make under sub-paragraph (4) or that the appropriate authority may be required to make by virtue of paragraph 24C(3).]
- [ But sub-paragraphs (4) and (5) and paragraphs 24B and 24C do not apply, or cease  
<sup>F879</sup>(6) to apply, in relation to a report submitted under sub-paragraph (2) [<sup>F880</sup>or completed under sub-paragraph (2A)] if, following the submission [<sup>F881</sup>or completion] of the report, the [<sup>F624</sup>Director General] determines under section 13B that the DSI matter is to be re-investigated.]

#### Textual Amendments

- F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F869** Word in Sch. 3 para. 24A(1) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xv)**
- F870** Word in Sch. 3 para. 24A(1) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(18)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F871** 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)
- F872** Sch. 3 para. 24A(2A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(18)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F873** Words in Sch. 3 para. 24A(3) inserted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 95(7)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(c)(iii)

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- F874** Words in Sch. 3 para. 24A(3) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(18)(c)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F875** Sch. 3 para. 24A(3A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 19(3)(d)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(g) (with art. 3(1)(2)(4))
- F876** Words in Sch. 3 para. 24A(4) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(18)(d)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F877** Sch. 3 para. 24A(5) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 28**
- F878** Words in Sch. 3 para. 24A(5) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(18)(e)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F879** Sch. 3 para. 24A(6) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 18(4)**, 183(1)(5)(e)
- F880** Words in Sch. 3 para. 24A(6) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(18)(f)(i)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F881** Words in Sch. 3 para. 24A(6) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(18)(f)(ii)**; S.I. 2017/1249, reg. 2 (with reg. 3)

*Action by the <sup>F624</sup>Director General] in <sup>F882</sup>relation]  
to an investigation report under paragraph 24A*

**Textual Amendments**

- F882** Word in Sch. 3 para. 24B cross-heading substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(19)**; S.I. 2017/1249, reg. 2 (with reg. 3)

- 24B (1) If the <sup>F624</sup>Director General] 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,
- <sup>F630</sup>the Director General] shall notify the appropriate authority in relation to the person whose conduct is in question of <sup>F648</sup>the Director General's] 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.
- [ Sub-paragraph (3A) of paragraph 24A applies for the purposes of sub-paragraph (1) <sup>F883</sup>(1A) of this paragraph as it applies for the purposes of sub-paragraph (2)(b) of that paragraph.]
- (2) Where the appropriate authority in relation to the person whose conduct is in question is notified of a determination by the <sup>F624</sup>Director General] under sub-paragraph (1), it shall record the matter under paragraph 11 as a conduct matter <sup>F884</sup>. . . .



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- [ Where a DSI matter is recorded under paragraph 11 as a conduct matter by virtue  
F885 (3) of sub-paragraph (2)—
- (a) the person investigating the DSI matter shall (subject to any determination made by the [F624Director General] under paragraph [F88615(5A) or (5B)]) 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

- F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(4) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F648** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(5) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F883** Sch. 3 para. 24B(1A) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), ss. 19(3)(e), 183(1)(5)(e)
- F884** 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)
- F885** 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)
- F886** Words in Sch. 3 para. 24B(3)(a) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 47(h)(xvi)

- 24C (1) [F887This paragraph applies where] the [F624Director General] 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,

F888 ...

F889 (2) .....

- [ The [F624Director General] may notify the appropriate authority that it must, in  
F890 (3) accordance with regulations under section 50 or 51 of the 1996 Act, determine—
- (a) whether or not the performance of a person serving with the police is unsatisfactory, and
  - (b) what action (if any) the authority will take in respect of any such person's performance.]

[ On receipt of a notification under sub-paragraph (3) the appropriate authority shall  
F890 (4) make those determinations and submit a memorandum to the [F624Director General] setting out the determinations the authority has made.]

[ On receipt of a memorandum under sub-paragraph (4), the [F624Director General]  
F890 (5) shall—

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- (a) consider the memorandum and whether the appropriate authority has made the determinations under sub-paragraph (4) that the [<sup>F624</sup>Director General] considers appropriate;
- (b) determine whether or not to make recommendations under paragraph 27;
- (c) make such recommendations (if any) under that paragraph as [<sup>F630</sup>the Director General] thinks fit.]]

#### Textual Amendments

- F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(4) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F887** Words in Sch. 3 para. 24C(1) substituted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), Sch. 11 para. 95(8)(a) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(c)(iii)
- F888** Words in Sch. 3 para. 24C omitted (1.10.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), Sch. 11 para. 95(8)(b) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(c)(iii)
- F889** Sch. 3 para. 24C(2) repealed (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), Sch. 11 para. 95(8)(c) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(c)(iii)
- F890** Sch. 3 paras. 24C(3)-(5) inserted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), ss. 138(1), 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(a)

*[<sup>F891</sup>Reviews]<sup>F892</sup> ... with respect to an investigation*

#### Textual Amendments

- F891** Word in Sch. 3 para. 25 cross-heading substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 33
- F892** 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)

- 25 (1) This paragraph applies where a complaint has been subjected to—
- (a) an investigation by the appropriate authority on its own behalf; <sup>F893</sup> ...
  - <sup>F894</sup>(b) .....
- [<sup>F895</sup>(1A) But this paragraph does not apply where the person investigating submitted a report on the investigation under provision made by virtue of paragraph 20A(4)(b) and did not (as a result of provision made by virtue of paragraph 20A(4)(a)) submit a further report under paragraph 22(2).
- (1B) Where this paragraph applies, the complainant has the right to apply to the relevant review body for a review of the outcome of the complaint.
- (1C) The relevant review body must notify the following of an application for a review under sub-paragraph (1B)—
- (a) the appropriate authority,
  - (b) every person entitled to be kept properly informed in relation to the complaint under section 21, and
  - (c) the person complained against (if any).]

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- F<sup>896</sup>(2) .....
- F<sup>896</sup>(2ZA) .....
- F<sup>896</sup>(2A) .....
- F<sup>896</sup>(3) .....
- [<sup>F897</sup>(4) Where the relevant review body so requires on the making of an application for a review under sub-paragraph (1B), the appropriate authority must provide the relevant review body with—
- (a) a copy of the report of the investigation, and
  - (b) such information concerning the authority's determinations under paragraph 24 as is described in a notification given by the relevant review body to the authority.]
- [<sup>F898</sup>(4A) On a review applied for under sub-paragraph (1B), the relevant review body must determine whether the outcome of the complaint is a reasonable and proportionate outcome.
- (4B) In making a determination under sub-paragraph (4A), the relevant review body may review the findings of the investigation.
- (4C) Where the [<sup>F624</sup>Director General] is the relevant review body and the [<sup>F624</sup>Director General] finds that the outcome is not a reasonable and proportionate outcome, the [<sup>F624</sup>Director General] may—
- (a) make [<sup>F648</sup>the Director General's] own findings (in place of, or in addition to, findings of the investigation);
  - (b) direct that the complaint be re-investigated;
  - (c) make a recommendation to the appropriate authority in respect of any person serving with the police—
    - (i) that the person has a case to answer in respect of misconduct or gross misconduct or has no case to answer in relation to the person's conduct to which the investigation related;
    - (ii) that the person's performance is, or is not, unsatisfactory;
    - (iii) that disciplinary proceedings of the form specified in the recommendation are brought against the person in respect of the person's conduct, efficiency or effectiveness to which the investigation related;
    - (iv) that any disciplinary proceedings brought against that person are modified so as to deal with such aspects of that conduct, efficiency or effectiveness as may be so specified;
  - (d) make a recommendation under paragraph 28ZA.
- (4D) Where the [<sup>F624</sup>Director General] makes a recommendation under sub-paragraph (4C)
- (c)—
    - (a) the appropriate authority must notify the [<sup>F624</sup>Director General] whether it accepts the recommendation and (if it does) set out in the notification the steps that it is proposing to take to give effect to it, and
    - (b) sub-paragraphs (4) to (8) and (9)(b) of paragraph 27 apply in relation to the recommendation as if it had been made under that paragraph.

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- (4E) Where a local policing body is the relevant review body and the local policing body finds that the outcome is not a reasonable and proportionate outcome, the local policing body may—
- (a) make a recommendation to the appropriate authority that the complaint be re-investigated by the authority on its own behalf;
  - (b) where the complaint has not previously been referred to the [F624Director General] under paragraph 4, make a recommendation to the appropriate authority that it refer the complaint to the [F624Director General] under sub-paragraph (2) of that paragraph;
  - (c) make a recommendation to the appropriate authority in respect of any person serving with the police—
    - (i) that the person has a case to answer in respect of misconduct or gross misconduct or has no case to answer in relation to the person's conduct to which the investigation related;
    - (ii) that the person's performance is, or is not, unsatisfactory;
    - (iii) that disciplinary proceedings of the form specified in the recommendation are brought against the person in respect of the person's conduct, efficiency or effectiveness to which the investigation related;
    - (iv) that any disciplinary proceedings brought against that person are modified so as to deal with such aspects of that conduct, efficiency or effectiveness as may be so specified;
  - (d) make a recommendation under paragraph 28ZA.
- (4F) Sub-paragraph (4G) applies where, on a review applied for under sub-paragraph (1B), the relevant review body determines that the report of the investigation indicates that a criminal offence may have been committed by a person (if any) to whose conduct the investigation related and that—
- (a) the circumstances are such that, in the opinion of the relevant review body, 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 category of matters prescribed for the purposes of paragraph 24(2B)(b).
- (4G) Where this sub-paragraph applies—
- (a) if the [F624Director General] is the relevant review body, the [F624Director General] must notify the Director of Public Prosecutions of the determination under sub-paragraph (4F) and send the Director a copy of the report;
  - (b) if a local policing body is the relevant review body, the local policing body must make a recommendation to the appropriate authority that the appropriate authority—
    - (i) notify the Director of Public Prosecutions of the determination under sub-paragraph (4F), and
    - (ii) send the Director a copy of the report.
- (4H) The Secretary of State may by regulations make further provision about recommendations under sub-paragraph (4E)(a), (b) or (c) or (4G)(b).
- (4I) The regulations may (amongst other things) authorise the local policing body making the recommendation to require a response to the recommendation.

