Changes to legislation: *Policing and Crime Act 2017, Paragraph 23 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 5

COMPLAINTS, CONDUCT MATTERS AND DSI MATTERS: PROCEDURE

PART 3

INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS

23 For paragraphs 20A to 20I (accelerated procedure in special cases) substitute—

"20A(1) This paragraph applies where—

(a) at any time before the completion of an investigation of a complaint or recordable conduct matter, the person investigating believes that the appropriate authority would, on consideration of the matter, be likely to consider that the conditions in sub-paragraph (2) are satisfied, or

(b) at any time before the completion of an investigation of a complaint or recordable conduct matter being carried out by a person appointed under paragraph 18, the Commission determines that the appropriate authority would, on consideration of the matter, be likely to consider that the conditions in sub-paragraph (2) are satisfied.

(2) The conditions in this sub-paragraph are that—

(a) there is sufficient evidence, in the form of written statements or other documents, to establish on the balance of probabilities that conduct to which the investigation relates constitutes gross misconduct, and

(b) it is in the public interest for the person whose conduct it is to cease to be a member of a police force, or to be a special constable, without delay.

(3) Where this paragraph applies the person investigating, the appropriate authority and the Commission must proceed in accordance with regulations made by the Secretary of State.

(4) Regulations under sub-paragraph (3) may (amongst other things) make provision—

(a) for the person investigating to continue the investigation (whether to its full extent or to such lesser extent as is provided) or to stop investigating;

(b) for the person investigating to submit a report on the investigation to a point before its completion (not being a report under paragraph 22);

(c) for the conduct to which the investigation relates to be certified for the purposes of paragraph 20(1)(a)."

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Commencement Information

I1 Sch. 5 para. 23 in force for certain purposes at Royal Assent, see s. 183

I2 Sch. 5 para. 23 in force at 1.2.2020 in so far as not already in force by S.I. 2020/5, **reg. 2(n)** (with art. 3(1)(2)(4))

Changes to legislation:
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Changes and effects yet to be applied to :

– specified provision(s) amendment to earlier commencing S.I. 2017/1139, reg. 2 by S.I. 2017/1162 reg. 2