
STATUTORY INSTRUMENTS

2020 No. 2

The Police (Complaints and Misconduct) Regulations 2020

PART 5

General

Local policing body functions in relation to complaints: giving of section 13A notices

- 48.**—(1) A local policing body may only give a section 13A notice—
- (a) where it has taken the steps mentioned in paragraphs (2), (3) and (4), and
 - (b) after the end of the period of 28 days starting with the day on which the step mentioned in paragraph (4) is taken (or retaken, in a case where paragraph (6)(b) applies).
- (2) The first step is to consult, in such manner as the local policing body thinks appropriate, each of the following about the proposed section 13A notice—
- (a) the relevant chief officer;
 - (b) all persons appearing to the local policing body to represent persons serving with the police who may be affected by the proposed section 13A notice.
- (3) The second step is to publish, in such manner as the local policing body thinks appropriate, its response to the representations made or views expressed in response to the consultation.
- (4) The third step is, having taken the steps mentioned in paragraphs (2) and (3), to notify the relevant chief officer—
- (a) that it intends to give a section 13A notice;
 - (b) of the date on which it intends to give the notice, and
 - (c) whether the notice will relate to the functions conferred on the chief officer by the provisions specified in subsection (2) or subsections (2) and (3) of section 13A of the 2002 Act (local policing bodies: functions in relation to complaints)(**1**).
- (5) Any steps taken by a local policing body before the day on which these Regulations come into force are to be taken into account for the purposes of paragraph (1) (and accordingly it does not matter for those purposes whether any of the period mentioned in paragraph (1)(b) falls before that day).
- (6) Where a local policing body, having taken the step mentioned in paragraph (4), decides—
- (a) not to give a section 13A notice, it must notify the relevant chief officer of that decision promptly;
 - (b) to give a section 13A notice on a date other than that notified in accordance with paragraph (4) or relating to functions other than those notified in accordance with that paragraph, it must retake the step mentioned in that paragraph.

(1) Section 13A was inserted by section 13 of the Policing and Crime Act 2017.

(7) In this regulation and regulation 49 (local policing body functions in relation to complaints: withdrawal of section 13A notices), “relevant chief officer” means the chief officer of the police force that the local policing body concerned maintains.