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(4J) Where this paragraph applies because the person investigating submitted a report on the investigation under provision made by virtue of paragraph 20A(4)(b) (“the first report”) and a further report under paragraph 22(2), the references in sub-paragraphs (4B) and (4C)(a) to the findings of the investigation do not include a reference to findings on the first report.]

F899(5) .....

F899(6) .....

F899(7) .....

F899(8) .....

F899(9) .....

F899(9ZA) .....

F899(9ZB) .....

F899(9ZC) .....

F899(9A) .....

(10) The [F900relevant [F901review] body] shall give notification of [F902the outcome of a review] under this paragraph [F903and of its reasons for the determination made under sub-paragraph (4A)]—

- (a) to the appropriate authority F904 ...,
- (b) to the complainant;
- (c) to every person entitled to be kept properly informed in relation to the complaint under section 21; and
- (d) except in a case where it appears to the [F905relevant [F906review] body] that to do so might prejudice any F907 ... re-investigation of the complaint, to the person complained against [F908(if any)].

F909(11) .....

(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 [F910applications under sub-paragraph (1B) are to be made];
- (b) for the period within which any such [F911application must be made]; and
- [F912(c) for the procedure to be followed by the relevant review body when carrying out a review applied for under sub-paragraph (1B).]

[F913(14) In this paragraph references in relation to an investigation to the outcome of the complaint do not include the outcome of any criminal or disciplinary proceedings brought in relation to any matter which was the subject of the investigation.]

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### Textual Amendments

- F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F648** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(5)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F893** Word in Sch. 3 para. 25(1)(a) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xvii)**
- F894** Sch. 3 para. 25(1)(b) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xvii)**
- F895** Sch. 3 para. 25(1A)-(1C) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(2)**
- F896** Sch. 3 para. 25(2)-(3) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(3)**
- F897** Sch. 3 para. 25(4) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(4)**
- F898** Sch. 3 para. 25(4A)-(4J) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(5)**
- F899** Sch. 3 para. 25(5)-(9A) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(6)**
- F900** 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)
- F901** Word in Sch. 3 para. 25(10) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(7)(a)(i)**
- F902** Words in Sch. 3 para. 25(10) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(7)(a)(ii)**
- F903** Words in Sch. 3 para. 25(10) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(7)(a)(iii)**
- F904** Words in Sch. 3 para. 25(10)(a) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(7)(b)**
- F905** 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)
- F906** Word in Sch. 3 para. 25(10)(d) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(7)(c)(i)**
- F907** Words in Sch. 3 para. 25(10)(d) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(7)(c)(ii)**
- F908** Words in Sch. 3 para. 25(10)(d) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 8(4)**
- F909** Sch. 3 para. 25(11) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(8)**
- F910** Words in Sch. 3 para. 25(13)(a) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(9)(a)**
- F911** Words in Sch. 3 para. 25(13)(b) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(9)(b)**
- F912** Sch. 3 para. 25(13)(c) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(9)(c)**
- F913** Sch. 3 para. 25(14) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(10)**

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#### Modifications etc. (not altering text)

**C103** 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

**I38** 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\(d\)](#)

### *[<sup>F914</sup>Information for complainant about disciplinary recommendations*

#### Textual Amendments

**F914** Sch. 3 para. 25A and cross-heading inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 35](#)

- 25A (1) This paragraph applies where, on the review of the outcome of a complaint under paragraph 25, the [<sup>F624</sup>Director General] makes a recommendation under sub-paragraph (4C)(c) of that paragraph.
- (2) Where the appropriate authority notifies the [<sup>F624</sup>Director General] under paragraph 25(4D)(a) that the recommendation has been accepted, the [<sup>F624</sup>Director General] must 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.
- (3) Where the appropriate authority—
- (a) notifies the [<sup>F624</sup>Director General] under paragraph 25(4D)(a) that it does not (either in whole or in part) accept the recommendation, or
  - (b) fails to take steps to give full effect to the recommendation,
- the [<sup>F624</sup>Director General] must determine what, if any, further steps to take under paragraph 27 as applied by paragraph 25(4D)(b).
- (4) The [<sup>F624</sup>Director General] must 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 (3) not to take further steps, and
  - (b) where the [<sup>F624</sup>Director General] determines under that sub-paragraph that [<sup>F630</sup>the Director General] will take further steps, of the outcome of the taking of those steps.]

#### Textual Amendments

**F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(2\)](#) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

**F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(4\)](#) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

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### [<sup>F915</sup>Re-investigations following a review]

#### Textual Amendments

**F915** Sch. 3 para. 26 cross-heading substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 36

- 26 <sup>F916</sup>(1) . . . . .
- (2) Where the [<sup>F624</sup>Director General] directs under paragraph 25 <sup>F917</sup>... that a complaint be re-investigated, [<sup>F630</sup>the Director General] shall make a determination of the form that the re-investigation should take.
- (3) Sub-paragraphs [<sup>F918</sup>(4)] 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.
- [<sup>F919</sup>(3A) Where, following a recommendation under paragraph 25(4E)(a) in relation to a complaint, the appropriate authority determines that it is appropriate for it to re-investigate the complaint on its own behalf, sub-paragraphs (3) to (5) of paragraph 16 shall apply in relation to the re-investigation as they apply in relation to an investigation to which paragraph 16 applies.]
- (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 [<sup>F920</sup>25(4C)(b)]<sup>F921</sup>... [<sup>F922</sup>and any re-investigation of the type described in sub-paragraph (3A) of this paragraph] as they apply in relation to any investigation in pursuance of a determination under paragraph 15.
- [<sup>F923</sup>(4A) Where the [<sup>F624</sup>Director General] determines under sub-paragraph (2) that the re-investigation should take the form of an investigation by the appropriate authority on its own behalf, the [<sup>F624</sup>Director General] may also give the appropriate authority such directions as to the handling of the matter in future as the [<sup>F624</sup>Director General] thinks fit.]
- [<sup>F924</sup>(5) The [<sup>F624</sup>Director General] shall notify the appropriate authority of any determination that [<sup>F630</sup>the Director General] makes under this paragraph and of [<sup>F648</sup>the Director General's] reasons for making the determination.
- (5A) The [<sup>F624</sup>Director General] shall also notify the following of any determination that [<sup>F630</sup>the Director General] makes under this paragraph and of [<sup>F648</sup>the Director General's] reasons for making the determination—
- (a) the complainant;
  - (b) every person entitled to be kept properly informed in relation to the complaint under section 21;
  - (c) the person complained against (if any).
- (5B) The duty imposed by sub-paragraph (5A) on the [<sup>F624</sup>Director General] shall have effect subject to such exceptions as may be provided for by regulations made by the Secretary of State.
- (5C) Subsections (6) to (8) of section 20 apply for the purposes of sub-paragraph (5B) as they apply for the purposes of that section.]



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F925 (6) .....

#### Textual Amendments

- F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F648** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(5)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F916** Sch. 3 para. 26(1) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 37(2)**
- F917** Words in Sch. 3 para. 26(2) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 37(3)**
- F918** Word in Sch. 3 para. 26(3) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 37(4)**
- F919** Sch. 3 para. 26(3A) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 37(5)**
- F920** Word in Sch. 3 para. 26(4) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 37(6)(a)**
- F921** Words in Sch. 3 para. 26(4) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 37(6)(b)**
- F922** Words in Sch. 3 para. 26(4) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 37(6)(c)**
- F923** Sch. 3 para. 26(4A) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 37(7)**
- F924** Sch. 3 para. 26(5)-(5C) substituted for Sch. 3 para. 26(5) (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 37(8)**
- F925** Sch. 3 para. 26(6) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 37(9)**

#### Modifications etc. (not altering text)

- C104** 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

- I39** 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 [F926 etc]*

#### Textual Amendments

- F926** Word in Sch. 3 para. 27 heading inserted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 95(9)(a)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(c)(iii)

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*Status: Point in time view as at 01/12/2018. 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 25 May 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)*

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- 27 (1) This paragraph applies where, in the case of any investigation, the appropriate authority—
- <sup>F927</sup>(a) .....
  - <sup>F928</sup>(b) .....
  - <sup>F929</sup>(c) has submitted, or is required to submit, a memorandum to the [<sup>F624</sup>Director General] under paragraph 24C(4).]
- <sup>F930</sup>(1A) But where this paragraph would otherwise apply by virtue of sub-paragraph (1)(c), it does not apply, or ceases to apply, in relation to the investigation if the [<sup>F624</sup>Director General] determines under section 13B that the DSI matter is to be re-investigated.]
- (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 <sup>F931</sup>... 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.
- <sup>F932</sup>(3) .....
- <sup>F933</sup>(3A) Where this paragraph applies by virtue of sub-paragraph (1)(c), the [<sup>F624</sup>Director General] may make a recommendation to the appropriate authority—
- (a) that the performance of a person serving with the police is, or is not, satisfactory;
  - (b) that action of the form specified in the recommendation is taken in respect of the person's performance;
- and it shall be the duty of the appropriate authority to notify the [<sup>F624</sup>Director General] 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 [<sup>F624</sup>Director General] 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 [<sup>F624</sup>Director General] 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 [<sup>F624</sup>Director General] thinks fit, set out the steps to be taken by the appropriate authority in order to give effect to the recommendation.
- (6) Where the [<sup>F624</sup>Director General] gives the appropriate authority a direction under this paragraph, [<sup>F630</sup>the Director General] shall supply the appropriate authority with a statement of its reasons for doing so.
- (7) Where disciplinary [<sup>F934</sup>or other] 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.

