
STATUTORY INSTRUMENTS

2004 No. 643

The Police (Complaints and Misconduct) Regulations 2004

Appeals to the Commission: failures to notify or record a complaint

8.—(1) An appeal under paragraph 3 of Schedule 3 to the 2002 Act against any failure referred to in paragraph 3(3) (failure by a police authority or chief officer to determine who is the appropriate authority or to notify or record anything under paragraph 2) shall be made within 28 days of the date on which notification of that failure is made or sent to the complainant under paragraph 3(2) of that Schedule.

(2) Any such appeal shall be made in writing and shall state—

- (a) details of the complaint;
- (b) the date on which the complaint was made;
- (c) the name of the police force or police authority which gave notification of the failure;
- (d) the grounds for the appeal; and
- (e) the date on which the complainant was notified of the determination or of the failure to record the complaint.

(3) Where the Commission receives such an appeal it shall—

- (a) notify the police authority or chief officer concerned of the appeal, and
- (b) request any information from any person which it considers necessary to dispose of the appeal.

(4) Where the Commission receives an appeal which fails to comply with one or more of the requirements mentioned in paragraph (2), it may decide to proceed as if those requirements had been complied with.

(5) A police authority or chief officer shall supply to the Commission any information requested under paragraph (3)(b).

(6) The Commission shall determine the outcome of the appeal as soon as practicable.

(7) The Commission shall notify the complainant and the police authority or chief officer concerned of the reasons for its determination.

(8) The Commission may extend the time period mentioned in paragraph (1) in any case where it is satisfied that by reason of the special circumstances of the case it is just to do so.