

*Status: Point in time view as at 26/05/2016.*

*Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Paragraph 20A. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

#### HANDLING OF COMPLAINTS AND CONDUCT MATTERS ETC.

#### PART 3

#### INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS

#### *[<sup>F1</sup>Accelerated procedure in special cases*

##### Textual Amendments

**F1** 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\(1\)\(v\)](#)

- 20A (1) If, at any time before the completion of his investigation, [<sup>F2</sup>the person investigating] a complaint or recordable conduct matter believes that the appropriate authority would, on consideration of the matter, be likely to consider that the special conditions are satisfied, he shall proceed in accordance with the following provisions of this paragraph.
- (2) If the person was appointed under paragraph 16, he shall submit to the appropriate authority—
- (a) a statement of his belief and the grounds for it; and
  - (b) a written report on his investigation to that point;
- and if he was appointed following a determination made by the Commission under paragraph 15 he shall send a copy of the statement and the report to the Commission.
- (3) If the person was appointed under paragraph 17 or 18 or designated under paragraph 19, he shall submit to the appropriate authority—
- (a) a statement of his belief and the grounds for it; and
  - (b) a written report on his investigation to that point;
- and shall send a copy of the statement and the report to the Commission.
- (4) A person submitting a report under this paragraph shall not be prevented by any obligation of secrecy imposed by any rule of law or otherwise from including all such matters in his report as he thinks fit [<sup>F3</sup>, but this is subject to paragraph 19ZD (restriction on disclosure of sensitive information)].
- (5) A statement and report may be submitted under this paragraph whether or not a previous statement and report have been submitted; but a second or subsequent statement and report may be submitted only if the person submitting them has grounds to believe that the appropriate authority will reach a different determination under paragraph 20B(2) or 20E(2).

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- (6) After submitting a report under this paragraph, the person [<sup>F4</sup>investigating] the complaint or recordable conduct matter shall continue his investigation to such extent as he considers appropriate.
- (7) The special conditions are that—
- [<sup>F5</sup>(a) there is sufficient evidence, in the form of written statements or other documents, to establish on the balance of probabilities that conduct to which the investigation relates constitutes gross misconduct;]
- (c) it is in the public interest for the person whose conduct [<sup>F6</sup>it is] to cease to be a member of a police force, or to be a special constable, without delay.
- (8) <sup>F7</sup> .....
- (9) In paragraphs 20B to 20H “special report” means a report submitted under this paragraph.]

#### **Textual Amendments**

- F2** Words in Sch. 3 para. 20A(1) substituted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 153, [Sch. 23 para. 6\(2\)](#) (with s. 14(1)); S.I. 2008/2993, [art. 2\(1\)\(i\)\(i\)](#) (subject to art. 3)
- F3** Words in Sch. 3 para. 20A(4) inserted (8.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), s. 185(1), [Sch. 11 para. 95\(3\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 5(d)(ii)
- F4** Words in Sch. 3 para. 20A(6) substituted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 153, [Sch. 23 para. 6\(3\)](#) (with s. 14(1)); S.I. 2008/2993, [art. 2\(1\)\(i\)\(i\)](#) (subject to art. 3)
- F5** Sch. 3 para. 20A(7)(a) substituted (1.12.2008) for Sch. 3 para. 20A(7)(a)(b) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 153, [Sch. 23 para. 6\(4\)\(a\)](#) (with s. 14(1)); S.I. 2008/2993, [art. 2\(1\)\(i\)\(i\)](#) (subject to art. 3)
- F6** Words in Sch. 3 para. 20A(7)(c) substituted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 153, [Sch. 23 para. 6\(4\)\(b\)](#) (with s. 14(1)); S.I. 2008/2993, [art. 2\(1\)\(i\)\(i\)](#) (subject to art. 3)
- F7** Sch. 3 para. 20A(8) repealed (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 149, 153, [Sch. 23 para. 6\(5\)](#), [Sch. 28 Pt. 8](#) (with s. 14(1)); S.I. 2008/2993, [art. 2\(1\)\(k\)\(ii\)](#) (subject to art. 3)

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