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- (8) The [F624 Director General] 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 [F624 Director General] informed—
- (a) in a case in which this paragraph applies by virtue of sub-paragraph [F935(1)(c)], 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

- F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F927** Sch. 3 para. 27(1)(a) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), **ss. 15(10)(b)(i)**, 183(1)(5)(e)
- F928** Sch. 3 para. 27(1)(b) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xviii)**
- F929** Sch. 3 para. 27(1)(c) and word inserted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 138(3)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(a)
- F930** Sch. 3 para. 27(1A) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 18(5)**, 183(1)(5)(e)
- F931** Words in Sch. 3 para. 27(2)(a) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), **ss. 15(10)(b)(ii)**, 183(1)(5)(e)
- F932** Sch. 3 para. 27(3) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xviii)**
- F933** Sch. 3 para. 27(3A) inserted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 138(4)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(a)
- F934** Words in Sch. 3 para. 27(7) inserted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 95(9)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(c)(iii)
- F935** Word in Sch. 3 para. 27(9)(a) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xix)**

#### Modifications etc. (not altering text)

- C105** 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

- I40** 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*

*Status: Point in time view as at 01/12/2018. This version of this Act contains provisions that are prospective.*

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### Textual Amendments

**F936** Sch. 3 para. 28 omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(h\)\(xx\)](#)

*[<sup>F937</sup>Recommendations by the [<sup>F624</sup>Director General] or a local policing body*

### Textual Amendments

**F937** Sch. 3 para. 28ZA and cross-heading inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 45](#)

- 28ZA (1) A recommendation under this paragraph (for the purposes of paragraphs 6A, 23, 24 and 25) is a recommendation of a kind described in regulations made by the Secretary of State which is made with a view to remedying the dissatisfaction expressed by the complainant concerned.
- (2) A recommendation of a kind described in regulations under subsection (1) may (amongst other things) be a recommendation that compensation be paid.
- (3) The reference in subsection (1) to the complainant concerned—
- (a) in relation to a recommendation made by virtue of paragraph 6A(5)(b) or (6)(c), is a reference to the complainant who applied under paragraph 6A(2) for the review;
  - (b) in relation to a recommendation made by virtue of paragraph 23(5F) or 24(6A), is a reference to the complainant whose complaint, having been investigated, resulted in the submission [<sup>F938</sup>or completion] of the report under paragraph 22;
  - (c) in relation to a recommendation made by virtue of paragraph 25(4C)(d) or (4E)(d), is a reference to the complainant who applied under paragraph 25(1B) for the review.
- (4) The Secretary of State may by regulations make further provision about recommendations under this paragraph.
- (5) The regulations may (amongst other things)—
- (a) specify the persons to whom recommendations under this paragraph may be made;
  - (b) authorise the person making a recommendation under this paragraph (whether the [<sup>F624</sup>Director General] or a local policing body) to require a response to the recommendation;
  - (c) require the person making a recommendation under this paragraph to send a copy of the recommendation, and any response to it, to any prescribed person or person of a prescribed description.]

### Textual Amendments

**F938** Words in [Sch. 3 para. 28ZA\(3\)\(b\)](#) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(20\)](#); [S.I. 2017/1249, reg. 2](#) (with [reg. 3](#))

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### *[<sup>F939</sup>Recommendations by the [<sup>F624</sup>Director General]*

#### **Textual Amendments**

**F939** Sch. 3 paras. 28A, 28B and cross-headings inserted (1.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 139, 185(1)** (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/2454, art. 3(a)

- 28A (1) This paragraph applies where the [<sup>F624</sup>Director General] has received a report [<sup>F940</sup>(or otherwise completed one in relation to an investigation carried out under paragraph 19 by the Director General personally)] under—
- (a) paragraph 22(3) (report on completion of investigation of complaint or conduct matter <sup>F941</sup>... [<sup>F942</sup>directed] by [<sup>F624</sup>Director General]),
  - (b) paragraph 22(5) (report on completion of investigation of complaint or conduct matter by [<sup>F943</sup>or on behalf of the Director General]), or
  - (c) paragraph 24A(2) [<sup>F944</sup>or (2A)] (report on completion of investigation of DSI matter that is not also conduct matter).
- (2) This paragraph also applies where the [<sup>F624</sup>Director General] has made a determination on [<sup>F945</sup>a review] under—
- (a) paragraph [<sup>F946</sup>6A] ([<sup>F947</sup>review] relating to complaint dealt with other than by investigation), or
  - (b) paragraph 25 ([<sup>F948</sup>review] with respect to an investigation).
- (3) The [<sup>F624</sup>Director General] may make a recommendation in relation to a matter dealt with in the report or [<sup>F949</sup>review].
- [ Where this paragraph applies—
- <sup>F950</sup>(3A) (a) by virtue of sub-paragraph (1)(a) or (b) and the report is a report of an investigation of a complaint, or
- (b) by virtue of sub-paragraph (2),
- a recommendation made under sub-paragraph (3) may not be a recommendation of a kind described in regulations made under paragraph 28ZA(1).]
- (4) A recommendation under this paragraph may be made to any person if it is made—
- (a) following the receipt [<sup>F951</sup>or completion] of a report relating to—
    - (i) a DSI matter,
    - (ii) a conduct matter of a type specified in regulations, or
    - (iii) a complaint of a type specified in regulations; or
  - (b) following a determination on [<sup>F952</sup>a review] relating to a complaint of a type specified in regulations.
- (5) In any other case, a recommendation under this paragraph may be made only to—
- (a) a person serving with the police, or
  - (b) a local policing body.
- (6) Where the [<sup>F624</sup>Director General] makes a recommendation under this paragraph, [<sup>F630</sup>the Director General] must also—
- (a) publish the recommendation, and
  - (b) send a copy of it—

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- (i) in a case where the recommendation is made to a local policing body, to the chief officer of the police force maintained by that body;
- (ii) in a case where the recommendation is made to a chief officer of a police force, to the local policing body that maintains the police force;
- (iii) in a case where the recommendation is made to a contractor (within the meaning of section 12(10)), to the chief officer of a police force to whom the contractor is providing services, and the local policing body that maintains the police force;
- (iv) in a case where the recommendation is made to a sub-contractor or an employee of a contractor, to the contractor and the persons to whom a copy must be sent under paragraph (iii);
- (v) in a case where the recommendation is made to an employee of a sub-contractor, to the sub-contractor, the contractor and the persons to whom a copy must be sent under sub-paragraph (iii);
- (vi) in any other case, to any person to whom the [<sup>F624</sup>Director General] thinks a copy should be sent.

(7) Nothing in this paragraph affects the power of the [<sup>F624</sup>Director General] to make recommendations or give advice under section 10(1)(e) (whether arising under this Schedule or otherwise).]

#### Textual Amendments

- F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F940** Words in Sch. 3 para. 28A(1) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(21)(a)(i)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F941** Words in Sch. 3 para. 28A(1)(a) omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xxi)(a)**
- F942** Word in Sch. 3 para. 28A(1)(a) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xxi)(b)**
- F943** Words in Sch. 3 para. 28A(1)(b) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(21)(a)(ii)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F944** Words in Sch. 3 para. 28A(1)(c) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(21)(a)(iii)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F945** Words in Sch. 3 para. 28A(2) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xxii)**
- F946** Word in Sch. 3 para. 28A(2)(a) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xxiii)(a)**
- F947** Word in Sch. 3 para. 28A(2)(a) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xxiii)(b)**
- F948** Word in Sch. 3 para. 28A(2)(b) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xxiv)**
- F949** Word in Sch. 3 para. 28A(3) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xxiv)**
- F950** Sch. 3 para. 28A(3A) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 46**

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- F951** Words in Sch. 3 para. 28A(4)(a) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(21)(b); S.I. 2017/1249, reg. 2 (with reg. 3)
- F952** Words in Sch. 3 para. 28A(4)(b) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 47(h)(xxv)

*<sup>F939</sup>Response to recommendation*

- 28B (1) A person to whom a recommendation under paragraph 28A is made must provide to the [<sup>F624</sup>Director General] a response in writing stating—
- (a) what action the person has taken or proposes to take in response to the recommendation, or
  - (b) why the person has not taken, or does not propose to take, any action in response.
- (2) The person must provide the response to the [<sup>F624</sup>Director General] before the end of the period of 56 days beginning with the day on which the recommendation was made, unless sub-paragraph (3) applies.
- (3) The [<sup>F624</sup>Director General] may extend the period of 56 days following an application received before the end of the period; and if the [<sup>F624</sup>Director General] grants an extension, the person must provide the response before the end of the extended period.
- (4) But if proceedings for judicial review of the [<sup>F658</sup>Director General's] decision to make a recommendation are started during the period allowed by sub-paragraph (2) or (3), that period is extended by however many days the proceedings are in progress.
- (5) On receiving a response, the [<sup>F624</sup>Director General] must, within the period of 21 days beginning with the day on which the [<sup>F624</sup>Director General] received it—
- (a) publish the response, and
  - (b) send a copy of it to any person who was sent a copy of the recommendation under paragraph 28A(6)(b),
- unless the person giving the response has made representations under sub-paragraph (6).
- (6) The person giving the response may, at the time of providing it to the [<sup>F624</sup>Director General], make representations to the [<sup>F624</sup>Director General] asserting that the requirements of publication and disclosure under sub-paragraph (5) should not apply to the response, or to particular parts of it.
- (7) On receiving such representations, the [<sup>F624</sup>Director General] may decide—
- (a) that the response should not be published, or that only parts of it should be published;
  - (b) that the response should not be disclosed, or that only parts of the response should be disclosed.
- (8) Where, following a decision on representations, the [<sup>F624</sup>Director General] decides to publish or disclose a response (in whole or in part), [<sup>F630</sup>the Director General] must do so only after the person giving the response has been informed of the [<sup>F658</sup>Director General's] decision, and—

