

Status: Point in time view as at 31/01/2017.

Changes to legislation: There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, SCHEDULE 7. (See end of Document for details)

SCHEDULES

SCHEDULE 7

Section 31

REGULATIONS ABOUT COMPLAINTS AND CONDUCT MATTERS

Modifications etc. (not altering text)

- C1** Sch. 7 applied (with modifications) by 2004 c. 21, Sch. A2 para. 13 (as inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 1 para. 13](#))

Introduction

- 1 (1) In this Schedule—
- “conduct matter” has the same meaning as in section 31;
 - “police force” means a police force maintained for a police area in England or Wales or any other police force which exercises functions in England or Wales;
 - “qualifying complaint” has the same meaning as in section 31;
 - “regulations” means regulations under section 31.
- (2) The provisions of this Schedule that confer power to make particular kinds of regulations do not affect the generality of the power conferred by section 31.

Commencement Information

- II** Sch. 7 para. 1 in force at 31.10.2011 by [S.I. 2011/2515](#), [art. 2\(d\)](#)

Investigation of serious complaints

- 2 (1) This paragraph applies to—
- (a) serious complaints, and
 - (b) conduct matters,
- which relate to any relevant office holder.
- (2) Regulations must provide for serious complaints and conduct matters to be investigated—
- (a) by the ^[F1]Independent Police Complaints Commission^[F1] Director General of the Independent Office for Police Conduct], or
 - (b) by a police force, in an investigation that is under the management of the ^[F1]Independent Police Complaints Commission^[F1] Director General of the Independent Office for Police Conduct].
- (3) This paragraph does not prevent regulations from making provision about the receipt or initial handling of serious complaints or conduct matters otherwise than

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by the ^{F1}Independent Police Complaints Commission^{F1}Director General of the Independent Office for Police Conduct] or a police force.

- (4) This paragraph does not prevent regulations from making provision about—
- (a) circumstances in which serious complaints or conduct matters are not to be investigated; and
 - (b) circumstances in which investigations of serious complaints or conduct matters are to be discontinued;
- including provision about the determination of such matters (whether by the ^{F1}Independent Police Complaints Commission^{F1}Director General of the Independent Office for Police Conduct], a police force or otherwise).
- (5) Regulations may make provision about what is to be taken to be a criminal offence for the purposes of sub-paragraph (6).
- (6) In this paragraph “serious complaint” means a qualifying complaint made about conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence.

Textual Amendments

F1 Words in Sch. 7 substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 73\(3\)](#)

Commencement Information

I2 Sch. 7 para. 2 in force at 31.10.2011 by [S.I. 2011/2515](#), [art. 2\(d\)](#)

Resolution of other complaints

- 3 (1) This paragraph applies in relation to qualifying complaints which—
- (a) relate to a holder of the office of—
 - (i) police and crime commissioner,
 - (ii) deputy police and crime commissioner, or
 - (iii) Deputy Mayor for Policing and Crime (unless the holder of that office is a member of the London Assembly), and
 - (b) are not, or cease to be, investigated by the ^{F1}Independent Police Complaints Commission^{F1}Director General of the Independent Office for Police Conduct] or a police force.
- (2) Regulations—
- (a) may not provide for the investigation of such complaints; but
 - (b) must provide for police and crime panels to engage in informal resolution of such complaints.
- (3) This paragraph does not prevent regulations from making provision about the receipt or initial handling of qualifying complaints otherwise than by police and crime panels.
- (4) This paragraph does not prevent regulations from making provision about—
- (a) circumstances in which police and crime panels are not required to engage in informal resolution of such complaints; and

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(b) circumstances in which informal resolution of such complaints is to be discontinued;

including provision about the determination of such matters (whether by police and crime panels or otherwise).

(5) In this Schedule—

(a) references to engaging in informal resolution of a complaint are references to encouraging, facilitating, or otherwise assisting in, the resolution of the complaint otherwise than by legal proceedings; and

(b) references to informal resolution of a complaint are to be construed accordingly.

Textual Amendments

F1 Words in Sch. 7 substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 73\(3\)](#)

Commencement Information

I3 Sch. 7 para. 3 in force at 31.10.2011 by [S.I. 2011/2515](#), [art. 2\(d\)](#)

4 (1) This paragraph applies in relation to qualifying complaints which—

(a) relate to a holder of the office of—

(i) the Mayor's Office for Policing and Crime, or

(ii) Deputy Mayor for Policing and Crime, if the holder of that office is a member of the London Assembly, and

(b) are not, or cease to be, investigated by the [^{F1}Independent Police Complaints Commission][^{F1}Director General of the Independent Office for Police Conduct] or a police force.

(2) Regulations must secure that such complaints are dealt with in accordance with Part 3 of the Local Government Act 2000.

Textual Amendments

F1 Words in Sch. 7 substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 73\(3\)](#)

Commencement Information

I4 Sch. 7 para. 4 in force at 31.10.2011 by [S.I. 2011/2515](#), [art. 2\(d\)](#)

Conferral of functions

5 (1) Regulations may confer functions on—

(a) the [^{F1}Independent Police Complaints Commission][^{F1}Director General of the Independent Office for Police Conduct],

(b) a police force,

(c) police and crime panels,

(d) the Secretary of State, or

(e) any other person.

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(2) That includes functions involving the exercise of a discretion.

Textual Amendments

F1 Words in Sch. 7 substituted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 73\(3\)](#)

Commencement Information

I5 Sch. 7 para. 5 in force at 31.10.2011 by [S.I. 2011/2515](#), [art. 2\(d\)](#)

No power to terminate holding of office or employment

6 (1) Regulations may not provide for a relevant office holder—

- (a) to cease to hold office, or
- (b) to be required to cease to hold office.

(2) But that does not apply to regulations under, or for the purposes of, paragraph 4.

Commencement Information

I6 Sch. 7 para. 6 in force at 31.10.2011 by [S.I. 2011/2515](#), [art. 2\(d\)](#)

Application and amendment of other enactments

7 (1) Regulations may apply (with or without modifications), or amend or otherwise modify, Part 2 of the Police Reform Act 2002.

(2) Regulations may apply (with or without modifications) such other enactments, or make such amendments or other modifications of other enactments, as appear to the Secretary of State to be necessary or expedient—

- (a) in connection with, or in consequence of, regulations, or
- (b) for the purposes of paragraph 4.

Commencement Information

I7 Sch. 7 para. 7 in force at 31.10.2011 by [S.I. 2011/2515](#), [art. 2\(d\)](#)

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