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## SCHEDULES

### SCHEDULE 1

Section 8

#### POWERS OF THE SECRETARY OF STATE IN RELATION TO NCIS AND NCS

##### *Introductory*

1 The 1997 Act shall be amended as follows.

##### *Codes of Practice for Directors General*

2 (1) After section 28 (codes of practice for the NCIS Service Authority) there shall be inserted—

##### **“28A Codes of practice for Director General of NCIS**

- (1) The Secretary of State may issue codes of practice relating to the discharge by the Director General of NCIS of any of his functions.
- (2) The Secretary of State may from time to time revise the whole or any part of a code of practice issued under this section.
- (3) Where the Secretary of State proposes to issue or revise a code of practice under this section, he shall first require the Central Police Training and Development Authority to prepare a draft of the code or of the revisions; and the draft prepared by that Authority must contain all such matters as the Secretary of State may specify in the requirement.
- (4) Before preparing a draft code of practice under this section or any draft revisions of such a code, the Central Police Training and Development Authority (“the CPTDA”) shall consult with—
  - (a) the NCIS Service Authority;
  - (b) the Director General of NCIS;
  - (c) persons whom the CPTDA considers to represent the interests of police authorities;
  - (d) persons whom the CPTDA considers to represent the interests of chief officers of police; and
  - (e) such other persons as the CPTDA thinks fit.
- (5) Before issuing or revising a code of practice under this section the Secretary of State shall consult the Scottish Ministers.
- (6) The Secretary of State shall lay any code of practice issued by him under this section, and any revisions of any such code, before Parliament.
- (7) The Secretary of State shall not be required by subsection (6) to lay before Parliament, or may exclude from what he does so lay, anything the publication of which, in his opinion—

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- (a) would be against the interests of national security;
  - (b) could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders; or
  - (c) could jeopardise the safety of any person.
- (8) In discharging any function to which a code of practice under this section relates, the Director General of NCIS shall have regard to the code.”
- (2) After section 73 (codes of practice for the NCS Service Authority) there shall be inserted—

**“73A Codes of practice for Director General of NCS**

- (1) The Secretary of State may issue codes of practice relating to the discharge by the Director General of the National Crime Squad of any of his functions.
- (2) The Secretary of State may from time to time revise the whole or any part of a code of practice issued under this section.
- (3) Where the Secretary of State proposes to issue or revise a code of practice under this section, he shall first require the Central Police Training and Development Authority to prepare a draft of the code or of the revisions; and the draft prepared by that Authority must contain all such matters as the Secretary of State may specify in the requirement.
- (4) Before preparing a draft code of practice under this section or any draft revisions of such a code, the Central Police Training and Development Authority (“the CPTDA”) shall consult with—
  - (a) the NCS Service Authority;
  - (b) the Director General of the National Crime Squad;
  - (c) persons whom the CPTDA considers to represent the interests of police authorities;
  - (d) persons whom the CPTDA considers to represent the interests of chief officers of police; and
  - (e) such other persons as the CPTDA thinks fit.
- (5) The Secretary of State shall lay any code of practice issued by him under this section, and any revisions of any such code, before Parliament.
- (6) The Secretary of State shall not be required by subsection (5) to lay before Parliament, or may exclude from what he does so lay, anything the publication of which, in his opinion—
  - (a) would be against the interests of national security;
  - (b) could prejudice the prevention or detection of crime or the apprehension or prosecution of offenders; or
  - (c) could jeopardise the safety of any person.
- (7) In discharging any function to which a code of practice under this section relates, the Director General of the National Crime Squad shall have regard to the code.”

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### *Directions to Service Authorities*

- 3 (1) For section 30 (power to give directions in response to a report on NCIS carried out in accordance with that section) there shall be substituted—

#### **“30 Power to give directions to NCIS Service Authority**

- (1) Where a report made to the Secretary of State on an inspection under section 54 of the Police Act 1996 (c. 16) or section 41 of the Police (Northern Ireland) Act 1998 (c. 32) states—
- (a) that, in the opinion of the person making the report, the whole or any part of NCIS is, whether generally or in particular respects, not efficient or not effective, or
  - (b) that, in that person’s opinion, the whole or a part of NCIS will cease to be efficient or effective, whether generally or in particular respects, unless remedial measures are taken,
- the Secretary of State may, after consultation with the Scottish Ministers, direct the NCIS Service Authority to take such remedial measures as may be specified in the direction.
- (2) Those remedial measures must not relate to any matter other than—
- (a) a matter by reference to which the report contains a statement of opinion falling within subsection (1)(a) or (b); or
  - (b) a matter that the Secretary of State considers relevant to any matter falling within paragraph (a).
- (3) Where a report made to the Scottish Ministers on an inspection under section 33 of the Police (Scotland) Act 1967 (c. 77) states—
- (a) that, in the opinion of the person making the report, the whole or any part of NCIS is, whether generally or in particular respects, not efficient or not effective, or
  - (b) that, in that person’s opinion, the whole or a part of NCIS will cease to be efficient or effective, whether generally or in particular respects, unless remedial measures are taken,
- the Scottish Ministers may, after consultation with the Secretary of State, direct the NCIS Service Authority to take such remedial measures as may be specified in the direction.
- (4) Those remedial measures must not relate to any matter other than—
- (a) a matter by reference to which the report contains a statement of opinion falling within subsection (3)(a) or (b); or
  - (b) a matter that the Scottish Ministers consider relevant to any matter falling within paragraph (a).
- (5) If the Secretary of State exercises his power to give a direction under this section—
- (a) he shall prepare a report on his exercise of that power; and
  - (b) he shall lay that report before Parliament.
- (6) If the Scottish Ministers exercise their power to give a direction under this section—
- (a) they shall prepare a report on their exercise of that power; and