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- (a) in a case where the [F624Director General] has decided to accept all of the representations, [F630the Director General] must do so within the period of 21 days beginning with the day on which [F630the Director General] received the response;
  - (b) in a case where the [F624Director General] has decided to reject any of the representations, [F630the Director General] must do so—
    - (i) within the period of 21 days beginning with the day on which the person was informed of the [F658Director General's] decision on the representations, but
    - (ii) not before the end of the period of 7 days beginning with that day.
- (9) But if proceedings for judicial review of the [F658Director General's] decision to reject a representation are started during the period of 7 days referred to in subparagraph (8)(b)(ii)—
- (a) the [F624Director General] must not publish or disclose the response while the proceedings are in progress;
  - (b) if the court upholds the [F658Director General's] decision to reject a representation, the [F624Director General] must publish and disclose the response (in whole or in part, as appropriate) before the end of the period of 7 days beginning with the day on which the proceedings are no longer in progress.
- (10) Where a local policing body or a chief officer makes a response under this paragraph, the body or officer must, at the time the [F624Director General] publishes the response, also publish the response (to the same extent as published by the [F624Director General]) and the recommendation under paragraph 28A.
- (11) For the purposes of this paragraph—
- (a) “disclosing” a response means sending a copy of it as mentioned in subparagraph (5)(b);
  - (b) the period during which judicial review proceedings are in progress includes any day on which an appeal is in progress or may be brought.]
- [F953(12) This paragraph does not apply, or ceases to apply, in relation to a recommendation made by virtue of paragraph 28A(1) if the [F624Director General] determines under section 13B that the complaint, recordable conduct matter or DSI matter that the [F624Director General] received a report on [F954(or otherwise completed one on in relation to an investigation carried out under paragraph 19 by the Director General personally)] is to be re-investigated.]

#### Textual Amendments

**F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(2) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

**F630** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(4) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)



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- F658** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(3)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F953** Sch. 3 para. 28B(12) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 18(6)**, 183(1)(5)(e)
- F954** Words in Sch. 3 para. 28B(12) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(22)**; S.I. 2017/1249, reg. 2 (with reg. 3)

### *[<sup>F955</sup>Minor definitions*

#### **Textual Amendments**

- F955** 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)

#### 29 In this Part of this Schedule—

**F956**

...

[<sup>F957</sup>“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**

- F956** Words in Sch. 3 para. 29 omitted (31.1.2017 for specified purposes) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xxvi)**
- F957** 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)

### *[<sup>F958</sup>Reviews]: the relevant [<sup>F959</sup>review] body*

#### **Textual Amendments**

- F958** Word in Sch. 3 para. 30 cross-heading substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 38(a)**
- F959** Word in Sch. 3 para. 30 cross-heading substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 38(b)**

#### 30 (1) The relevant [<sup>F960</sup>review] body in relation to [<sup>F961</sup>a review] is—

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- (a) the [<sup>F624</sup>Director General], in a case where [<sup>F962</sup>a local policing body is the appropriate authority in relation to the relevant complaint or] 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
- [<sup>F963</sup>(b) the local policing body which is the relevant local policing body in relation to the relevant complaint, in any other case.]

[<sup>F964</sup>(2) In this paragraph and paragraphs 31 and 32—

“relevant complaint”, in relation to a review, means the complaint to which the review relates;

“relevant local policing body”, in relation to a relevant complaint where a chief officer is the appropriate authority in relation to the complaint, means the local policing body for the area of the police force of which the chief officer is a member;

“review” means a review applied for under paragraph 6A(2) or 25(1B).]

#### Textual Amendments

**F624** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(2\)](#) (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, reg. 2 (with reg. 3)

**F960** Word in [Sch. 3 para. 30\(1\)](#) substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 39\(2\)\(a\)\(i\)](#)

**F961** Words in [Sch. 3 para. 30\(1\)](#) substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 39\(2\)\(a\)\(ii\)](#)

**F962** Words in [Sch. 3 para. 30\(1\)\(a\)](#) inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 39\(2\)\(b\)](#)

**F963** [Sch. 3 para. 30\(1\)\(b\)](#) substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 39\(2\)\(c\)](#)

**F964** [Sch. 3 para. 30\(2\)](#) substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 39\(3\)](#)

[<sup>F965</sup>31(1) This paragraph applies in a case where—

- (a) an application for a review is made to the [<sup>F624</sup>Director General], and
- (b) a local policing body is the relevant review body in relation to the review.

(2) The [<sup>F624</sup>Director General] must—

- (a) forward the application to the local policing body, and
- (b) notify the person who applied for the review—
  - (i) that the local policing body is the relevant review body, and
  - (ii) the application has been forwarded.

(3) The application is to be taken to have been—

- (a) made to the local policing body, and
- (b) so made at the time when it is forwarded to the local policing body.]

#### Textual Amendments

**F624** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(2\)](#) (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, reg. 2 (with reg. 3)

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**F965** Sch. 3 para. 31 substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 40

- [<sup>F966</sup>32]**(1) This paragraph applies in a case where—
- (a) an application for a review is made to a local policing body, and
  - (b) the [<sup>F624</sup>Director General] is the relevant review body in relation to the review.
- (2) The local policing body must—
- (a) forward the application to the [<sup>F624</sup>Director General], and
  - (b) notify the person who applied for the review—
    - (i) that the [<sup>F624</sup>Director General] is the relevant review body, and
    - (ii) the application has been forwarded.
- (3) The application is to be taken to have been—
- (a) made to the [<sup>F624</sup>Director General], and
  - (b) so made at the time when it is forwarded to the [<sup>F624</sup>Director General].

#### Textual Amendments

**F624** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(2) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

**F966** Sch. 3 para. 32 substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 41

## <sup>F967</sup>[<sup>F968</sup>SCHEDULE 3A U.K.]

Section 29D(5)

### WHISTLE-BLOWING INVESTIGATIONS: PROCEDURE

#### Textual Amendments

**F967** Words in Sch. 3A substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 58(2); S.I. 2017/1249, reg. 2 (with reg. 3)

**F968** Sch. 3A inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 6

#### *Designation of persons to take part in investigation*

- 1 (1) Paragraph 19(1), (2) [<sup>F969</sup>, (2A)] and (4) to (8) of Schedule 3 (investigations under that Schedule by the [<sup>F967</sup>Director General]<sup>F970</sup> ...), and any order made under paragraph 19(4) of that Schedule, apply where the [<sup>F967</sup>Director General] decides to carry out an investigation under section 29D (1) as they apply where the [<sup>F967</sup>Director General] has determined to investigate, or is required to investigate, a complaint, recordable conduct matter or DSI matter under that Schedule.

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- (2) In the case of an investigation under section 29D(1) relating to any conduct of the Commissioner of Police of the Metropolis or the Deputy Commissioner of Police of the Metropolis, the person designated under paragraph 19(2) of Schedule 3 (as applied by sub-paragraph (1)) must be the person nominated by the Secretary of State for that purpose.

#### Textual Amendments

- F969** Word in [Sch. 3A para. 1\(1\)](#) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 58\(3\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F970** Word in [Sch. 3A para. 1\(1\)](#) omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 58\(3\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

#### *Protection of anonymity*

- 2 (1) The person in charge of an investigation under section 29D(1), and any other person designated for the purposes of the investigation by virtue of paragraph 1, may not disclose the identity of the whistle-blower or information that might (whether alone or with other information) tend to reveal that identity.
- (2) Sub-paragraph (1) does not apply to the extent that—
- (a) the whistle-blower consents to the disclosure of his or her identity or (as the case may be) to the disclosure of information that might tend to reveal it, or
  - (b) the disclosure is authorised by regulations made by the Secretary of State under section 29J.
- (3) The person in charge of an investigation under section 29D(1) must take all reasonable steps to ensure that, where the identity of the whistle-blower, or information that might tend to reveal that identity, is disclosed for the purposes of the investigation (whether with the consent of the whistle-blower or in accordance with regulations under section 29J), it is not further disclosed without the consent of the person in charge.
- (4) For the purpose of the duty under sub-paragraph (3), the person in charge may impose such requirements on persons to whom the identity of the whistle-blower, or information that might tend to reveal that identity, is disclosed as are specified in regulations made by the Secretary of State for the purpose of this paragraph.

#### *Powers to obtain information etc*

- 3 Paragraphs 19ZA to 19ZC of Schedule 3 apply in relation to an investigation under section 29D(1) as they apply in relation to an investigation under paragraph 19 of that Schedule.

#### *Procedure where conduct matter is revealed during investigation*

- 4 (1) If, during the course of an investigation under section 29D(1), [<sup>F971</sup>the Director General determines] 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

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

[<sup>F972</sup>the Director General must proceed under sub-paragraph (2)].

[<sup>F973</sup>(2) The Director General must—

- (a) prepare a record of the determination,
- (b) notify the appropriate authority in relation to the person whose conduct is in question of the determination, and
- (c) send to it a copy of the record of the determination prepared under paragraph (a).]

(3) Where the appropriate authority in relation to the person whose conduct is in question is notified under sub-paragraph (2), it must record the matter under paragraph 11 of Schedule 3 to this Act as a conduct matter.

(4) Where a matter is, in accordance with sub-paragraph (3), recorded under paragraph 11 of Schedule 3 as a conduct matter—

- (a) the person in charge of the investigation under section 29D(1) must (subject to any determination made by the [<sup>F967</sup>Director General] under paragraph 15(5B) of Schedule 3) continue the investigation as if appointed or designated to investigate the conduct matter, and
- (b) the other provisions of Schedule 3 apply in relation to that matter accordingly (subject to regulations under sub-paragraph (5)).

(5) The Secretary of State may by regulations make provision modifying Schedule 3 in relation to an investigation of a matter that, in accordance with sub-paragraph (3), is recorded under paragraph 11 of that Schedule as a conduct matter but only for the purpose of making provision for the protection of the anonymity of whistle-blowers.

