

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Paragraph 21A. (See end of Document for details)

SCHEDULES

SCHEDULE 3 U.K.

HANDLING OF COMPLAINTS AND CONDUCT MATTERS ETC.

Modifications etc. (not altering text)

- C1** 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))
- C1** Sch. 3 applied (with modifications) by 1984 c. 55, **ss. 56A-56C** (as inserted (6.4.2023 for specified purposes) by Building Safety Act 2022 (c. 30), **ss. 53(1)**, 170(4)(c); S.I. 2023/362, **reg. 3(1)(v)**)

PART 3 U.K.

INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS

^{F1}Procedure where conduct matter is revealed during investigation of DSI matter

Textual Amendments

- F1** 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 ^{F2}... 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 [^{F3}Director General].
- (2) If, after considering a submission under sub-paragraph (1), the [^{F3}Director General] determines that there is such an indication, [^{F4}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 [^{F5}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 ^{F6}(2A) appointed under paragraph 18 the [^{F3}Director General] determines (without there having been a submission under sub-paragraph (1)) that there is an indication that

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Paragraph 21A. (See end of Document for details)

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,

[^{F4}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 [^{F5}the Director General's] determination.]

[If during the course of an investigation of a DSI matter being carried out by a ^{F7}(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).]

(3) If during the course of an investigation of a DSI matter it appears to a person appointed under paragraph 16 ^{F8}... 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 [^{F3}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 [^{F3}Director General] under sub-paragraph (2) [^{F9}or (2A)],

[is notified of a determination by the Director General under sub-^{F10}(aa) paragraph (2C),]

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Paragraph 21A. (See end of Document for details)

- (b) (in a case where it is also the appropriate authority in relation to the DSI matter) makes a determination under sub-paragraph (4), or
- (c) (in a case where it is not the appropriate authority in relation to the DSI matter) is notified by that other authority of a determination by it under sub-paragraph (4),

^{F11} 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 ^{F12}(6) of sub-paragraph (5)—

- (a) the person investigating the DSI matter shall (subject to any determination made by the [^{F3}Director General] under paragraph [^{F13}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

- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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)
- F6** **Sch. 3 para. 21A(2A)** 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. 25(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F7** **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)
- F8** Words in **Sch. 3 para. 21A(3)** 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(h)(iv)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F9** Words in **Sch. 3 para. 21A(5)(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. 25(3)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F10** **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)
- F11** 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)
- F12** **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)

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Paragraph 21A. (See end of Document for details)

F13 Word in Sch. 3 para. 21A(6)(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(1)(5)(e), Sch. 5 para. 47(h)(v); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

C1 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

Changes to legislation:

There are currently no known outstanding effects for the Police Reform Act 2002, Paragraph 21A.