

SCHEDULES

SCHEDULE 23

INVESTIGATION OF COMPLAINTS OF POLICE MISCONDUCT ETC.

- 14 (1) Paragraph 24 (action by the appropriate authority in response to investigation report) is amended as follows.
- (2) In sub-paragraph (2) (action to be taken on receipt of report)—
- (a) for paragraph (a) substitute—
- “(a) shall determine whether the conditions set out in sub-paragraphs (2A) and (2B) are satisfied in respect of the report;”;
- (b) in paragraph (b), for “the report does so indicate” substitute “those conditions are so satisfied”;
- (c) after paragraph (b) insert “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).”
- (3) After sub-paragraph (2) insert—
- “(2A) The first condition is that the report indicates that a criminal offence may have been committed by a person to whose conduct the investigation related.
- (2B) The second condition is that—
- (a) the circumstances are such that, in the opinion of the appropriate authority, it is appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions, or
- (b) any matters dealt with in the report fall within any prescribed category of matters.”
- (4) In sub-paragraph (5) (persons to be notified) for “Those” substitute “The”.
- (5) After sub-paragraph (5) insert—
- “(5A) In the case of a report falling within sub-paragraph (1)(b) which relates to a recordable conduct matter, the appropriate authority shall also notify the Commission of its determination under sub-paragraph (2)(a).
- (5B) On receipt of such a notification that the appropriate authority has determined that the conditions in sub-paragraphs (2A) and (2B) are not satisfied in respect of the report, the Commission—
- (a) shall make its own determination as to whether those conditions are so satisfied, and
- (b) if it determines that they are so satisfied, shall direct the appropriate authority to notify the Director of Public Prosecutions

Status: This is the original version (as it was originally enacted).

of the Commission's determination and to send the Director a copy of the report.

(5C) It shall be the duty of the appropriate authority to comply with any direction given to it under sub-paragraph (5B)."

(6) For sub-paragraph (6) substitute—

“(6) On receipt of the report or (as the case may be) copy, 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

(ii) what action (if any) the authority is required to, or will in its discretion, take in respect of the matters dealt with in the report, and

(b) determine what other action (if any) the authority will in its discretion take in respect of those matters.”

(7) In sub-paragraph (7) (appropriate authority to give notice on making a determination under sub-paragraph (6)) for “a determination” substitute “the determinations”.

(8) In sub-paragraph (8) (contents of notification authority is required to give of its determination) for paragraphs (b) and (c) substitute—

“(b) the determinations the authority has made under sub-paragraph (6);”.