#### Textual Amendments

**F971** Words in [Sch. 3A para. 4\(1\)](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 58\(4\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

**F972** Words in [Sch. 3A para. 4\(1\)](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 58\(4\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

**F973** [Sch. 3A para. 4\(2\)](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 58\(5\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

#### *Procedure where DSI matter is revealed during investigation*

5 (1) If, during the course of an investigation under section 29D(1), [<sup>F974</sup>the Director General determines] that the matter may be a DSI matter, [<sup>F975</sup>the Director General must proceed under sub-paragraph (2)].

[<sup>F976</sup>(2) The Director General must—

- (a) prepare a record of the determination,
- (b) notify the appropriate authority in relation to the DSI matter, and
- (c) send to it a copy of the determination prepared under paragraph (a).]

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- (3) Where the appropriate authority in relation to the DSI matter is notified under sub-paragraph (2), it must record the matter under paragraph 14A of Schedule 3 to this Act as a DSI matter.
- (4) Where a matter is, in accordance with sub-paragraph (3), recorded under paragraph 14A of Schedule 3 as a DSI matter—
  - (a) the person in charge of the investigation under section 29D(1) must (subject to any determination made by the [F967Director General] under paragraph 15(5B) of Schedule 3) continue the investigation as if appointed or designated to investigate the DSI matter, and
  - (b) the other provisions of Schedule 3 apply in relation to that matter accordingly (subject to regulations under sub-paragraph (5)).
- (5) The Secretary of State may by regulations make provision modifying Schedule 3 in relation to an investigation that, in accordance with sub-paragraph (3), is recorded under paragraph 14A of that Schedule as a DSI matter but only for the purpose of making provision for the protection of the anonymity of whistle-blowers.
- (6) In this paragraph, references to the appropriate authority in relation to a DSI matter have the same meaning as in Part 2 (see section 29).

#### Textual Amendments

- F974** Words in *Sch. 3A para. 5(1)* substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by *Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 58(6)(a)*; S.I. 2017/1249, reg. 2 (with reg. 3)
- F975** Words in *Sch. 3A para. 5(1)* substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by *Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 58(6)(b)*; S.I. 2017/1249, reg. 2 (with reg. 3)
- F976** *Sch. 3A para. 5(2)* substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by *Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 58(7)*; S.I. 2017/1249, reg. 2 (with reg. 3)

#### Conclusion of investigation

- 6 (1) When an investigation under section 29D(1) is concluded, the person in charge of the investigation must submit a report on it to the [F967Director General].
 

[ Sub-paragraph (1) does not apply where the person in charge of the investigation F977(1A) is the Director General acting personally, but the Director General must complete a report on the investigation.]
- (2) The [F967Director General]—
  - (a) must send a copy of [F978a report submitted under sub-paragraph (1) or completed under sub-paragraph (1A)] to the whistle-blower, and
  - (b) may, with the consent of the whistle-blower, send a copy of the report to the appropriate authority.
- (3) The Secretary of State may by regulations make provision for circumstances in which the duty under sub-paragraph (2)(a) does not apply.

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- (4) The power conferred by sub-paragraph (3) may be exercised only to the extent that the Secretary of State considers necessary for any of the permitted non-disclosure purposes.
- (5) The Secretary of State may also by regulations make provision for circumstances in which (despite sub-paragraph (2)(b)) a copy of the report may be sent to the appropriate authority without the consent of the whistle-blower.
- (6) The power conferred by sub-paragraph (5) may be exercised only to the extent that the Secretary of State considers necessary for any of the permitted disclosure purposes.
- (7) Where the [<sup>F967</sup>Director General] would contravene section 21A by sending a copy of a report in its entirety to the whistle-blower or to the appropriate authority, the [<sup>F967</sup>Director General] may comply with its duty under sub-paragraph (2)(a) or (as the case may be) may exercise its power under sub-paragraph (2)(b) (or under regulations under sub-paragraph (5)) by sending instead a copy of the report after having removed or obscured the information which it is prohibited from disclosing by section 21A.
- (8) In this paragraph—
  - (a) “the permitted non-disclosure purposes” has the same meaning as in section 29I;
  - (b) “the permitted disclosure purposes” has the same meaning as in section 29J.

#### Textual Amendments

**F977** Sch. 3A para. 6(1A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 58(8); S.I. 2017/1249, reg. 2 (with reg. 3)

**F978** Words in Sch. 3A para. 6(2)(a) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 58(9); S.I. 2017/1249, reg. 2 (with reg. 3)

#### *Power of [<sup>F967</sup>Director General] to make recommendations*

- 7 (1) On receipt of a report under paragraph 6<sup>F979</sup>(1) or on its completion by the Director General under paragraph 6(1A)], the [<sup>F967</sup>Director General] may make a recommendation in relation to any matter dealt with in it.
- (2) The Secretary of State may by regulations make further provision about recommendations under this paragraph.
- (3) The regulations may (amongst other things)—
  - (a) describe the kinds of recommendations that the [<sup>F967</sup>Director General] may make under this paragraph;
  - (b) specify the persons to whom the recommendations may be made;
  - (c) authorise the [<sup>F967</sup>Director General] to require a response to a recommendation made under this paragraph.]

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### Textual Amendments

**F979** Words in [Sch. 3A para. 7\(1\)](#) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 58\(10\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

## <sup>F980</sup>SCHEDULE 3B U.K.

Section 38(6B)(a) and (6D)

### DESIGNATIONS UNDER SECTION 38

### Textual Amendments

**F980** Sch. 3B inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 10](#); S.I. 2017/1139, [reg. 2\(d\)](#) (with regs. 4, 5) (as amended by S.I. 2017/1162, [reg. 2](#))

## PART 1 U.K.

### EXCLUDED POWERS AND DUTIES OF CONSTABLES

- 1 Any power or duty of a constable to make an arrest.
- 2 Any power or duty of a constable to stop and search an individual or a vehicle or other thing.
- 3 The power of a constable, under section 36(4) of the Police and Criminal Evidence Act 1984, to perform the functions of a custody officer at a designated police station if a custody officer is not readily available to perform them.
- <sup>F981</sup>3A. The power of a constable, under section 55(6) of the Police and Criminal Evidence Act 1984<sup>F982</sup>, to conduct an intimate search if an officer of at least the rank of inspector considers under section 55(5) of that Act that an intimate search by a suitably qualified person is not practicable.]

### Textual Amendments

**F981** Sch. 3B para. 3A inserted (E.W.) (8.5.2018) by [The Police Powers of Designated Civilian Staff and Volunteers \(Excluded Powers and Duties of Constables\) Regulations 2018 \(S.I. 2018/475\)](#), regs. 1, [2\(2\)](#)

**F982** 1984 c. 60. Section 55(5) was amended by section 79 of the [Criminal Justice and Police Act 2001 \(c. 16\)](#).

- 4 Any power that is exercisable only by a constable of a particular rank.
- 5 Any power of a constable under—
  - (a) the Terrorism Act 2000;
  - (b) the Terrorism Act 2006;
  - (c) the Counter-Terrorism Act 2008;
  - (d) the Terrorism Prevention and Investigation Measures Act 2011;
  - (e) the Counter-Terrorism and Security Act 2015.



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- 6 Any power of a constable under the Official Secrets Acts 1911 to 1989.
- 7 The power of a constable to make an application on behalf of the Commissioner of Police of the Metropolis under section 19 or 21 of the Investigatory Powers Act 2016 (applications for warrants under Chapter 1 of Part 2 of that Act).

## PART 2 U.K.

### APPLICATION OF LEGISLATION

- 8 (1) Where a power or duty of a constable is conferred or imposed on a person designated under section 38—
  - (a) a reference to a constable (however expressed) in legislation relating to the power or duty includes a reference to the person designated under section 38;
  - (b) a reference in legislation to anything done in the exercise or purported exercise of the power, or in the performance or purported performance of the duty, includes a reference to anything done in the exercise or purported exercise of the power, or the performance or purported performance of the duty, by the person designated under section 38.
- (2) The Secretary of State may by regulations make provision for legislation relating to a power or duty of a constable specified in the regulations to apply in relation to a person designated under section 38 in a way that modifies or supplements the effect of sub-paragraph (1).
- (3) In this paragraph, “legislation” means any provision of—
  - (a) an Act;
  - (b) subordinate legislation within the meaning of the Interpretation Act 1978;
  - (c) a Measure or Act of the National Assembly for Wales or an instrument made under a Measure or Act of that Assembly.]

## [<sup>F983</sup>SCHEDULE 3C U.K.

Section 38(6B)(b)

### DESIGNATIONS UNDER SECTION 38: ADDITIONAL POWERS AND DUTIES

#### Textual Amendments

**F983** Sch. 3C inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 11; S.I. 2017/1139, reg. 2(d) (as amended by S.I. 2017/1162, reg. 2)

#### Introduction

- 1 (1) The designation of a person under section 38 as a community support officer or a community support volunteer may provide for any of paragraphs 2 to 11 to apply to the community support officer or the community support volunteer.
- (2) The designation may provide for any such paragraph to apply—
  - (a) to its full extent, or
  - (b) only in cases or circumstances described in the designation.

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- (3) Where the designation provides for any of those paragraphs to apply—
- (a) the community support officer or community support volunteer has any power or duty described in the paragraph as a power or duty of a community support officer or community support volunteer (subject to provision included in the designation under sub-paragraph (2)(b) or section 38(7A)), and
  - (b) any provision made by the paragraph in connection with the exercise of the power or the performance of the duty applies in relation to the exercise of the power or the performance of the duty by the community support officer or community support volunteer.
- (4) In this Schedule—
- “CSO” means a person designated by a chief officer of police as a community support officer under section 38;
- “CSV” means a person designated by a chief officer of police as a community support volunteer under section 38;
- “the relevant police area”, in relation to a CSO or CSV, means the police area for which the police force in question is maintained.
- (5) Expressions used in this Schedule and in the 1984 Act have the same meanings in this Schedule as in that Act.

