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STATUTORY INSTRUMENTS

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**2017 No. 1250**

The Independent Office for Police Conduct  
(Transitional and Consequential) Regulations 2017

PART 2

Amendments to secondary legislation

**Amendment of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012**

**21.**—(1) The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012(1) are amended as follows.

(2) For—

- (a) “Commission” in each place where it occurs substitute “Director General”;
- (b) “Commission’s” in each place where it occurs substitute “Director General’s”;
- (c) “it” in each place where it occurs and is used as a pronoun in place of “the Commission” substitute “the Director General”;
- (d) “its” in each place where it occurs and is used to mean “the Commission’s” substitute “the Director General’s”.

(3) The amendments made by virtue of paragraph (2)(a) to (d) do not apply to occurrences of “Commission”, “Commission’s”, “it” or “its” amended by another provision within this regulation.

(4) In regulation 2—

(a) in paragraph (1)—

- (i) omit the definition of “the Commission”; and
- (ii) at the appropriate places insert—

““Director General” means the Director General of the Independent Office for Police Conduct;”;

““IOPC” means the Independent Office for Police Conduct;”;

(b) in paragraph (2) omit “itself”.

(5) In regulation 3—

(a) after paragraph (4) insert—

“(4A) In carrying out functions under these Regulations the Director General shall have regard to any advice provided to the Director General by the IOPC (see regulation 3A(1)(a))”;

(b) in paragraph (5) for “Commission” where it first occurs insert “IOPC”; and

(c) in paragraph (7)—

- (i) for “Commission’s” in each place where it occurs substitute “IOPC’s”;
  - (ii) for “Commission” substitute “Director General or the IOPC”.
- (6) After regulation 3 insert—

**“General Functions of the IOPC**

**3A.**—(1) The functions of the IOPC in relation to relevant office holders and police and crime panels are—

- (a) to provide support and advice to the Director General in the carrying out of the Director General’s functions under these Regulations, and
- (b) to monitor and review the carrying out of such functions.

(2) The IOPC is to perform its functions under these Regulations for the general purpose of improving the way in which the Director General’s functions under these Regulations are carried out (including by encouraging the efficient and effective use of resources in the carrying out of those functions).

(3) In carrying out its functions under these Regulations the IOPC must in particular have regard to public confidence in the existence of suitable arrangements with respect to the matters mentioned in regulation 3(2) and with the operation of the arrangements that are in fact maintained with respect to those matters.

(4) The IOPC may do anything which appears to it to be calculated to facilitate, or is incidental to, the carrying out of its functions under these Regulations.

**Efficiency etc. in exercise of functions**

**3B.** The Director General and the IOPC must carry out their functions under these Regulations efficiently and effectively.”.

- (7) In regulation 5—
- (a) for paragraph (1) substitute—
    - “(1) As soon as practicable after the end of each of the IOPC’s financial years, the Director General and the IOPC shall also jointly make a report to the Secretary of State on the carrying out of its functions under these Regulations during that year.”; and
  - (b) in paragraph (6) for “Commission” substitute “IOPC”.
- (8) In regulation 6(4) for “Commission’s” substitute “IOPC’s”.
- (9) In regulation 18(4)(b) omit “itself”.
- (10) In regulation 20—
- (a) in the title omit “itself”;
  - (b) for paragraph (2) substitute—
    - “(2) The Director General shall designate both—
      - (a) a person to take charge of the investigation; and
      - (b) such members of the IOPC’s staff as are required by the Director General to assist the person designated to take charge of the investigation.
    - (2A) The person designated under paragraph (2) to take charge of an investigation shall be—
      - (a) the Director General acting personally; or

- (b) a person who is authorised to exercise the function of taking charge of the investigation on behalf of the Director General by virtue of paragraph 6A of Schedule 2 to the 2002 Act (delegation of Director General’s functions).”;
- (c) in paragraph (3)—
  - (i) for “Commission” substitute “IOPC”;
  - (ii) for “Commission’s” in each place where it occurs substitute “IOPC’s”; and
- (d) in paragraph (4)—
  - (i) for “Commission” where it second occurs substitute “IOPC”;
  - (ii) for “Commission’s” in each place where it occurs substitute “IOPC’s”.
- (11) In regulation 23 after “(final reports on investigations)” insert “or, where the Director General has personally carried out the investigation, a report has been completed by the Director General”.
- (12) In regulation 24(7) omit “itself”.
- (13) In regulation 25—
  - (a) for paragraph (3) substitute—

“(3) A person designated under regulation 20 (investigations by the Director General) as the person in charge of an investigation shall—

    - (a) submit a report on the investigation to the Director General; or
    - (b) where the person in charge of the investigation is the Director General acting personally, complete a report on the investigation.”; and
  - (b) in paragraph (4) after “A person submitting” insert “or, in the case of an investigation under regulation 20 by the Director General acting personally, completing”.
- (14) In regulation 26—
  - (a) in paragraph (1)(b) for “it” substitute “the Director General, or is otherwise completed,”; and
  - (b) in paragraph (2) after “On receipt of the report” insert “, or on its completion by the Director General,”.
- (15) In regulation 36(5)(a)(i) omit “itself”.