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- (b) they shall lay that report before the Scottish Parliament.
- (7) A report under subsection (5) or (6)—
  - (a) shall be prepared at such time as the Secretary of State considers or, as the case may be, the Scottish Ministers consider appropriate; and
  - (b) may relate to more than one exercise of the power to give a direction under this section.”
- (2) For section 75 (power to give directions in response to a report on NCS on an inspection carried out in accordance with that section) there shall be substituted—

**“75 Power to give directions to NCS Service Authority**

- (1) Where a report made to the Secretary of State on an inspection under section 54 of the Police Act 1996 (c. 16) states—
  - (a) that, in the opinion of the person making the report, the whole or any part of the National Crime Squad is, whether generally or in particular respects, not efficient or not effective, or
  - (b) that, in that person’s opinion, the whole or a part of the National Crime Squad will cease to be efficient or effective, whether generally or in particular respects, unless remedial measures are taken,

the Secretary of State may direct the NCS Service Authority to take such remedial measures as may be specified in the direction.
- (2) Those remedial measures must not relate to any matter other than—
  - (a) a matter by reference to which the report contains a statement of opinion falling within subsection (1)(a) or (b); or
  - (b) a matter that the Secretary of State considers relevant to any matter falling within paragraph (a).
- (3) If the Secretary of State exercises his power to give a direction under this section—
  - (a) he shall prepare a report on his exercise of that power; and
  - (b) he shall lay that report before Parliament.
- (4) A report under subsection (3)—
  - (a) shall be prepared at such time as the Secretary of State considers appropriate; and
  - (b) may relate to more than one exercise of the power to give a direction under this section.”

*Directions as to action plans*

- 4 (1) After section 31 there shall be inserted—

**“31A Power to give directions as to action plans**

- (1) This section applies where an inspection report made to the Secretary of State states —

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- (a) that, in the opinion of the person making the report, the whole or any part of NCIS is, whether generally or in particular respects, not efficient or not effective; or
  - (b) that, in that person's opinion, the whole or a part of NCIS will cease to be efficient or effective, whether generally or in particular respects, unless remedial measures are taken.
- (2) If the Secretary of State considers that remedial measures are required in relation to any matter identified by the report, he may, after consultation with the Scottish Ministers, direct the NCIS Service Authority to submit an action plan to him.
- (3) An action plan is a plan setting out the remedial measures which the NCIS Service Authority proposes to take in relation to the matters in respect of which the direction is given.
- (4) If the NCIS Service Authority is directed to submit an action plan, that authority shall direct the Director General of NCIS to prepare a draft of it and to submit it to the NCIS Service Authority for that authority to consider.
- (5) The NCIS Service Authority, on considering a draft action plan submitted to it under subsection (4) may submit the plan to the Secretary of State, with or without modifications.
- (6) If the NCIS Service Authority proposes to make modifications to the draft of the action plan submitted under subsection (4), it must consult with the Director General of NCIS.
- (7) On considering an action plan submitted to him in accordance with a direction under this section, the Secretary of State may, if he is of the opinion that the remedial measures contained in the action plan submitted to him are inadequate, notify the NCIS Service Authority and the Director General of NCIS of that opinion and of his reasons for it.
- (8) In forming an opinion for the purposes of subsection (7), the Secretary of State must consult with the Scottish Ministers.
- (9) If the NCIS Service Authority is notified under subsection (7) —
  - (a) it shall consider, after consultation with the Director General of NCIS about the matters notified, whether to revise the action plan in the light of those matters; and
  - (b) if it does revise that plan, it shall send a copy of the revised plan to the Secretary of State.
- (10) On giving a direction under this section to the NCIS Service Authority, the Secretary of State shall notify the Director General of NCIS that he has given that direction.
- (11) The period within which a direction to submit an action plan must be complied with is such period of not less than four weeks and not more than twelve weeks after it is given as may be specified in the direction.
- (12) The provision that a direction under this section may require to be included in an action plan to be submitted to the Secretary of State includes—
  - (a) provision setting out the steps that the NCIS Service Authority proposes should be taken in respect of the matters to which the

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- direction relates and the performance targets the authority proposes should be met;
- (b) provision setting out that Authority’s proposals as to the times within which those steps are to be taken and those targets to be met and the means by which the success of the plan’s implementation is to be measured;
  - (c) provision for the making of progress reports to the Secretary of State about the implementation of the action plan;
  - (d) provision as to the times at which, and the manner in which, any progress report is to be made; and
  - (e) provision for the duration of the plan and for it to cease to apply in the circumstances determined by the Secretary of State.
- (13) Nothing in this section shall authorise the Secretary of State or the NCIS Service Authority to direct the inclusion in an action plan or draft action plan of any requirement to do or not to do anything in a particular case identified for the purposes of the requirement, or in relation to a particular person so identified.
- (14) In this section references, in relation to a case in which there is already an action plan in force, to the submission of a plan to the Secretary of State include references to the submission of revisions of the existing plan; and the preceding provisions of this section shall have effect accordingly.
- (15) The NCIS Service Authority shall comply with any direction given to it under this section.
- (16) The Director General of NCIS shall comply with any direction given to him under this section.
- (17) If the Secretary of State exercises his power to give a direction under this section—
- (a) he shall prepare a report on his exercise of that power;
  - (b) he shall lay a copy of that report before Parliament; and
  - (c) he shall send a copy of that report to the Scottish Ministers.
- (18) The Scottish Ministers shall lay any copy of a report sent to them under subsection (17) before the Scottish Parliament.
- (19) A report under subsection (17)—
- (a) shall be prepared at such time as the Secretary of State considers appropriate; and
  - (b) may relate to more than one exercise of the power mentioned in that subsection.
- (20) In this section “an inspection report” means a report under section 54 of the Police Act 1996 (c. 16), section 33 of the Police (Scotland) Act 1967 (c. 77) or section 41 of the Police (Northern Ireland) Act 1998 (c. 32).
- (21) Nothing in this section or in section 30 prevents the Secretary of State in the case of the same inspection report from exercising (whether in relation to the same matter or different matters or at the same time or at different times) both his powers under this section and his powers under that section.”
- (2) After section 76 there shall be inserted—

