
STATUTORY INSTRUMENTS

2012 No. 62

**The Elected Local Policing Bodies (Complaints
and Misconduct) Regulations 2012**

PART 1

General

General functions of the Commission

3.—(1) Subject to paragraph (6), the functions of the Commission in relation to relevant office holders and police and crime panels shall be—

- (a) to secure the maintenance by the Commission itself, and by relevant office holders and police and crime panels, of suitable arrangements with respect to the matters mentioned in paragraph (2);
- (b) to keep under review all arrangements maintained with respect to those matters;
- (c) to secure that arrangements maintained with respect to those matters comply with the requirements of these Regulations, are efficient and effective and contain and manifest an appropriate degree of independence;
- (d) to secure that public confidence is established and maintained in the existence of suitable arrangements with respect to those matters and with the operation of the arrangements that are in fact maintained with respect to those matters;
- (e) to make such recommendations, and to give such advice, for the modification of the arrangements maintained with respect to those matters, as appear, from the carrying out by the Commission of its other functions, to be necessary or desirable.

(2) Those matters are—

- (a) the handling of complaints;
- (b) the recording of conduct matters;
- (c) the manner in which any serious complaints and conduct matters are investigated or otherwise handled and dealt with,

in accordance with these Regulations.

(3) Subject to paragraph (6), it shall be the duty of the Commission—

- (a) to exercise the powers and perform the duties conferred on it by the following provisions of these Regulations in the manner that it considers best calculated for the purposes of securing the proper carrying out of its functions under paragraph (1); and
- (b) to secure that arrangements exist which are conducive to, and facilitate, the reporting of misconduct by relevant office holders.

(4) Subject to the other provisions of these Regulations, the Commission may do anything which appears to it to be calculated to facilitate, or is incidental or conducive to, the carrying out of its functions.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) Section 10(7) of the 2002 Act shall apply in relation to recommendations or advice given under paragraph (1)(e), modified so that it has effect as follows—

“(7) The Commission may, in connection with the making of any recommendation or the giving of any advice to any person for the purposes of carrying out its function under regulation 3(1)(e) of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011, impose any such charge on that person for anything done by the Commission for the purposes of, or in connection with, the carrying out of that function as it thinks fit.”.

(6) With the exception of regulation 13(1)(b) and (2)(b), nothing in these Regulations shall confer any function on the Commission in relation to any complaint or conduct matter which is—

- (a) referred to the Commission under regulation 13 (reference of complaints and conduct matters to the Commission) and for the time being referred back to a police and crime panel under regulation 14(2) (duties of Commission on a reference);
- (b) handled by a police and crime panel as permitted by regulation 15(2) (disapplication of requirements of Regulations); or
- (c) subjected to resolution under Part 4 (resolution of other complaints).

(7) Regulations made under section 27 of the 2002 Act (conduct of the Commission’s staff) shall apply in relation to allegations or indications of misconduct by members of the Commission’s staff arising in connection with the exercise of functions conferred on the Commission by these Regulations.

Commencement Information

II Reg. 3 in force at 16.1.2012, see [reg. 1](#)

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Changes and effects yet to be applied to :

- Regulations applied (with modifications) by [S.I. 2017/863 art. 28Sch. 1](#)
- Regulations applied (with modifications) by [S.I. 2021/112 art. 35\(1\)\(2\)Sch. 5 para. 52](#)
- Regulations words substituted by [S.I. 2017/1250 reg. 21\(2\)\(a\)](#)
- Regulations words substituted by [S.I. 2017/1250 reg. 21\(2\)\(b\)](#)
- Regulations words substituted by [S.I. 2017/1250 reg. 21\(2\)\(c\)](#)
- Regulations words substituted by [S.I. 2017/1250 reg. 21\(2\)\(d\)](#)
- reg. 3(5) word inserted by [S.I. 2017/1250 reg. 21\(5\)\(b\)](#)
- reg. 3(7) word substituted by [S.I. 2017/1250 reg. 21\(5\)\(c\)\(i\)](#)
- reg. 3(7) words substituted by [S.I. 2017/1250 reg. 21\(5\)\(c\)\(ii\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 3(4A) inserted by [S.I. 2017/1250 reg. 21\(5\)\(a\)](#)
- reg. 3A3B inserted by [S.I. 2017/1250 reg. 21\(6\)](#)
- reg. 20(2)(2A) substituted for reg. 20(2) by [S.I. 2017/1250 reg. 21\(10\)\(b\)](#)