

---

*Status: Point in time view as at 01/10/2002. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Paragraph 6. (See end of Document for details)*

---

## SCHEDULES

### SCHEDULE 3

#### HANDLING OF COMPLAINTS AND CONDUCT MATTERS ETC.

##### PART 1

##### HANDLING OF COMPLAINTS

###### *Handling of complaints by the appropriate authority*

- 6 (1) This paragraph applies where a complaint has been recorded by the appropriate authority unless the complaint—
- (a) is one which has been, or must be, referred to the Commission under paragraph 4; and
  - (b) is not for the time being either referred back to the authority under paragraph 5 or the subject of a determination under paragraph 15.
- (2) Subject to paragraph 7, the appropriate authority shall determine whether or not the complaint is suitable for being subjected to local resolution, and—
- (a) if it determines that it is so suitable and the complainant consents, it shall make arrangements for it to be so subjected; and
  - (b) in any other case, it shall make arrangements for the complaint to be investigated by that authority on its own behalf.
- (3) A determination that a complaint is suitable for being subjected to local resolution shall not be made unless either—
- (a) the appropriate authority is satisfied that the conduct complained of (even if it were proved) would not justify the bringing of any criminal or disciplinary proceedings; or
  - (b) the Commission, in a case falling within sub-paragraph (4), has approved the use of local resolution.
- (4) The Commission may approve the use of local resolution in the case of any complaint if, on an application by the appropriate authority, the Commission is satisfied—
- (a) that the following two conditions are fulfilled—
    - (i) that the conduct complained of (even if it were proved) would not justify the bringing of any criminal proceedings; and
    - (ii) that any disciplinary proceedings the bringing of which would be justified in respect of that conduct (even if it were proved) would be unlikely to result in a dismissal, a requirement to resign or retire, a reduction in rank or other demotion or the imposition of a fine;
  - or
  - (b) that it will not be practicable (even if the complaint is thoroughly investigated) for either of the following to be brought—

---

*Status: Point in time view as at 01/10/2002. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Paragraph 6. (See end of Document for details)*

---

- (i) criminal proceedings in respect of the conduct to which it relates that would be likely to result in a conviction; or
  - (ii) disciplinary proceedings in respect of that conduct that would be likely to result in a dismissal, a requirement to resign or retire, a reduction in rank or other demotion or the imposition of a fine.
- (5) No more than one application may be made to the Commission for the purposes of sub-paragraph (4) in respect of the same complaint.
- (6) Before a complainant can give his consent for the purposes of this paragraph to the local resolution of his complaint he must have been informed of his rights of appeal under paragraph 9.
- (7) A consent given for the purposes of this paragraph shall not be capable of being withdrawn at any time after the procedure for the local resolution of the complaint has been begun.

---

**Modifications etc. (not altering text)**

- C1** Sch. 3 para. 6 applied (with modifications) (1.4.2006) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(5\)\(6\)](#), Sch. 3

---

**Commencement Information**

- II** Sch. 3 para. 6 wholly in force at 1.4.2004; Sch. 3 para. 6 not in force at Royal Assent see s. 108(2); Sch. 3 para. 6 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 6 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

**Status:**

Point in time view as at 01/10/2002. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Police Reform Act 2002, Paragraph 6.