*Powers to issue fixed penalty notices*

- 2 (1) A CSO or CSV has the power of an authorised officer of a litter authority to give a notice under section 88 of the Environmental Protection Act 1990 (fixed penalty notices in respect of litter) in relation to an individual whom the CSO or CSV has reason to believe has committed an offence under section 87 of that Act at a place within the relevant police area.
- (2) A CSO or CSV has 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) in relation to an individual whom the CSO or CSV has reason to believe has committed an offence that is a relevant offence for the purposes of section 43(1) at a place within the relevant police area.
- (3) A CSO or CSV designated under section 38 by the Commissioner of Police of the Metropolis has the power of an authorised officer of a borough council to give a notice under section 15 of the London Local Authorities Act 2004 in relation to an individual whom the CSO or CSV has reason to believe has committed an offence under section 38(1) of the London Local Authorities Act 1990.
- (4) A CSO or CSV designated under section 38 by the Commissioner of Police for the City of London has the power of an authorised officer of a borough council to give a notice under section 15 of the London Local Authorities Act 2004 in relation to an individual whom the CSO or CSV has reason to believe has committed an offence under section 27(1) of the City of Westminster Act 1999 (unlicensed street trading).
- (5) A CSO or CSV has the power of an authorised officer of an authority to give a notice under section 237A of the Local Government Act 1972 or under section 12 of the Local Government Byelaws (Wales) Act 2012 (fixed penalty notices in relation to offences against certain byelaws) in relation to an individual whom the CSO or CSV

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has reason to believe has committed an offence against a listed byelaw at a place within the relevant police area.

- (6) A byelaw is a “listed byelaw” for the purposes of sub-paragraph (5) if, at the time the CSO or CSV gives the notice—
- (a) it is a byelaw to which section 237A of the Local Government Act 1972 or to which section 12 of the Local Government Byelaws (Wales) Act 2012 (fixed penalty notices in relation to offences against certain byelaws) applies, and
  - (b) the chief officer of police for the relevant police area and the authority that made the byelaw have agreed to include it in a list of byelaws kept for the purposes of sub-paragraph (5).
- (7) The chief officer of police for the relevant police area must publish the list of byelaws kept for the purposes of sub-paragraph (5) 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.
- (8) The list of byelaws kept for the purposes of sub-paragraph (5) may be amended from time to time by agreement between the chief officer of police and the authority, by adding byelaws to it or removing byelaws from it.
- (9) Where the list of byelaws is amended, the amended list must be published by the chief officer as mentioned in sub-paragraph (7).

#### *Powers to require names and addresses*

- 3 (1) A CSO or CSV may require a person to give his or her name and address if the CSO or CSV has reason to believe that—
- (a) the person has committed a relevant offence in the relevant police area, or
  - (b) the person has committed a relevant licensing offence (whether or not in the relevant police area).
- (2) A person who fails to comply with a requirement under sub-paragraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) In this paragraph, “relevant offence” means any of the following offences—
- (a) an offence in respect of which the CSO or CSV is authorised to give a penalty notice (whether in consequence of paragraph 2 of this Schedule or in consequence of provision included in his or her designation in reliance on section 38(6B)(a));
  - (b) an offence under section 3 or 4 of the Vagrancy Act 1824;
  - (c) 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;
  - (d) an offence under section 39 of the Anti-social Behaviour, Crime and Policing Act 2014;
  - (e) an offence under a listed byelaw;
  - (f) an offence the commission of which appears to the CSO or CSV 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.

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- (4) 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)).
- (5) A byelaw is a “listed byelaw” for the purposes of sub-paragraph (3)(e) if, at the time the CSO or CSV requires a person to give his or her name and address—
- (a) it is a byelaw which has been made by a relevant body with authority to make byelaws for any place within the relevant police area, and
  - (b) it is included in the list of byelaws published for the purposes of this paragraph by the chief officer of police for the relevant police area.
- (6) A byelaw may be included in the list of byelaws published for the purposes of this paragraph only if the chief officer of police and the relevant body which made the byelaw agree that it should be included.
- (7) The chief officer of police for the relevant police area must publish the list 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.
- (8) The list of byelaws published for the purposes of this paragraph may be amended from time to time by agreement between the chief officer of police and the relevant body, by adding byelaws to it or removing byelaws from it.
- (9) Where the list of byelaws is amended, the amended list must be published by the chief officer as mentioned in sub-paragraph (8).
- (10) In sub-paragraphs (5), (6) and (8), “relevant body” means—
- (a) in England, a county council, a district council, a London borough council or a parish council;
  - (b) in Wales, a county council, a county borough council or a community council;
  - (c) the Greater London Authority;
  - (d) Transport for London;
  - (e) an Integrated Transport Authority for an integrated transport area in England;
  - (f) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
  - (g) a body specified in regulations made by the Secretary of State.
- (11) Regulations under sub-paragraph (10)(g) may provide, in relation to any body specified in the regulations, that the agreement mentioned in sub-paragraph (6) or (8) is to be made between the chief officer and the Secretary of State (rather than between the chief officer and the relevant body).

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- (12) In the case of a relevant offence that is an offence under a listed byelaw (see sub-paragraphs (3)(e) and (5)), the power to impose a requirement under sub-paragraph (1) is exercisable only in a place to which the byelaw relates.
- (13) In its application in relation to an offence in respect of which the CSO or CSV is authorised 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), sub-paragraph (1)(a) of this paragraph has effect as if the words “in the relevant police area” were omitted.
- (14) In this paragraph, “specified park” has the same meaning as in section 162 of the Serious Organised Crime and Police Act 2005.

*Powers to search for and seize alcohol and tobacco*

- 4 (1) A CSO or CSV may search a person for alcohol or a container for alcohol if—
  - (a) the CSO or CSV has (in consequence of provision included in his or her designation in reliance on section 38(6B)(a)) imposed a requirement on a person to surrender alcohol or a container for alcohol under section 63(2) of the Anti-social Behaviour, Crime and Policing Act 2014 or under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997,
  - (b) the person has failed to comply with the requirement, and
  - (c) the CSO or CSV reasonably believes that the person has alcohol or a container for alcohol in his or her possession.
- (2) A CSO or CSV may search a person for tobacco or cigarette papers where—
  - (a) the CSO or CSV has (in consequence of provision included in his or her designation in reliance on section 38(6B)(a)) sought to seize the tobacco or cigarette papers under section 7(3) of the Children and Young Persons Act 1933 (seizure of tobacco from young persons),
  - (b) the person from whom the CSO or CSV sought to seize the item has failed to surrender it, and
  - (c) the CSO or CSV reasonably believes that the person has it in his or her possession.
- (3) The power to search under sub-paragraph (1) or (2)—
  - (a) is to do so only to the extent that is reasonably required for the purpose of discovering whatever the CSO or CSV is searching for, and
  - (b) does not authorise the CSO or CSV to require a person to remove any of his or her clothing in public other than an outer coat, jacket or gloves.
- (4) A person who without reasonable excuse fails to consent to being searched in the exercise of a power under this paragraph is guilty of an offence and is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (5) A CSO or CSV who proposes to exercise a power to search a person under sub-paragraph (1) or (2) must inform him or her that failing without reasonable excuse to consent to being searched is an offence.
- (6) If the person in question fails to consent to being searched, the CSO or CSV may require him or her to give the CSO or CSV his or her name and address.

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- (7) If on searching the person the CSO or CSV discovers what he or she is searching for, the CSO or CSV may seize it and dispose of it.

*Powers to seize and detain: controlled drugs*

- 5 (1) A CSO or CSV may exercise the powers conferred by sub-paragraph (2) or (3) in the relevant police area.
- (2) If the CSO or CSV—
- (a) finds a controlled drug in a person's possession (whether or not the CSO or CSV finds it in the course of searching the person in the exercise of a power or duty conferred or imposed by his or her designation under section 38), and
  - (b) reasonably believes that it is unlawful for the person to be in possession of it, the CSO or CSV may seize it and retain it.
- (3) If the CSO or CSV—
- (a) either—
    - (i) finds a controlled drug in a person's possession (as mentioned in sub-paragraph (2)(a)), or
    - (ii) reasonably believes that a person is in possession of a controlled drug, and
  - (b) reasonably believes that it is unlawful for the person to be in possession of it, the CSO or CSV may require the person to give the CSO or CSV his or her name and address.
- (4) If, in exercise of the power conferred by sub-paragraph (2), the CSO or CSV seizes and retains a controlled drug, the CSO or CSV must—
- (a) if the person from whom it was seized maintains that he or she 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 imposed under sub-paragraph (3) is guilty of an offence and 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.

*Powers to seize and detain: psychoactive substances*

- 6 (1) A CSO or CSV may exercise the powers conferred by sub-paragraph (2) or (3) in the relevant police area.
- (2) If the CSO or CSV—
- (a) finds a psychoactive substance in a person's possession (whether or not the CSO or CSV finds it in the course of searching the person in the exercise of a power or duty conferred or imposed by his or her designation under section 38), and
  - (b) reasonably believes that it is unlawful for the person to be in possession of it, the CSO or CSV may seize it and retain it.

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- (3) If the CSO or CSV—
- (a) either—
    - (i) finds a psychoactive substance in a person's possession (as mentioned in sub-paragraph (2)(a)), or
    - (ii) reasonably believes that a person is in possession of a psychoactive substance, and
  - (b) reasonably believes that it is unlawful for the person to be in possession of it, the CSO or CSV may require the person to give the CSO or CSV his or her name and address.
- (4) If, in exercise of the power conferred by sub-paragraph (2), the CSO or CSV seizes and retains a psychoactive substance, the CSO or CSV must—
- (a) if the person from whom it was seized maintains that he or she was lawfully in possession of it—
    - (i) tell the person where inquiries about its recovery may be made, and
    - (ii) explain the effect of sections 49 to 51 and 53 of the Psychoactive Substances Act 2016 (retention and disposal of items), and
  - (b) comply with a constable's instructions about what to do with it.
- (5) Any substance seized in exercise of the power conferred by sub-paragraph (2) is to be treated for the purposes of sections 49 to 53 of the Psychoactive Substances Act 2016 as if it had been seized by a police or customs officer under section 36 of that Act.
- Section 50 of that Act applies in relation to any such substance as if the reference in subsection (1)(b) to the police or customs officer who seized it were a reference to the CSO or CSV who seized it.
- (6) A person who fails to comply with a requirement imposed under sub-paragraph (3) is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (7) In this paragraph, “police or customs officer” and “psychoactive substance” have the same meaning as in the Psychoactive Substances Act 2016.

