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STATUTORY INSTRUMENTS

2020 No. 78

POLICE, ENGLAND AND WALES

The Police (Conduct) (Amendment) Regulations 2020

Made - - - - *28th January 2020*

Laid before Parliament *30th January 2020*

Coming into force in accordance with regulation 1

The Secretary of State makes the following Regulations, in exercise of the powers conferred by sections 50(1), (2)(e), (3), (3A) to (3G), (4) and (7) and 51(1), (2)(ba), (2A) to (2H), (3A) and (4) of the Police Act 1996(a), section 36(1)(a) of the Police Reform Act 2002(b) and section 29(7) of the Policing and Crime Act 2017(c).

In accordance with section 63(3)(a) of the Police Act 1996(d), the Secretary of State has supplied a draft of these Regulations to the Police Advisory Board for England and Wales and has taken into consideration the representations made by that Board before making these Regulations.

Citation and commencement

1. These Regulations may be cited as the Police (Conduct) (Amendment) Regulations 2020 and come into force immediately after the coming into force of the Police (Conduct) Regulations 2020(e).

Amendment of the Police (Conduct) Regulations 2020

2.—(1) The Police (Conduct) Regulations 2020 are amended as follows.

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- (a) 1996 c. 16. Section 50(3) was substituted by paragraphs 1 and 3 of Schedule 22 to the Criminal Justice and Immigration Act 2008 (c. 4) (“the 2008 Act”); sections 50(3A) to (3G) and 51(2B) to (2H) were inserted by section 29(1) to (3) of the Policing and Crime Act 2017 (c. 3) (“the 2017 Act”) (the powers in sections 50(3A) and 51(2B) are limited by section 29(7) of the 2017 Act) and amended by paragraph 65(2) of Schedule 9 to the 2017 Act; section 50(4) was amended by paragraphs 1 and 3 of Schedule 22 to the 2008 Act and by paragraphs 1 and 32 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13) (“the 2011 Act”); section 51(2)(ba) was inserted by section 35 of the Police Reform Act 2002 (c. 30) and amended by paragraphs 1 and 4(2) of Schedule 22 to the 2008 Act; section 51(2A) was inserted by paragraphs 1 and 4 of Schedule 22 to the 2008 Act; section 51(3A) was inserted by section 128(1) of the Police Act 1997 (c. 50) and amended by paragraphs 1 and 33 of Schedule 16 to the 2011 Act. There are other amendments to sections 50 and 51, but none are relevant.
- (b) 2002 c. 30; section 36(1)(a) was amended by section 33(9) of, and paragraphs 15 and 53 of Schedule 9 to, the Policing and Crime Act 2017.
- (c) 2017 c. 3.
- (d) Section 63(3)(a) was substituted by paragraph 78(3) of Schedule 4 to the Serious Organised Crime and Police Act 2005 (c. 15) and amended by paragraph 6(2) of Schedule 22 to the Criminal Justice and Immigration Act 2008, sections 123(4) and 133(2) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) and section 10(3)(b) of the Policing and Crime Act 2009 (c. 26). There are other amendments to section 63, but none are relevant.
- (e) S.I. 2020/4; which come into force on 1st February 2020.

(2) In regulation 24 (presenting of case by the Director General), in paragraph (2)(a), after “regulation 23(9)(a)” insert “or (c)”.

28th January 2020

Kit Malthouse
Minister of State
Home Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police (Conduct) Regulations 2020 (S.I. 2020/4) (“the Conduct Regulations”) and come into force immediately after the coming into force of those Regulations on 1st February 2020. Regulation 24 of the Conduct Regulations sets out the cases which the Director General of the Independent Office for Police Conduct can present in a misconduct hearing or an accelerated misconduct hearing. The amendment in regulation 2 of these Regulations enables the Director General to present a case where the Director General has given a direction to the appropriate authority under paragraph 27(4) of Schedule 3 to the Police Reform Act 2002 (c. 30) to give effect to the Director General’s recommendation under paragraph 25(4C) of that Schedule to bring misconduct proceedings of a form specified.

An impact assessment has not been produced for these Regulations as no impact on the private, voluntary or public sectors is foreseen.

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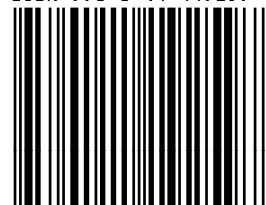
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