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#### **“76A Power to give directions as to action plans**

- (1) This section applies where a report made to the Secretary of State on an inspection under section 54 of the Police Act 1996 (c. 16) states—
  - (a) that, in the opinion of the person making the report, the whole or any part of the National Crime Squad is, whether generally or in particular respects, not efficient or not effective; or
  - (b) that, in that person’s opinion, the whole or a part of the National Crime Squad will cease to be efficient or effective, whether generally or in particular respects, unless remedial measures are taken.
- (2) If the Secretary of State considers that remedial measures are required in relation to any matter identified by the report, he may direct the NCS Service Authority to submit an action plan to him.
- (3) An action plan is a plan setting out the remedial measures which the NCS Service Authority proposes to take in relation to the matters in respect of which the direction is given.
- (4) If the NCS Service Authority is directed to submit an action plan, that authority shall direct the Director General of the National Crime Squad to prepare a draft of it and to submit it to the NCS Service Authority for that authority to consider.
- (5) The NCS Service Authority, on considering a draft action plan submitted to it under subsection (4) may submit the plan to the Secretary of State, with or without modifications.
- (6) If the NCS Service Authority proposes to make modifications to the draft of the action plan submitted under subsection (4), it must consult with the Director General of the National Crime Squad.
- (7) On considering an action plan submitted to him in accordance with a direction under this section, the Secretary of State may, if he is of the opinion that the remedial measures contained in the action plan submitted to him are inadequate, notify the NCS Service Authority and the Director General of the National Crime Squad of that opinion and of his reasons for it.
- (8) If the NCS Service Authority is notified under subsection (7) —
  - (a) it shall consider, after consultation with the Director General of the National Crime Squad about the matters notified, whether to revise the action plan in the light of those matters; and
  - (b) if it does revise that plan, it shall send a copy of the revised plan to the Secretary of State.
- (9) On giving a direction under this section to the NCS Service Authority, the Secretary of State shall notify the Director General of the National Crime Squad that he has given that direction.
- (10) The period within which a direction to submit an action plan must be complied with is such period of not less than four weeks and not more than twelve weeks after it is given as may be specified in the direction.

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- (11) The provision that a direction under this section may require to be included in an action plan to be submitted to the Secretary of State includes—
- (a) provision setting out the steps that the NCS Service Authority proposes should be taken in respect of the matters to which the direction relates and the performance targets the authority proposes should be met;
  - (b) provision setting out that Authority’s proposals as to the times within which those steps are to be taken and those targets to be met and the means by which the success of the plan’s implementation is to be measured;
  - (c) provision for the making of progress reports to the Secretary of State about the implementation of the action plan;
  - (d) provision as to the times at which, and the manner in which, any progress report is to be made; and
  - (e) provision for the duration of the plan and for it to cease to apply in the circumstances determined by the Secretary of State.
- (12) Nothing in this section shall authorise the Secretary of State or the NCS Service Authority to direct the inclusion in an action plan or draft action plan of any requirement to do or not to do anything in a particular case identified for the purposes of the requirement, or in relation to a particular person so identified.
- (13) In this section references, in relation to a case in which there is already an action plan in force, to the submission of a plan to the Secretary of State include references to the submission of revisions of the existing plan; and the preceding provisions of this section shall have effect accordingly.
- (14) The NCS Service Authority shall comply with any direction given to it under this section.
- (15) The Director General of the National Crime Squad shall comply with any direction given to him under this section.
- (16) If the Secretary of State exercises his power to give a direction under this section—
- (a) he shall prepare a report on his exercise of that power; and
  - (b) he shall lay that report before Parliament.
- (17) A report under subsection (16)—
- (a) shall be prepared at such time as the Secretary of State considers appropriate; and
  - (b) may relate to more than one exercise of the power mentioned in that subsection.
- (18) Nothing in this section or in section 75 prevents the Secretary of State in the case of the same report under section 54 of the Police Act 1996 (c. 16) from exercising (whether in relation to the same matter or different matters or at the same time or at different times) both his powers under this section and his powers under section 75.”



