
STATUTORY INSTRUMENTS

2017 No. 521

**The Gangmasters and Labour Abuse Authority
(Complaints and Misconduct) Regulations 2017**

PART 1

INTRODUCTORY

Citation and commencement

1. These Regulations may be cited as the Gangmasters and Labour Abuse Authority (Complaints and Misconduct) Regulations 2017 and come into force on 30th April 2017.

Interpretation

2. In these Regulations—

“the 2002 Act” means the Police Reform Act 2002;

“the Authority” means the Gangmasters and Labour Abuse Authority;

“the Authority’s standards” means the standards in accordance with which a LAPO is required to comply under the Authority’s conduct and performance policies;

“bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(1) in England and Wales;

“the Chief Executive” means the chief executive of the Authority, appointed in accordance with regulations made under section 1(5) of the Gangmasters (Licensing) Act 2004(2);

“the Commission” means the Independent Police Complaints Commission;

“complainant” is to be construed in accordance with regulation 8(2);

“complaint” has the meaning given by regulation 8(1);

“conduct” includes acts, omissions, statements and decisions (whether actual, alleged or inferred);

“conduct matter” has the meaning given by regulation 8(5);

“death or serious injury matter” (or “DSI matter” for short) has the meaning given by regulation 8(6);

“disciplinary proceedings”, in relation to a LAPO, means any proceedings or management process in accordance with which the conduct of the LAPO is considered in order to determine whether it is misconduct or gross misconduct and if so whether, as a result, any action is to be taken in relation to it;

“gross misconduct” means a breach of the Authority’s standards so serious that it warrants dismissal;

(1) 1971 c. 80.

(2) 2004 c. 11.

“labour abuse prevention officer” (or “LAPO” for short) has the meaning given by section 114B of the Police and Criminal Evidence Act 1984(3);

“LAPO friend” means a person chosen in accordance with regulation 57;

“local resolution”, in relation to a complaint, means the handling of that complaint in accordance with a procedure which—

- (a) does not involve a formal investigation; and
- (b) is laid down in regulation 26 for complaints which it has been decided, in accordance with regulation 23, to subject to local resolution;

“misconduct” means a breach of the Authority’s standards;

“person complained against”, in relation to a complaint, means the person whose conduct is the subject matter of the complaint;

“recordable conduct matter” means a conduct matter that is required to be recorded by the Chief Executive under regulation 28 or 29 or has been so recorded;

“relevant offence” means—

- (a) an offence for which the sentence is fixed by law; or
- (b) an offence for which a person of 18 years or over (not previously convicted) may be sentenced to imprisonment for a term of seven years (or might be so sentenced but for the restrictions imposed by section 33 of the Magistrates’ Courts Act 1980(4));

“serious injury” means a fracture, a deep cut, a deep laceration or an injury causing damage to an internal organ or the impairment of any bodily function;

“serving with the police”, in relation to a person, is to be construed in accordance with section 12(7) of the 2002 Act(5);

“trade union” has the same meaning as in section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992(6);

“unsatisfactory performance proceedings”, in relation to a LAPO, means any proceedings or management process in accordance with which the performance of the LAPO is considered in order to determine whether it is unsatisfactory or whether, as a result, any action is to be taken in relation to it;

“working day” means any day other than a Saturday or Sunday or a day which is a bank holiday or public holiday in England and Wales.

Transitional provision

3.—(1) Regulation 48 applies with the following modifications until each of section 57(4), Chapter 1 of Part 2 and Chapter 1 of Part 6 of the Investigatory Powers Act 2016(7) are in force.

(2) Regulation 48(2)(b) applies as if for “protected information relating to a relevant warrant” there were substituted “intercept information”.

(3) Regulation 48(4) applies as if—

- (a) after the definition of “intelligence service” there were inserted—

(3) 1984 c. 60. Section 114B was inserted by section 12(1) of the Immigration Act 2016.

(4) 1980 c. 43. Section 33 has been amended by section 17 of, and Part II of Schedule 4 to, the Criminal Justice Act 1991 (c. 53), section 2 of the Aggravated Vehicle-Taking Act 1992 (c. 11), paragraph 65 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) and paragraphs 25 and 27 of Schedule 32 to the Criminal Justice Act 2003 (c. 44).

(5) Section 12(7) has been amended by paragraphs 277 and 280 of Schedule 16 to the Police Reform and Social Responsibility Act 2011. Section 12(8)-(10) was inserted by section 135 of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(6) 1992 c. 52.

(7) 2016 c. 25.

- ““intercept information” means information relating to any of the matters mentioned in section 19(3) of the Regulation of Investigatory Powers Act 2000(8);”;
- (b) the definitions of “protected information” and “relevant warrant” were omitted;
 - (c) in the definition of “relevant authority”, for paragraph (e) there were substituted—
 - “(e) in the case of intercept information, the person to whom the relevant interception warrant is or was addressed”; and
 - (d) at the end there were inserted—
 - ““relevant interception warrant” means the interception warrant issued under section 5 of the Regulation of Investigatory Powers Act 2000 that relates to the intercept information.”.