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Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Paragraph 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

HANDLING OF COMPLAINTS AND CONDUCT MATTERS ETC.

PART 1

HANDLING OF COMPLAINTS

Failures to notify or record a complaint

- 3 (1) This paragraph applies where anything which is or purports to be a complaint in relation to which paragraph (2) has effect is received by a [^{F1}local policing body] or chief officer (whether in consequence of having been made directly or of a notification under that paragraph).
- (2) If the [^{F2}local policing body] or chief officer decides not to take action under paragraph (2) for notifying or recording the whole or any part of what has been received, [^{F3}the body] or chief officer shall notify the complainant of the following matters—
- (a) the decision to take no action and, if that decision relates to only part of what was received, the part in question;
 - (b) the grounds on which the decision was made; and
 - (c) that complainant's right to appeal against that decision under this paragraph.
- (3) The complainant shall have a right of appeal to the Commission against any failure by the [^{F4}local policing body] or chief officer to make a determination under paragraph 2 or to notify or record anything under that paragraph.
- [^{F5}(3A) But the complainant has no right of appeal under sub-paragraph (3) in either of the following cases.
- (3B) The first case is where, by virtue of paragraph 2(7), there is no requirement to record the complaint.
- (3C) The second case is where—
- (a) the complaint relates to a direction and control matter, and
 - (b) the appeal relates to a failure by a local policing body.]
- (4) On an appeal under this paragraph, the Commission shall—
- (a) determine whether any action under paragraph 2 should have been taken in the case in question; and
 - (b) if the Commission finds in the complainant's favour, give such directions as the Commission considers appropriate to the [^{F4}local policing body] or chief officer as to the action to be taken for making a determination, or for notifying or recording what was received;

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and it shall be the duty of a [^{F4}local policing body] or chief officer to comply with any directions given under paragraph (b).

- (5) Directions under sub-paragraph (4)(b) may require action taken in pursuance of the directions to be treated as taken in accordance with any such provision of paragraph 2 as may be specified in the direction.
- (6) The Commission—
- (a) shall give notification both to the [^{F6}local policing body] or, as the case may be, the chief officer and to the complainant of any determination made by it under this paragraph; and
 - (b) shall give notification to the complainant of any direction given by it under this paragraph to the [^{F6}local policing body] or chief officer.
- (7) The Secretary of State may by regulations make provision—
- (a) for the form and manner in which appeals under this paragraph are to be brought;
 - (b) for the period within which any such appeal must be brought; and
 - (c) for the procedure to be followed by the Commission when dealing with or disposing of any such appeal.

Textual Amendments

- F1** Words in Sch. 3 para. 3(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(4\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F2** Words in Sch. 3 para. 3(2) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(4\)\(b\)\(i\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F3** Words in Sch. 3 para. 3(2) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(4\)\(b\)\(ii\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F4** Words in Sch. 3 para. 3(3)(4) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(4\)\(c\)](#); S.I. 2011/3019, art. 3, Sch. 1; S.I. 2011/3019, art. 3, Sch. 1
- F5** Sch. 3 para. 3(3A)-(3C) inserted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 14 para. 16](#); S.I. 2012/2892, art. 2(g) (with art. 6)
- F6** Words in Sch. 3 para. 3(6) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(4\)\(c\)](#); S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

- C1** Sch. 3 para. 3 applied (with modifications) (1.4.2006) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\), reg. 3\(5\)\(6\)](#), Sch. 3
- C2** Sch. 3 para. 3(3) restricted (1.4.2004) by [The Independent Police Complaints Commission \(Transitional Provisions\) Order 2004 \(S.I. 2004/671\), art. 4\(2\)](#)

Commencement Information

- I1** Sch. 3 para. 3 wholly in force at 1.4.2004; Sch. 3 para. 3 not in force at Royal Assent see s. 108(2); Sch. 3 para. 3 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306, art. 4\(e\)](#); Sch. 3 para. 3 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913, art. 2\(d\)](#)

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