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### *Procedure for giving directions*

5 (1) After section 31A (which is inserted by paragraph 4(1)) there shall be inserted—

#### **“31B Procedure for giving directions by the Secretary of State**

- (1) The Secretary of State shall not give a direction under section 30 or 31A unless—
  - (a) the NCIS Service Authority and the Director General of NCIS have each been given such information about the Secretary of State’s grounds for proposing to give that direction as he considers appropriate for enabling them to make representations or proposals under the following paragraphs of this subsection;
  - (b) the NCIS Service Authority and the Director General of NCIS have each been given an opportunity of making representations about those grounds;
  - (c) the NCIS Service Authority has had an opportunity of making proposals for the taking of remedial measures that would make the giving of the direction unnecessary; and
  - (d) the Secretary of State has considered any such representations and any such proposals.
- (2) The Secretary of State may by regulations make further provision as to the procedure to be followed in cases where a proposal is made for the giving of a direction by him under section 30 or 31A.
- (3) Before making any regulations under this section, the Secretary of State shall consult with—
  - (a) the Scottish Ministers;
  - (b) the NCIS Service Authority;
  - (c) the Director General of NCIS;
  - (d) persons whom he considers to represent the interests of police authorities in England and Wales;
  - (e) persons whom he considers to represent the interests of chief officers of police of police forces in England and Wales; and
  - (f) such other persons as he thinks fit.
- (4) Regulations under this section may make different provision for different cases and circumstances.
- (5) A statutory instrument containing regulations under this section shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.

#### **31C Procedure for giving directions by the Scottish Ministers**

- (1) The Scottish Ministers shall not give a direction under section 30 unless—
  - (a) the NCIS Service Authority and the Director General of NCIS have each been given such information about the Scottish Ministers’ grounds for proposing to give that direction as they consider appropriate for enabling them to make representations or proposals under the following paragraphs of this subsection;

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- (b) the NCIS Service Authority and the Director General of NCIS have each been given an opportunity of making representations about those grounds;
  - (c) the NCIS Service Authority has had an opportunity of making proposals for the taking of remedial measures that would make the giving of the direction unnecessary; and
  - (d) the Scottish Ministers have considered any such representations and any such proposals.
- (2) The Scottish Ministers may by regulations make further provision as to the procedure to be followed in cases where a proposal is made for the giving of a direction by them under section 30.
- (3) Before making any regulations under this section, the Scottish Ministers shall consult with—
- (a) the Secretary of State;
  - (b) the NCIS Service Authority;
  - (c) the Director General of NCIS;
  - (d) persons whom they consider to represent the interests of police authorities in Scotland;
  - (e) persons whom they consider to represent the interests of chief constables of police forces in Scotland; and
  - (f) such other persons as they think fit.
- (4) Regulations under this section may make different provision for different cases and circumstances.
- (5) A statutory instrument containing regulations under this section shall not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Scottish Parliament.”
- (2) In section 45 (orders and regulations under Part 1), after “Part” there shall be inserted “or of the Scottish Ministers to make regulations under this Part”.
- (3) After section 76A (which is inserted by paragraph 4(2)), there shall be inserted—

**“76B Procedure for giving directions under sections 75 and 76A**

- (1) The Secretary of State shall not give a direction under section 75 or 76A unless—
- (a) the NCS Service Authority and the Director General of the National Crime Squad have each been given such information about the Secretary of State’s grounds for proposing to give that direction as he considers appropriate for enabling them to make representations or proposals under the following paragraphs of this subsection;
  - (b) the NCS Service Authority and the Director General of the National Crime Squad have each been given an opportunity of making representations about those grounds;
  - (c) the NCS Service Authority has had an opportunity of making proposals for the taking of remedial measures that would make the giving of the direction unnecessary; and
  - (d) the Secretary of State has considered any such representations and any such proposals.

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- (2) The Secretary of State may by regulations make further provision as to the procedure to be followed in cases where a proposal is made for the giving of a direction by him under section 75 or 76A.
- (3) Before making any regulations under this section, the Secretary of State shall consult with—
  - (a) the NCS Service Authority;
  - (b) the Director General of the National Crime Squad;
  - (c) persons whom he considers to represent the interests of police authorities;
  - (d) persons whom he considers to represent the interests of chief officers of police; and
  - (e) such other persons as he thinks fit.
- (4) Regulations under this section may make different provision for different cases and circumstances.
- (5) A statutory instrument containing regulations under this section shall not be made unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.”

#### *National Crime Squad equipment*

- 6 (1) Section 80 shall become subsection (1) of that section, and in that section, after that subsection, there shall be inserted—
  - “(2) The Secretary of State may by regulations make any or all of the following provisions—
    - (a) provision requiring the National Crime Squad when using equipment for the purposes specified in the regulations to use only—
      - (i) the equipment which is specified in the regulations;
      - (ii) equipment which is of a description so specified; or
      - (iii) equipment which is of a type approved by the Secretary of State in accordance with the regulations;
    - (b) provision requiring the National Crime Squad to keep available for use the equipment falling within paragraph (a)(i) to (iii) which is specified or described in, or approved in accordance with, the regulations;
    - (c) provision prohibiting the National Crime Squad from using equipment of a type approved as mentioned in paragraph (a)(iii) except—
      - (i) where the conditions subject to which the approval was given are satisfied; and
      - (ii) in accordance with the other terms of that approval;
    - (d) provision requiring equipment used the National Crime Squad to comply with such conditions as may be specified in the regulations, or as may be approved by the Secretary of State in accordance with the regulations;
    - (e) provision prohibiting the National Crime Squad from using equipment specified in the regulations, or any equipment of a description so specified.

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- (3) Before making regulations under this section, the Secretary of State shall consult with—
  - (a) the Service Authority for the National Crime Squad;
  - (b) the Director General of that Squad;
  - (c) persons whom the Secretary of State considers to represent the interests of police authorities;
  - (d) persons whom the Secretary of State considers to represent the interests of chief officers of police; and
  - (e) such other persons as the Secretary of State thinks fit.
- (4) Regulations under this section may make different provision for different cases and circumstances.
- (5) A statutory instrument containing any regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section “equipment” includes—
  - (a) vehicles; and
  - (b) headgear and protective and other clothing.”

