

Status: Point in time view as at 01/02/2020.

Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Cross Heading: Rights of appeal. (See end of Document for details)

SCHEDULES

SCHEDULE 14

POLICE: COMPLAINTS

Rights of appeal

- 15 Schedule 3 (handling of complaints and conduct matters) is amended in accordance with the following paragraphs of this Schedule.

Commencement Information

- II** Sch. 14 para. 15 in force at 22.11.2012 by S.I. 2012/2892, **art. 2(g)** (with art. 6)

- ^{F1} 16

Textual Amendments

- F1** Sch. 14 para. 16 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. 51(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

- ^{F2} 17

Textual Amendments

- F2** Sch. 14 para. 17 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. 51(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

- ^{F3} 18

Textual Amendments

- F3** Sch. 14 para. 18 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. 51(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

- ^{F4} 19

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Textual Amendments

F4 Sch. 14 para. 19 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. 51(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

20 (1) In the italic heading that precedes paragraph 25 (appeals to the Commission with respect to an investigation), omit “*to the Commission*”.

(2) Paragraph 25 is amended in accordance with the following provisions of this paragraph.

^{F5}(3)

^{F5}(4)

^{F5}(5)

^{F5}(6)

^{F5}(7)

^{F5}(8)

^{F5}(9)

^{F5}(10)

^{F5}(11)

(12) In sub-paragraph (10)—

(a) in the words before paragraph (a), for “Commission” substitute “relevant appeal body”;

(b) in sub-paragraph (a), after “authority” insert “(unless it is the relevant appeal body)”;

(c) in sub-paragraph (d), for “Commission” substitute “relevant appeal body”.

^{F6}(13)

(14) In sub-paragraph (13), for “Commission” substitute “relevant appeal body”.

Textual Amendments

F5 Sch. 14 para. 20(3)-(11) 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. 51(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

F6 Sch. 14 para. 20(13) 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. 51(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Commencement Information

I2 Sch. 14 para. 20 in force at 22.11.2012 by S.I. 2012/2892, **art. 2(g)** (with art. 6)

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21 In paragraph 29 (minor definitions), before the definition of “gross misconduct” insert—

““direction and control matter” means a matter that relates to the direction and control of a police force by—

- (a) the chief officer of police of that force, or
- (b) a person for the time being carrying out the functions of the chief officer of police of that force;”.

Commencement Information

I3 Sch. 14 para. 21 in force at 22.11.2012 by S.I. 2012/2892, art. 2(g) (with art. 6)

22 After paragraph 29 insert—

“Appeals: the relevant appeal body

30 (1) The relevant appeal body in relation to an appeal is—

- (a) the Commission, in a case where 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
- (b) the chief officer of police who is the appropriate authority in relation to the relevant complaint, in any other case.

(2) In this paragraph and paragraphs 31 and 32—

“appeal” means an appeal under paragraph 7(8), 8A, 21(7) or 25(2);

“relevant complaint”, in relation to an appeal, means the complaint to which the appeal relates.

31 (1) This paragraph applies in a case where—

- (a) an appeal is made to the Commission, and
- (b) the appropriate authority is the relevant appeal body in relation to the appeal.

(2) The Commission must—

- (a) forward the appeal to the appropriate authority; and
- (b) notify the person who made the appeal—
 - (i) that the appropriate authority is the relevant appeal body; and
 - (ii) the appeal has been forwarded.

(3) The appeal is to be taken to have been—

- (a) made to the appropriate authority, and
- (b) so made at the time when it is forwarded to the appropriate authority.

32 (1) This paragraph applies in a case where—

- (a) an appeal is made to the appropriate authority; and
- (b) the Commission is the relevant appeal body in relation to the appeal.

(2) The appropriate authority must—

- (a) forward the appeal to the Commission; and

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- (b) notify the person who made the appeal—
 - (i) that the Commission is the relevant appeal body; and
 - (ii) the appeal has been forwarded.
- (3) The appeal is to be taken to have been—
 - (a) made to the Commission; and
 - (b) so made at the time when it is forwarded to the Commission.”.

Commencement Information

I4 Sch. 14 para. 22 in force at 22.11.2012 by S.I. 2012/2892, art. 2(g) (with art. 6)

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