

2003 No. 2602

POLICE, ENGLAND AND WALES

**The Police (Complaints) (General) (Amendment)
Regulations 2003**

<i>Made - - - - -</i>	<i>14th October 2003</i>
<i>Laid before Parliament</i>	<i>16th October 2003</i>
<i>Coming into force - -</i>	<i>15th November 2003</i>

The Secretary of State, in exercise of the powers conferred on him by section 81 of the Police Act 1996(a) and section 83 of the Police Act 1997(b), and after supplying a draft of these Regulations to the Police Advisory Board for England and Wales and taking into consideration their representations in accordance with section 63(3) of the Police Act 1996(c), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Police (Complaints) (General) (Amendment) Regulations 2003 and shall come into force on 15th November 2003.

(2) In these Regulations “the 1985 Regulations” means the Police (Complaints) (General) Regulations 1985(d).

Amendments to the 1985 Regulations

2.—(1) Regulation 2 of the 1985 Regulations shall be amended as follows.

(2) In paragraph (1) for the definitions “the appropriate authority”, “the Authority” and “complaint” there shall be substituted—

““the appropriate authority” has the meaning assigned to it by section 65 of the 1996 Act(e);

“the Authority” means the Police Complaints Authority;

“complaint” means a complaint to which Chapter 1 of Part 4 of the 1996 Act(f) applies and “copy of a complaint”, in the case of a complaint made orally, shall include a copy of the record of the complaint;”.

(3) In paragraph (1) the following definitions shall be inserted in the appropriate place—

““the 1996 Act” means the Police Act 1996;

“the 1997 Act” means the Police Act 1997;”.

(a) 1996 c. 16.

(b) 1997 c. 50; section 83 was amended by section 25(5) of the Police Reform Act 2002 (c. 30).

(c) Section 63(3) was amended by section 134(1) of, and paragraphs 72 and 83(1) and (3) of Schedule 9 to, the Police Act 1997 and by sections 90(5), 91(5) and 107(1) of, and paragraph 17 of Schedule 7 to, the Police Reform Act 2002.

(d) S.I. 1985/520; as amended by S.I. 1988/1762.

(e) The definition was amended by sections 325 and 423 of, and paragraph 97(1) and (2) of Schedule 34 to, the Greater London Authority Act 1999.

(f) Chapter 1 of Part 4 is prospectively repealed by section 107(2) of, and Schedule 8 to, the Police Reform Act 2002 from a day to be appointed under section 108(2) thereof.

(4) The following paragraph shall be inserted—

“(1A) In these Regulations—

- (a) a reference to a police force shall include a reference to the National Crime Squad;
- (b) a reference to a chief officer shall include a reference to the Director General of the National Crime Squad; and
- (c) a reference to a police authority shall include a reference to the Service Authority for the National Crime Squad.”.

3.—(1) Regulation 4 of the 1985 Regulations shall be amended as follows.

(2) In paragraph (1) for the words “89 of the Act of 1984” there shall be substituted “72 of the 1996 Act”.

4.—(1) Regulation 5 of the 1985 Regulations shall be amended as follows.

(2) In paragraph (1) for the words “87 or 88 of the Act of 1984” there shall be substituted “70 or 71 of the 1996 Act”.

5.—(1) Regulation 7 of the 1985 Regulations shall be amended as follows.

(2) For the words “89(7) of the Act of 1984” there shall be substituted “73(2) of the 1996 Act”.

(3) For the words “paragraphs (a) and (b) of subsection (10) of that section” there shall be substituted “paragraphs (a) to (c) of subsection (9) of that section”.

6.—(1) Regulation 8 of the 1985 Regulations shall be amended as follows.

(2) In paragraph (1) for the words “90 of the Act of 1984” there shall be substituted “75(4) or (5) of the 1996 Act”.

(3) In paragraph (1) for the words “93 of that Act” there shall be substituted “76 of the 1996 Act”.

(4) In paragraph (3) for the words “with the leave of the Authority given in pursuance of section 93(6) of the Act of 1984” there shall be substituted “following the withdrawal of a direction by the Authority under section 76(6) of the 1996 Act”.

(5) Paragraph (5) shall be omitted.

7.—(1) Regulation 10 of the 1985 Regulations shall be amended as follows.

(2) In paragraph (1) for the words “87(1)(a)(i) of the Act of 1984” there shall be substituted “70(1)(a)(i) of the 1996 Act”.

(3) In paragraph (2) for the words “87(2) of the Act of 1984” there shall be substituted “70(2) of the 1996 Act”.

8.—(1) Regulation 11 of the 1985 Regulations shall be amended as follows.

(2) In paragraph (1) for the words “Part IX of the Act of 1984” there shall be substituted “Chapter 1 of Part 4 of the 1996 Act”.

(3) In paragraph (2)(b) for the words “87(1) or (2) of the Act of 1984” there shall be substituted “70(1) or (2) of the 1996 Act”.

(4) In paragraph (2)(c) for the words “90(9) of that Act” there shall be substituted “75(6) of the 1996 Act”.

9.—(1) Regulation 13 of the 1985 Regulations shall be amended as follows.

(2) In paragraph (1) for the words “sections 84 to 94 of the Act of 1984 (other than his functions or duties under section 94(3) thereof)” there shall be substituted “sections 67 to 79 of the 1996 Act and section 83 of the 1997 Act”.

(3) In paragraph (1) for the words “99 thereof” there shall be substituted “81 of the 1996 Act or section 83 of the 1997 Act”.

(4) In paragraph (3) for the words “Part IX of the Act of 1984” there shall be substituted “Chapter 1 of Part 4 of the 1996 Act or section 83 of the 1997 Act”.

National Crime Squad (Complaints) Regulations 1998

10. Part 1 (regulations 3 to 12) of the National Crime Squad (Complaints) Regulations 1998^(a) shall be revoked.

Home Office
14th October 2003

Caroline Flint
Parliamentary Under-Secretary of State

(a) S.I. 1998/638; as amended by S.I. 1999/1266.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police (General) (Complaints) Regulations 1985 in consequence of the National Crime Squad being able to directly recruit officers below the rank of assistant chief constable. The provisions applicable to police officers in forces maintained under section 2 of the Police Act 1996 and the metropolitan police force and the City of London police are applied to members of the National Crime Squad.

Other changes are made to update statutory references.

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