*Procedures and practices of the National Crime Squad*

7 After section 80 there shall be inserted—

**“80A Regulation of procedures and practices**

- (1) The Secretary of State may by regulations make provision requiring the National Crime Squad—
  - (a) to adopt particular procedures or practices; or
  - (b) to adopt procedures or practices of a particular description.
- (2) Before making any regulations under this section, the Secretary of State shall seek advice from—
  - (a) the chief inspector of constabulary; and
  - (b) the Central Police Training and Development Authority.
- (3) Before seeking advice under subsection (2) the Secretary of State shall consult about his proposal to do so with—
  - (a) persons whom he considers to represent the interests of police authorities; and
  - (b) persons whom he considers to represent the interests of chief officers of police.
- (4) A request for the purposes of subsection (2) may specify a period within which the requested advice is to be provided; and, if a period is so specified, the requested advice must be provided within it.
- (5) Before giving any advice in response to a request for the purposes of subsection (2), the Central Police Training and Development Authority (“the CPTDA”) shall consult with—
  - (a) the NCS Service Authority;

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- (b) the Director General of the National Crime Squad;
  - (c) persons whom the CPTDA considers to represent the interests of police authorities;
  - (d) persons whom the CPTDA considers to represent the interests of chief officers of police; and
  - (e) such other persons as the CPTDA thinks fit.
- (6) The Secretary of State shall not make any regulations under this section requiring the adoption of any procedure or practice unless—
- (a) he has, as respects that procedure or practice, received advice from the Central Police Training and Development Authority and has considered that advice; and
  - (b) the advice of the chief inspector of constabulary states that that inspector is satisfied as to the matters mentioned in subsection (7); and
  - (c) the Secretary of State himself is satisfied as to those matters.
- (7) Those matters are—
- (a) that the adoption of that procedure or practice is necessary in order to facilitate the carrying out by members of the National Crime Squad and of any one or more police forces of joint or co-ordinated operations;
  - (b) that the making of regulations is necessary for securing the adoption of that procedure or practice; and
  - (c) that securing the adoption of that procedure or practice is in the national interest.
- (8) Regulations under this section may make different provision for different cases and circumstances.
- (9) A statutory instrument containing any regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

## SCHEDULE 2

Section 9

### THE INDEPENDENT POLICE COMPLAINTS COMMISSION

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

- C1** Sch. 2 applied (with modifications) (28.12.2005) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(3\)\(6\)](#), Sch. 2

#### *Chairman*

- 1 (1) The chairman of the Commission shall hold office as chairman of the Commission in accordance with the terms of his appointment.
- (2) A person who has been sentenced to a term of imprisonment of three months or more shall not, at any time in the five years following the day on which he was

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- sentenced, be appointed as chairman of the Commission; and an appointment made in contravention of this sub-paragraph shall have no effect.
- (3) The appointment of the chairman of the Commission shall be for a term not exceeding five years; but the chairman shall be eligible for re-appointment at the end of his term of office.
- (4) The chairman of the Commission may be removed from office by Her Majesty either—
- (a) at his own request; or
  - (b) on being advised by the Secretary of State that there are grounds falling with sub-paragraph (5) for the removal of the chairman.
- (5) The following are grounds for removing the chairman from office—
- (a) that he has failed without reasonable excuse to carry out the functions of his office for a continuous period of three months;
  - (b) that he has become a person falling within one or more paragraphs of section 9(3);
  - (c) that he has, since his appointment, been sentenced to imprisonment for a term of three months or more;
  - (d) that he is a person who—
    - (i) has had a bankruptcy order made against him;
    - (ii) has had his estate sequestrated; or
    - (iii) has made a composition or arrangement with, or granted a trust deed for, his creditors;
  - (e) that he is subject to—
    - (i) a disqualification order under the Company Directors Disqualification Act 1986 (c. 46) or under Part 2 of the Companies (Northern Ireland) Order 1989 (S.I. 1989/2404 (N.I. 18)); or
    - (ii) an order made under section 429(2)(b) of the Insolvency Act 1986 (c. 45) (failure to pay under county court administration order);
  - (f) that he has acted improperly in relation to his duties; or
  - (g) that he is otherwise unable or unfit to perform his duties.
- (6) For the purposes of this paragraph a sentence of imprisonment for any term the whole or part of which is suspended shall be taken to be a sentence of imprisonment for the whole term.

#### *Ordinary members of the Commission*

- 2 (1) Subject to the provisions of this Schedule, a person shall hold office as an ordinary member in accordance with the terms of his appointment.
- (2) An appointment as an ordinary member may be to whole or to part time membership of the Commission.
- (3) A person who has been sentenced to a term of imprisonment of three months or more shall not, at any time in the five years following the day on which he is sentenced, be appointed as an ordinary member; and an appointment made in contravention of this sub-paragraph shall have no effect.