*Powers to detain pending arrival of a constable etc*

- 7 (1) A CSO or CSV may require a person to wait with the CSO or CSV, for a period not exceeding 30 minutes, for the arrival of a constable where—
- (a) the CSO or CSV has required the person to give his or her name and address (whether in consequence of paragraph 3, 4(6), 5(3) or 6(3) or in consequence of provision included in his or her designation in reliance on section 38(6B) (a)), and
  - (b) either—
    - (i) the person has failed to comply with the requirement, or
    - (ii) the CSO or CSV has reasonable grounds for suspecting that the person has given a name or address that is false or inaccurate.
- (2) Sub-paragraph (1) does not apply if the requirement to give a name and address was imposed in connection with a relevant licensing offence mentioned in paragraph 3(4) (a), (c) or (f) which the CSO or CSV believes to have been committed on licensed premises (within the meaning of the Licensing Act 2003).

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- (3) A CSO or CSV may require a person to wait with the CSO or CSV, for a period not exceeding 30 minutes, for the arrival of a constable where—
  - (a) the CSO or CSV has reason to believe that the person is committing an offence under section 3 or 4 of the Vagrancy Act 1824,
  - (b) the CSO or CSV requires the person to stop doing whatever gives rise to that belief, and
  - (c) the person fails to stop as required.
- (4) A person who has been required under sub-paragraph (1) or (3) to wait with a CSO or CSV may, if requested to do so, elect that (instead of waiting) he or she will accompany the CSO or CSV to a police station in the relevant police area.
- (5) Where the person does not elect to accompany the CSO or CSV to the police station, and the constable arrives within the period of 30 minutes, the CSO or CSV is under a duty to remain with the person and the constable until the CSO or CSV has transferred control of the person to the constable.
- (6) Where the person does elect to accompany the CSO or CSV to the police station—
  - (a) the CSO or CSV is under a duty to remain at the police station until the CSO or CSV has transferred control of the person to the custody officer there,
  - (b) until control is transferred, the CSO or CSV is treated for all purposes as having the person in his or her lawful custody, and
  - (c) for so long as the CSO or CSV remains at the police station or in its immediate vicinity (whether before control of the person is transferred or afterwards), the CSO or CSV is under a duty to prevent the person's escape and to assist in keeping the person under control.
- (7) A person who—
  - (a) makes off while subject to a requirement under sub-paragraph (1) or (3), or
  - (b) makes off while accompanying a CSO or CSV to a police station in accordance with an election under sub-paragraph (4),
 is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

*Powers to search etc individuals detained under paragraph 7*

- 8 (1) A CSO or CSV may exercise the powers set out in sub-paragraphs (2) and (3) in relation to a person whom the CSO or CSV has required to wait for the arrival of a constable under paragraph 7(1) or (3) (whether or not that person makes an election under paragraph 7(4)).
- (2) If the CSO or CSV has reasonable grounds for believing that the person may present a danger to himself or herself or to others, the CSO or CSV may search the person.
- (3) If the CSO or CSV has reasonable grounds for believing that the person may have concealed on him or her anything which might be used to assist in escaping from lawful custody, the CSO or CSV may search the person for that thing.
- (4) The power conferred by sub-paragraph (2) or (3)—
  - (a) does not authorise a CSO or CSV to require a person to remove any of his or her clothing in public other than an outer coat, jacket or gloves;
  - (b) does authorise a search of a person's mouth.



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- (5) A CSO or CSV searching a person under sub-paragraph (2) may seize and retain anything that is found, if the CSO or CSV has reasonable grounds for believing that the person searched might use it to cause physical injury to himself or herself or to any other person.
- (6) A CSO or CSV searching a person under sub-paragraph (3) may seize and retain anything that is found, other than an item subject to legal privilege, if the CSO or CSV has reasonable grounds for believing that the person might use it to assist in escaping from lawful custody.
- (7) If a CSO or CSV seizes or retains anything under sub-paragraph (5) or (6), the CSO or CSV 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.

*Persons detained under paragraph 7: park trading offences*

- 9 (1) If a CSO or CSV reasonably suspects that a person required to wait for the arrival of a constable under paragraph 7(1) has committed a park trading offence, the CSO or CSV may take possession of anything of a non-perishable nature which—
  - (a) the person has in his or her possession or under his control, and
  - (b) the CSO or CSV reasonably believes to have been used in the commission of the offence.
- (2) The CSO or CSV may retain possession of the thing in question for a period not exceeding 30 minutes unless the person makes an election under paragraph 7(4), in which case the CSO or CSV may retain possession of the thing in question until he or she is able to transfer control of it to a constable.
- (3) 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.
- (4) In sub-paragraph (3), “specified park” has the same meaning as in section 162 of the Serious Organised Crime and Police Act 2005.

*Road traffic*

- 10 A CSO or CSV has in the relevant police area the powers conferred on persons designated by regulations under section 99 of the Road Traffic Regulation Act 1984 (removal of abandoned vehicles).

*Power to use reasonable force*

- 11 A CSO or CSV has power to use reasonable force—
  - (a) to prevent a person whom the CSO or CSV has required under paragraph 7(1) or (3) to wait for a constable from making off, or to keep the person under control, at any time while the person is subject to the requirement;
  - (b) where such a person elects under paragraph 7(4) to accompany a CSO or CSV to a police station, to prevent the person from making off, or to keep the person under control, while the person is accompanying the CSO or CSV to the police station;

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- (c) where a CSO or CSV is fulfilling a duty imposed under paragraph 7(5) or (6), to prevent the person from making off (or escaping) and to keep him or her under control;
- (d) where a CSO or CSV is exercising a power conferred by paragraph 8.]

<sup>F984</sup>SCHEDULE 4 U.K.

Section 38

[<sup>F984</sup>POWERS EXERCISABLE BY CONTRACTED-OUT STAFF]

**Textual Amendments**

**F984** Sch. 4 heading substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 12 para. 5(2)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)

**Modifications etc. (not altering text)**

**C106** 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)**

<sup>F985</sup>PART 1 U.K.

COMMUNITY SUPPORT OFFICERS

**Textual Amendments**

**F985** Sch. 4 Pt. 1 omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 12 para. 5(3)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)

*Powers to issue fixed penalty notices*

- 1 .....
- 1ZA .....

*Power to issue community protection notices*

- 1ZB .....

*Power to require name and address*

- 1A .....

*Power to detain etc.*

- 2 .....

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*Powers to search individuals and to seize and retain items*

2A .....

*General power of seizure*

2B .....

*Power to require name and address of person acting in an anti-social manner*

3 .....

*Power to require name and address: road traffic offences*

3A .....

*Power to require name and address etc: charity collectors*

3B .....

*Power to use reasonable force to detain person*

4 .....

4ZA .....

4ZB .....

*Power to disperse groups and remove young persons to their place of residence*

4A .....

4AB .....

*Power to disperse groups and remove young persons to their place of residence*

4B .....

*Power to remove truants and excluded pupils to designated premises etc.*

4C .....

*Alcohol consumption in restricted areas*

5 .....

*Power to serve closure notice for licensed premises persistently selling to children*

5A .....

*Confiscation of alcohol*

6 .....

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*Confiscation of tobacco etc.*

7 .....

*Search and seizure powers: alcohol and tobacco*

7A .....

*Powers to seize and detain: controlled drugs*

7B .....

*Powers to seize and detain: controlled drugs*

7C .....

*Park Trading offences*

7D .....

*Powers to seize and detain: psychoactive substances*

7E .....

7F .....

*Entry to save life or limb or prevent serious damage to property*

8 .....

*Entry to investigate licensing offences*

8A .....

*Seizure of vehicles used to cause alarm etc.*

9 .....

*Abandoned vehicles*

10 .....

*Power to stop vehicle for testing*

11 .....

*Power to stop cycles*

11A .....

*Power to control traffic for purposes other than escorting a load of exceptional dimensions*

11B .....

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*Power to control traffic for purposes of escorting a load of exceptional dimensions*

12 .....

*Carrying out of road checks*

13 .....

*Power to place traffic signs*

13A .....

*Cordoned areas*

14 .....

*Power to stop and search vehicles etc. in authorised areas*

15 .....

*Photographing of persons arrested, detained or given fixed penalty notices*

15ZA .....

*Power to modify paragraph 1(2A)*

15A .....

<sup>F986</sup>**PART 2 U.K.**

INVESTIGATING OFFICERS

**Textual Amendments**

**F986** Sch. 4 Pt. 2 omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 12 para. 5\(3\)](#); S.I. 2017/1139, [reg. 2\(k\)](#) (as amended by S.I. 2017/1162, [reg. 2](#))

*Search warrants*

16 .....

16A .....

16B .....

*Access to excluded and special procedure material*

17 .....

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*Status: Point in time view as at 01/12/2018. 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 25 May 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)*

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*Entry and search after arrest*

18 .....

*Entry and search for evidence of nationality after arrest*

18A .....

*General power of seizure*

19 .....

*Access and copying in the case of things seized by constables*

20 .....

*Arrest at a police station for another offence*

21 .....

*Power to transfer persons into custody of investigating officers*

22 .....

*Powers in respect of detained persons*

22A .....

*Power to require arrested person to account for certain matters*

23 .....

*Extended powers of seizure*

24 .....

*Persons accompanying investigating officers*

24A .....

