

1985 No. 673

POLICE

**The Police (Complaints) (Mandatory Referrals Etc.)
Regulations 1985***Laid before Parliament in draft**Made* - - - - - 26th April 1985*Coming into Operation* 29th April 1985

Whereas a draft of these Regulations has been approved by resolution of each House of Parliament:

Now, therefore, in exercise of the powers conferred on me by sections 87(1)(a)(ii) and 89(5) of the Police and Criminal Evidence Act 1984(a), and after furnishing the Police Advisory Board for England and Wales with a draft of the Regulations and taking into consideration the representations of the said Board thereon in accordance with section 100(2) of the said Act of 1984, I hereby make the following Regulations:—

Citation and operation

1. These Regulations may be cited as the Police (Complaints) (Mandatory Referrals Etc.) Regulations 1985 and shall come into force on 29th April 1985.

Interpretation

2. In these Regulations—

“the Act of 1984” means the Police and Criminal Evidence Act 1984;

“the appropriate authority” has the meaning assigned to it by section 84(4) of the Act of 1984;

“the Authority” means the Police Complaints Authority established under section 83(1) of the Act of 1984;

“chief officer” shall be construed as including a reference to an officer discharging the functions of a chief officer, and references to the appropriate authority shall be construed accordingly; and

“complaint” means a complaint about the conduct of a police officer.

(a) 1984 c.60.

*Application of Regulations***3.** These Regulations shall apply—

- (a) to any complaint made on or after 29th April 1985, under Part IX of the Act of 1984; and
- (b) to any other matter the investigation of which the Authority determines to supervise,

being a complaint or matter where the conduct complained of or to which it relates occurred, or is alleged to have occurred, on or after 29th April 1984.

Mandatory referrals

4.—(1) Without prejudice to section 87(1)(a)(i) of the Act of 1984 (requiring reference to the Authority of any complaint alleging that the conduct complained of resulted in the death of or serious injury to some other person), the appropriate authority shall refer to the Authority any complaint to which these Regulations apply, being a complaint alleging conduct which, if shown to have occurred, would constitute—

- (a) assault occasioning actual bodily harm; or
- (b) an offence under section 1 of the Prevention of Corruption Act 1906(a); or
- (c) a serious arrestable offence, within the meaning of section 116 of the Act of 1984.

(2) Where a complaint is required to be referred to the Authority under paragraph (1) above, notification of the complaint shall be given to the Authority not later than the end of the day following the day on which it first becomes clear to the appropriate authority that the complaint is one to which that paragraph applies.

Power of Authority to impose requirements in relation to investigations

5.—(1) Where the Authority determine, under section 89 of the Act of 1984, to supervise the investigation of a matter which is not the subject of a complaint, they shall have the like power to impose requirements in relation to the appointment of an officer to investigate the matter as they have, by virtue of subsection (4) of that section, in relation to the investigation of a complaint.

(2) Without prejudice to their powers in relation to the appointment of an investigating officer, but subject to paragraphs (3) and (4) below, the Authority may, where they undertake the supervision of an investigation of a complaint or other matter to which these Regulations apply, issue directions imposing such additional reasonable requirements as to the conduct of the investigation as appear to them to be necessary as are specified in the directions.

(3) Where at any stage of an investigation of a complaint or other matter to which these Regulations apply the possibility of criminal proceedings arises, the Authority shall not, under paragraph (2) above, impose any requirement relating to the obtaining or preservation of evidence of a criminal offence without first obtaining the consent of the Director of Public Prosecutions to the imposition thereof.

(a) 1906 c.34.

(4) The Authority shall not, under paragraph (2) above, impose any requirement relating to the resources to be made available by a chief officer for the purposes of an investigation without first consulting him and having regard to any representations he may make.

Leon Brittan,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
26th April 1985.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations relate to the supervision by the Police Complaints Authority ("the Authority") of the investigation of complaints against the police and of other matters where it appears that a police officer may have committed a criminal or disciplinary offence.

By Regulation 3 the Regulations apply to conduct occurring or alleged to have occurred on or after 29th April 1984.

Regulation 4 adds to the categories of complaints required to be referred by chief officers of police (or in the case of senior officers, police authorities) to the Authority, by section 87(1)(a)(i) of the Police and Criminal Evidence Act 1984, complaints alleging conduct amounting to assault causing actual bodily harm, an offence under section 1 of the Prevention of Corruption Act 1906 or a serious arrestable offence within the meaning of section 116 of the Act of 1984, and provides for their prompt notification to the Authority.

Regulation 5 enables the Authority to impose requirements in relation to the conduct of investigations; paragraph (3) requires the consent of the Director of Public Prosecutions where criminal proceedings are involved. The chief officer must be consulted before any requirement is imposed with regard to the resources to be made available for the purposes of an investigation.

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