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- (4) A person shall not be appointed to be an ordinary member for a term of more than five years; but an ordinary member shall be eligible for re-appointment at the end of his term of office.
- (5) An ordinary member may at any time resign his office as a member of the Commission by notice in writing to the Secretary of State.
- (6) The Secretary of State may at any time remove a person from office as an ordinary member if he is satisfied that that person—
  - (a) has failed without reasonable excuse to carry out the functions of his office for a continuous period of three months beginning not earlier than six months before that time;
  - (b) has become a person falling within one or more paragraphs of section 9(3);
  - (c) has, since his appointment, been sentenced to imprisonment for a term of three months or more;
  - (d) is a person who—
    - (i) has had a bankruptcy order made against him;
    - (ii) has had his estate sequestrated; or
    - (iii) has made a composition or arrangement with, or granted a trust deed for, his creditors;
  - (e) is subject to—
    - (i) a disqualification order under the Company Directors Disqualification Act 1986 (c. 46) or under Part 2 of the Companies (Northern Ireland) Order 1989 (S.I. 1989/2404 (N.I. 18)); or
    - (ii) an order made under section 429(2)(b) of the Insolvency Act 1986 (c. 45) (failure to pay under county court administration order);
  - (f) has acted improperly in relation to his duties; or
  - (g) is otherwise unable or unfit to perform his duties.
- (7) For the purposes of this paragraph a sentence of imprisonment for any term the whole or part of which is suspended shall be taken to be a sentence of imprisonment for the whole term.
- (8) In this paragraph “ordinary member” means a member of the Commission other than the chairman.

### *Deputy Chairmen*

- 3 (1) The Secretary of State may appoint not more than two deputy chairmen of the Commission from amongst its members.
- (2) A person who ceases to hold office as a member of the Commission shall cease at the same time to hold office as deputy chairman of the Commission.
- (3) A person shall hold office as a deputy chairman of the Commission in accordance with the terms of his appointment.
- (4) A deputy chairman of the Commission may at any time resign his office as a deputy chairman by notice in writing to the Secretary of State.
- (5) A deputy chairman of the Commission who is reappointed as a member from the time that would otherwise have been the end of his term of office as a member shall cease to be a deputy chairman at that time unless he is also reappointed to that office.

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### *Remuneration, pensions etc. of members*

- 4 (1) The Secretary of State may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of the chairman, deputy chairmen and members of the Commission, or any of them, as he may determine.
- (2) Where—
- (a) a person ceases, otherwise than on the expiry of his term of office, to hold office as chairman, deputy chairman or member of the Commission, and
  - (b) it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation,
- the Secretary of State may direct the Commission to make a payment to that person of such amount as the Secretary of State may determine.

### *The Chief Executive*

- 5 Subject to sub-paragraphs (3) and (5), it shall be for the Commission to appoint the person to be its chief executive.
- (1) The Commission shall have a chief executive.
  - (2)
  - (3) The approval of the Secretary of State shall be required for any appointment by the Commission of a person to be its chief executive.
  - (4) Subject to sub-paragraph (5), the Commission's chief executive shall be appointed on such terms and conditions and shall have such functions as the Commission may, with the approval of the Secretary of State, determine.
  - (5) The first appointment of a person to be the chief executive of the Commission shall be made by the Secretary of State, instead of by the Commission; and the terms and conditions on which that appointment is made shall also be determined by the Secretary of State, instead of by the Commission.

#### **Commencement Information**

- II** [Sch. 2 para. 5](#) wholly in force at 1.4.2003; [Sch. 2 para. 5](#) not in force at Royal Assent, see [s. 108\(2\)](#); [Sch. 2 para. 5\(5\)](#) in force at 1.10.2002 by [S.I. 2002/2306](#), [art. 2\(b\)\(ii\)](#); [Sch. 2 para. 5](#) in force in so far as not already in force at 1.4.2003 by [S.I. 2003/808](#), [art. 2\(a\)](#)

### *Staff*

- 6 (1) The Commission may appoint such employees, on such terms and conditions, as appear to it to be appropriate.
- (2) The Commission may make arrangements with—
- (a) the chief officer of police of any police force maintained for a police area in England and Wales,
  - (b) the chief constable of any police force maintained for a police area in Scotland, or
  - (c) the Chief Constable of the Police Service of Northern Ireland,



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under which members of his force are engaged on temporary service with the Commission.

- (3) The Commission may make such other arrangements for its staffing as it thinks fit.
- (4) A member of a police force on temporary service with the Commission shall be under the direction and control of the Commission.
- (5) The approval of the Secretary of State as to numbers and as to the terms and conditions of staff shall be required for the exercise by the Commission of its powers under this paragraph.

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

- C2** Sch. 2 para. 6 applied (5.8.2009) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2009 \(S.I. 2009/2133\)](#), **reg. 5**
- C3** Sch. 2 para. 6 applied (7.4.2010) by [The UK Border Agency \(Complaints and Misconduct\) Regulations 2010 \(S.I. 2010/782\)](#), **reg. 5**

*Superannuation and insurance*

- 7 (1) Where a person who—
- (a) is employed by the Commission, and
  - (b) is by reference to that employment a participant in a scheme under section 1 of the Superannuation Act 1972 (c. 11),
- is appointed as the chairman or as a deputy chairman of the Commission or as a member of it, the Treasury may determine that his service in that office shall be treated for the purposes of the scheme as service as an employee of the Commission; and his rights under the scheme shall not be affected by anything done under paragraph 4.
- (2) The Employers' Liability (Compulsory Insurance) Act 1969 (c. 57) shall not require insurance to be effected by the Commission.