**PART 3 U.K.**

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 [F987 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

**F987** 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*

- [<sup>F988</sup>27(A)] 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

**F988** 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 [F989 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**

**F989** 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 [F990Schedule 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**

**F990** 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*

- [F99133A 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**

**F991** 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*

- [F99233B 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**

**F992** 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**

**F992** 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\(1\)\(h\)\(j\)](#)

- [<sup>F993</sup>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**

**F993** 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 U.K.**

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 [<sup>F994</sup>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 [<sup>F995</sup>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 [<sup>F996</sup>and under his control] .
  - [<sup>F997</sup>(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 [<sup>F998</sup>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

**F994** 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\(1\)\(2\)\(a\)](#)

**F995** 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\(1\)\(h\)\(j\)](#)

**F996** 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\(1\)\(h\)\(j\)](#)

**F997** 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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**F998** 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 [<sup>F999</sup>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 [<sup>F1000</sup>and under his control] .
- [<sup>F1001</sup>(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 [<sup>F1002</sup>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

- F999** 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\(1\)\(h\)\(j\)](#)
- F1000** 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\(1\)\(h\)\(j\)](#)
- F1001** 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\(1\)\(h\)\(j\)](#)
- F1002** 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\(c\)](#)

<sup>F1003</sup><sub>F1004</sub> PART 4A] E+W

#### Textual Amendments

- F1003** 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](#)
- F1004** Sch. 4 Pt. 4A inserted (prosp.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 120(5), 178

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.

<sup>F984</sup>PART 5 U.K.

INTERPRETATION OF SCHEDULE

36 (1) In this Schedule “the relevant police area”—  
(a) in relation to a [<sup>F1005</sup>person designated] under [<sup>F1006</sup>section 39] by the chief officer of any police force, means the police area for which that force is maintained; <sup>F1007</sup> . . .  
(b) <sup>F1007</sup> .....

<sup>F1008</sup>[<sup>F1009</sup>(2) .....

<sup>F1008</sup>(2A) .....

(3) In Parts 3 and 4 of this Schedule “a designation” means a designation under [<sup>F1010</sup>section 39].]

<sup>F1011</sup>(3A) .....

(4) Expressions used in this Schedule and in the 1984 Act have the same meanings in this Schedule as in that Act.

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### Textual Amendments

- F1005** 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\(c\)](#)
- F1006** Words in Sch. 4 para. 36(1)(a) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 12 para. 5\(4\)\(a\)](#); [S.I. 2017/1139, reg. 2\(k\)](#) (as amended by [S.I. 2017/1162, reg. 2](#))
- F1007** 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\(2\)-\(7\)](#))
- F1008** Sch. 4 para. 36(2)(2A) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 12 para. 5\(4\)\(b\)](#); [S.I. 2017/1139, reg. 2\(k\)](#) (as amended by [S.I. 2017/1162, reg. 2](#))
- F1009** 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\(c\)](#)
- F1010** Words in Sch. 4 para. 36(3) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 12 para. 5\(4\)\(c\)](#); [S.I. 2017/1139, reg. 2\(k\)](#) (as amended by [S.I. 2017/1162, reg. 2](#))
- F1011** Sch. 4 para. 36(3A) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 12 para. 5\(4\)\(d\)](#); [S.I. 2017/1139, reg. 2\(k\)](#) (as amended by [S.I. 2017/1162, reg. 2](#))

## SCHEDULE 5 U.K.

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 <sup>F1012</sup>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;
- <sup>F1013</sup>(aa) the powers of a constable <sup>F1014</sup>... 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) <sup>F1015</sup>. . . ;]
- <sup>F1016</sup>(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);]
- <sup>F1017</sup>(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);]
- (b) <sup>F1018</sup> .....

*Status: Point in time view as at 01/12/2018. This version of this Act contains provisions that are prospective.*

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- [<sup>F1019</sup>(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)
- <sup>F1020</sup>(d) .....

[<sup>F1021</sup>(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 [<sup>F1022</sup>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.

[<sup>F1023</sup>(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).]

[<sup>F1024</sup>(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) [<sup>F1025</sup>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

- F1012** 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\(c\)](#)
- F1013** 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\(b\)\(iv\)](#)
- F1014** Words in Sch. 5 para. 1(2)(aa) omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 14\(4\)](#); S.I. 2013/453, art. 4(e)
- F1015** 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\(1\)\(cc\)\(ee\)\(viii\)](#)
- F1016** 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\(a\)\(ii\)](#)



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- F1017**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)**
- F1018**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
- F1019**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)**
- F1020**Sch. 5 para. 1(2)(d) omitted (20.10.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 33** (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/2590, art. 3(g)(vi) (as amended (20.10.2014) by S.I. 2014/2754, arts. 1, 3(a))
- F1021**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)**
- F1022**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)**
- F1023**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)**
- F1024**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)**
- F1025**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)**

- C107** 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**

- <sup>F1026</sup>1(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 <sup>F1027</sup> or under section 12 of the Local Government Byelaws (Wales) Act 2012] (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 <sup>F1028</sup> or to which section 12 of the Local Government Byelaws (Wales) Act 2012 applies] 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

**F1026**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)**

**F1027**Words in Sch. 5 para. 1A(3) inserted (31.3.2015) by [Local Government Byelaws \(Wales\) Act 2012](#) (anaw 2), **ss. 17(3)(a)**, 22(2); S.I. 2015/1025, **art. 2(o)**

**F1028**Words in Sch. 5 para. 1A(5)(a) inserted (31.3.2015) by [Local Government Byelaws \(Wales\) Act 2012](#) (anaw 2), **ss. 17(3)(b)**, 22(2); S.I. 2015/1025, **art. 2(o)**

#### *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
  - [<sup>F1029</sup>(aa) an offence under section 3 or 4 of the Vagrancy Act 1824; or]
  - [<sup>F1030</sup>(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.
- [<sup>F1031</sup>(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) [<sup>F1032</sup>or (ac)], sub-paragraph (1) of this paragraph shall have effect as if for the words

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“has committed a relevant offence in the relevant police area” there were substituted  
“in the relevant police area has committed a relevant offence”.]

#### Textual Amendments

- F1029**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)**
- F1030**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)**
- F1031**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)**
- F1032**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 [F1033 engaging in anti-social behaviour]*

**[F1033]**(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 in uniform under section 50 to require a person whom he has reason to believe **[F1035]** to have been engaging, or to be engaging, in anti-social behaviour] to give his name and address.

**[F1036]**(2) In sub-paragraph (1), “anti-social behaviour” has the meaning given by section 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (ignoring subsection (2) of that section).]

#### Textual Amendments

- F1033**Words in Sch. 5 para. 3 substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 33(7)**; S.I. 2017/399, reg. 2, **Sch. para. 40**
- F1034**Sch. 5 para. 3 renumbered as Sch. 5 para. 3(1) (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 33(4)**; S.I. 2017/399, reg. 2, **Sch. para. 40**
- F1035**Words in Sch. 5 para. 3(1) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 33(5)**; S.I. 2017/399, reg. 2, **Sch. para. 40**
- F1036**Sch. 5 para. 3(2) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 33(6)**; S.I. 2017/399, reg. 2, **Sch. para. 40**

#### *Power to require name and address: road traffic offences*

**[F1037]**(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

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- (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

**F1037**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
- (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) [<sup>F1038</sup>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 [<sup>F1039</sup>subsections (1), (1AA) and (4) (but not the reference in subsection (1AB) (removal))] were references to the accredited person.

#### Textual Amendments

**F1038**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(f)

**F1039**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(f)

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#### *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).

#### *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*

- [<sup>F1040</sup>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**

**F1040**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*

- [<sup>F1041</sup>8B] (1) A person whose accreditation specifies that this paragraph applies to him shall have, in the relevant police area—

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- (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.]

#### **Textual Amendments**

**F1041** 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.

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- (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*

[<sup>F1042</sup>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) [<sup>F1043</sup>or in exercise of the power mentioned in paragraph 1A(3)].]

#### **Textual Amendments**

**F1042**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)

**F1043**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 [<sup>F1045</sup>1(2A)]*

[<sup>F1044</sup>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 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**

**F1044**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)

**F1045**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)

**F1046**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.

*Status: Point in time view as at 01/12/2018. 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 25 May 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)*

## <sup>F1047</sup>SCHEDULE 5A **E+W**

### POWERS EXERCISABLE BY ACCREDITED INSPECTORS

#### Textual Amendments

**F1047**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 <sup>F1048</sup>... 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.

#### Textual Amendments

**F1048**Words in [Sch. 5A para. 1\(2\)](#) omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 14\(5\)](#); S.I. 2013/453, art. 4(e)

#### *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 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—



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“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.]

F1049F1049 SCHEDULE 6 U.K.

**Textual Amendments**

F1049 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\(1\)\(t\)\(u\)\(xlix\)](#)

F1049

SCHEDULE 7 U.K.

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.

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#### *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”

- (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;”

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- (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

**141** 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)

#### *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 subparagraph (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—

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“(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 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.

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- (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 subparagraph 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 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.”

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**Textual Amendments**

**F1050**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 **F1051** .....

**Textual Amendments**

**F1051**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.

(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) **F1052** .....

(3) **F1052** .....

**Textual Amendments**

**F1052**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 **F1053** .....

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**Textual Amendments**

**F1053**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 **F1054** .....

**Textual Amendments**

**F1054**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);”.

(2) **F1055** .....

**Textual Amendments**

**F1055**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 **F1056** .....

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### Textual Amendments

**F1056** 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 U.K.

Section 107

### REPEALS

#### Commencement Information

**I42** 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(i); 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)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Superannuation Act 1972 (c. 11)	In Schedule 1, in the entries under the heading “Other bodies”, the words “Police Complaints Authority.”
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).



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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)	F1057 ...
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). 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).

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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).

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#### **Textual Amendments**

**F1057** 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 01/12/2018. This version of this Act contains provisions that are prospective.

**Changes to legislation:**

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