

*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.

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

- C1** Sch. 3 modified (15.12.2017) by S.I. 2012/1204, **Sch. Pt. 1** (as inserted by **The Police (Conduct, Complaints and Misconduct and Appeal Tribunal) (Amendment) Regulations 2017** (S.I. 2017/1134), reg. 1(1), **Sch. 2** (with reg. 2))
- C1** Sch. 3 applied (with modifications) by 1984 c. 55, **ss. 56A-56C** (as inserted (6.4.2023 for specified purposes) by **Building Safety Act 2022** (c. 30), **ss. 53(1)**, 170(4)(c); S.I. 2023/362, **reg. 3(1)(v)**)

#### **PART 1**

##### HANDLING OF COMPLAINTS

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

- [<sup>F1</sup>6] (1) This paragraph applies where a complaint has been recorded by the appropriate authority.
- (2) But this paragraph does not apply to a complaint if it is one that has been, or must be, referred to the [<sup>F2</sup>Director General] under paragraph 4, unless the complaint is for the time being—
- (a) referred back to the authority under paragraph [<sup>F3</sup>5(2)(b)], <sup>F4</sup>...
  - <sup>F5</sup>(b) .....
- [<sup>F6</sup>(2A)] The appropriate authority must handle the complaint in such reasonable and proportionate manner as the authority determines.
- (2B) An appropriate authority may handle a complaint in accordance with sub-paragraph (2A) by (amongst other things)—
- (a) making arrangements for the complaint to be investigated by the authority on its own behalf;
  - (b) notifying the complainant that no further action is to be taken in relation to the complaint.
- (2C) The appropriate authority must comply with its duty under sub-paragraph (2A) by making arrangements for the complaint to be investigated by the authority on its own behalf if at any time it appears to the authority from the complaint, or from the authority's handling of the complaint to that point, that there is an indication that—
- (a) a person serving with the police may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings, or

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- (b) there may have been the infringement of a person's rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998).
- (2D) The Secretary of State may by regulations provide for the duty in sub-paragraph (2C) to be subject to exceptions.
- (2E) A statement made by any person for the purposes of the handling of any complaint in accordance with sub-paragraph (2A) otherwise than by the appropriate authority making arrangements for the complaint to be investigated by the authority on its own behalf is not admissible in any subsequent criminal, civil or disciplinary proceedings except to the extent that it consists of an admission relating to a matter that has not been subjected to such handling.]

- F7(3) .....
- F7(4) .....
- F7(5) .....
- F7(6) .....
- F7(7) .....
- F7(8) .....
- F7(9) .....
- F7(10) .....
- F7(11) .....]

Textual Amendments	
F1	Sch. 3 para. 6 substituted (22.11.2012) by <a href="#">Police Reform and Social Responsibility Act 2011 (c. 13)</a> , s. 157(1), <a href="#">Sch. 14 para. 9(1)</a> ; S.I. 2012/2892, art. 2(g) (with art. 6)
F2	Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by <a href="#">Policing and Crime Act 2017 (c. 3)</a> , s. 183(1)(5)(e), <a href="#">Sch. 9 para. 56(2)</a> (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
F3	Words in Sch. 3 para. 6(2)(a) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by <a href="#">Policing and Crime Act 2017 (c. 3)</a> , s. 183(1)(5)(e), <a href="#">Sch. 5 para. 11</a> ; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
F4	Word in Sch. 3 para. 6(2)(a) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of <a href="#">Policing and Crime Act 2017 (c. 3)</a> , s. 183(1)(5)(e), <a href="#">Sch. 5 para. 6(2)</a> ; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
F5	Sch. 3 para. 6(2)(b) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of <a href="#">Policing and Crime Act 2017 (c. 3)</a> , s. 183(1)(5)(e), <a href="#">Sch. 5 para. 6(2)</a> ; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
F6	Sch. 3 para. 6(2A)-(2E) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by <a href="#">Policing and Crime Act 2017 (c. 3)</a> , s. 183(1)(5)(e), <a href="#">Sch. 5 para. 6(3)</a> ; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
F7	Sch. 3 para. 6(3)-(11) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of <a href="#">Policing and Crime Act 2017 (c. 3)</a> , s. 183(1)(5)(e), <a href="#">Sch. 5 para. 6(4)</a> ; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

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