*Liability for acts of seconded staff*

- 8 (1) The Commission shall be liable in respect of unlawful conduct of seconded constables in the carrying out, or purported carrying out, of their functions as members of the Commission's staff in the like manner as an employer is liable in respect of any unlawful conduct of his employees in the course of their employment.
- (2) Accordingly, the Commission shall be treated in the case of any such unlawful conduct which is a tort, as a joint tortfeasor.
- (3) In this paragraph "seconded constables" means persons serving as members of the Commission's staff without being employed by it.

*Power of Commission to set up regional offices*

- 9 If it appears to the Commission that it is necessary to do so in order to carry out its functions efficiently, the Commission may, with the consent of the Secretary of State, set up regional offices in places in England and Wales.

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### *Proceedings*

- 10 (1) The arrangements for the proceedings of the Commission (including the quorum for meetings and the establishment of committees) shall be such as the Commission may determine.
- (2) The arrangements may include provision for the committees established under the arrangements to include members of the Commission's staff and other persons who are not members of the Commission.
- (3) The arrangements may include provision for persons selected by the Commission to attend meetings of the Commission or of any committee established by it.
- (4) The Commission may—
- (a) pay such remuneration and allowances as it may determine to members of committees established by it who are neither members of the Commission nor members of its staff; and
  - (b) make such payments for the reimbursement of expenses incurred by persons attending meetings in accordance with arrangements made by virtue of sub-paragraph (3) as it may determine.
- (5) The arrangements may provide for the carrying out, under the general direction of the Commission, of any of the Commission's functions—
- (a) by a committee established by the Commission;
  - (b) by one or more of the members of the Commission; or
  - (c) by the chief executive or by one or more members of the Commission's staff.
- (6) The making of arrangements by virtue of sub-paragraph (5) shall require the consent of the Secretary of State.
- 11 The validity of any proceedings of the Commission or of any of its committees shall not be affected by—
- (a) any defect in the appointment of the chairman, a deputy chairman or any member of the Commission; or
  - (b) any vacancy in the office of chairman or among the members of the Commission.

### *Authentication of the Commission's seal*

- 12 The application of the seal of the Commission shall be authenticated by the signature of—
- (a) any member of the Commission; or
  - (b) any other person who has been authorised by the Commission (whether generally or specially) for that purpose.

### *Evidence of documents*

- 13 A document purporting to be—
- (a) duly executed by the Commission under its seal, or
  - (b) signed on its behalf,
- shall be received in evidence and shall, unless the contrary is shown, be taken to be so executed or signed.

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#### *Payments by the Secretary of State*

- 14 The Secretary of State may pay to the Commission—
- (a) sums equal to any amounts paid or falling to be paid by it under any provision of this Act (other than paragraph 15); and
  - (b) such other sums as appear to him to be appropriate for enabling it to meet the expenses incurred or to be incurred by it in the carrying out of its functions.

#### *Other receipts by the Commission*

- 15 (1) The Commission shall pay to the Secretary of State all sums received by it (otherwise than under paragraph 14) in the course of, or in connection with, the carrying out of its functions.
- (2) Sub-paragraph (1) shall not apply where the Secretary of State so directs.
- (3) Any sums received by the Secretary of State under this paragraph shall be paid into the Consolidated Fund.

#### *Borrowing*

- 16 The Commission shall not borrow money unless authorised to do so (whether generally or specially) by the Secretary of State.

#### *Accounts*

- 17 (1) The Commission shall—
- (a) keep proper accounts and proper records in relation to the accounts;
  - (b) prepare in respect of each financial year of the Commission a statement of accounts in such form as the Secretary of State may direct; and
  - (c) send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of August in the financial year of the Commission following that to which the statement relates.
- (2) The Comptroller and Auditor General shall—
- (a) examine, certify and report on every statement received by him by virtue of this paragraph; and
  - (b) lay copies of every such statement, and of his report on it, before Parliament.

#### *Financial year of the Commission*

- 18 The following are financial years of the Commission—
- (a) the period beginning with the day on which the Commission is established and ending with 31st March falling next after that day; and
  - (b) every subsequent period of twelve months ending with 31st March.

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## SCHEDULE 3

Section 13

### HANDLING OF COMPLAINTS AND CONDUCT MATTERS ETC.

#### PART 1

#### HANDLING OF COMPLAINTS

##### *Duties to preserve evidence relating to complaints*

- 1 (1) Where a complaint is made about the conduct of a chief officer, it shall be the duty of the police authority maintaining his force to secure that all such steps as are appropriate for the purposes of Part 2 of this Act are taken, both initially and from time to time after that, for obtaining and preserving evidence relating to the conduct complained of.
- (2) Where—
- (a) a complaint is made to a chief officer about the conduct of a person under his direction and control, or
  - (b) a chief officer becomes aware that a complaint about the conduct of a person under his direction or control has been made to the Commission or to a police authority,
- the chief officer shall take all such steps as appear to him to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving evidence relating to the conduct complained of.
- (3) The chief officer's duty under sub-paragraph (2) must be performed as soon as practicable after the complaint is made or, as the case may be, he becomes aware of it.
- (4) After that, he shall be under a duty, until he is satisfied that it is no longer necessary to do so, to continue to take the steps from time to time appearing to him to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving evidence relating to the conduct complained of.
- (5) It shall be the duty of a police authority to comply with all such directions as may be given to it by the Commission in relation to the performance of its duty under sub-paragraph (1).
- (6) It shall be the duty of a chief officer to take all such specific steps for obtaining or preserving evidence relating to any conduct that is the subject-matter of a complaint as he may be directed to take for the purposes of this paragraph by the police authority maintaining his force or by the Commission.

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

- C4** Sch. 3 para. 1 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**

- I2** Sch. 3 para. 1 wholly in force at 1.4.2004; Sch. 3 para. 1 not in force at Royal Assent see s. 108(2); Sch. 3 para. 1 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 1 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

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### *Initial handling and recording of complaints*

- 2 (1) Where a complaint is made to the Commission—
- (a) it shall ascertain whether the complainant is content for the police authority or chief officer who is the appropriate authority to be notified of the complaint; and
  - (b) it shall give notification of the complaint to the appropriate authority if, and only if, the complainant is so content.
- (2) Where a complaint is made to a police authority, it shall—
- (a) determine whether or not it is itself the appropriate authority; and
  - (b) if it determines that it is not, give notification of the complaint to the person who is.
- (3) Where a complaint is made to a chief officer, he shall—
- (a) determine whether or not he is himself the appropriate authority; and
  - (b) if he determines that he is not, give notification of the complaint to the person who is.
- (4) Where the Commission—
- (a) is prevented by sub-paragraph (1)(b) from notifying any complaint to the appropriate authority, and
  - (b) considers that it is in the public interest for the subject-matter of the complaint to be brought to the attention of the appropriate authority and recorded under paragraph 11,
- the Commission may bring that matter to the appropriate authority's attention under that paragraph as if it were a recordable conduct matter, and (if it does so) the following provisions of this Schedule shall have effect accordingly as if it were such a matter.
- (5) Where the Commission, a police authority or a chief officer gives notification of a complaint under any of sub-paragraphs (1) to (3) or the Commission brings any matter to the appropriate authority's attention under sub-paragraph (4), the person who gave the notification or, as the case may be, the Commission shall notify the complainant—
- (a) that the notification has been given and of what it contained; or
  - (b) that the matter has been brought to the appropriate authority's attention to be dealt with otherwise than as a complaint.
- (6) Where—
- (a) a police authority determines, in the case of any complaint made to the authority, that it is itself the appropriate authority,
  - (b) a chief officer determines, in the case of any complaint made to that chief officer, that he is himself the appropriate authority, or
  - (c) a complaint is notified to a police authority or chief officer under this paragraph,
- the authority or chief officer shall record the complaint.
- (7) Nothing in this paragraph shall require the notification or recording by any person of any complaint about any conduct if—

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- (a) that person is satisfied that the subject-matter of the complaint has been, or is already being, dealt with by means of criminal or disciplinary proceedings against the person whose conduct it was; or
- (b) the complaint has been withdrawn.

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

**C5** Sch. 3 para. 2 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**

**I3** Sch. 3 para. 2 wholly in force at 1.4.2004; Sch. 3 para. 2 not in force at Royal Assent see s. 108(2); Sch. 3 para. 2 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), **art. 4(e)**; Sch. 3 para. 2 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), **art. 2(d)**

*Failures to notify or record a complaint*

- 3 (1) This paragraph applies where anything which is or purports to be a complaint in relation to which paragraph (2) has effect is received by a police authority or chief officer (whether in consequence of having been made directly or of a notification under that paragraph).
- (2) If the police authority or chief officer decides not to take action under paragraph (2) for notifying or recording the whole or any part of what has been received, the authority or chief officer shall notify the complainant of the following matters—
- (a) the decision to take no action and, if that decision relates to only part of what was received, the part in question;
  - (b) the grounds on which the decision was made; and
  - (c) that complainant’s right to appeal against that decision under this paragraph.
- (3) The complainant shall have a right of appeal to the Commission against any failure by the police authority or chief officer to make a determination under paragraph 2 or to notify or record anything under that paragraph.
- (4) On an appeal under this paragraph, the Commission shall—
- (a) determine whether any action under paragraph 2 should have been taken in the case in question; and
  - (b) if the Commission finds in the complainant’s favour, give such directions as the Commission considers appropriate to the police authority or chief officer as to the action to be taken for making a determination, or for notifying or recording what was received;
- and it shall be the duty of a police authority or chief officer to comply with any directions given under paragraph (b).
- (5) Directions under sub-paragraph (4)(b) may require action taken in pursuance of the directions to be treated as taken in accordance with any such provision of paragraph 2 as may be specified in the direction.
- (6) The Commission—
- (a) shall give notification both to the police authority or, as the case may be, the chief officer and to the complainant of any determination made by it under this paragraph; and

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- (b) shall give notification to the complainant of any direction given by it under this paragraph to the police authority or chief officer.
- (7) The Secretary of State may by regulations make provision—
- (a) for the form and manner in which appeals under this paragraph are to be brought;
  - (b) for the period within which any such appeal must be brought; and
  - (c) for the procedure to be followed by the Commission when dealing with or disposing of any such appeal.

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

- C6** Sch. 3 para. 3 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
- C7** Sch. 3 para. 3(3) restricted (1.4.2004) by [The Independent Police Complaints Commission \(Transitional Provisions\) Order 2004 \(S.I. 2004/671\)](#), [art. 4\(2\)](#)

**Commencement Information**

- I4** Sch. 3 para. 3 wholly in force at 1.4.2004; Sch. 3 para. 3 not in force at Royal Assent see s. 108(2); Sch. 3 para. 3 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 3 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

*Reference of complaints to the Commission*

- 4 (1) It shall be the duty of the appropriate authority to refer a complaint to the Commission if—
- (a) the complaint is one alleging that the conduct complained of has resulted in death or serious injury;
  - (b) the complaint is of a description specified for the purposes of this sub-paragraph in regulations made by the Secretary of State; or
  - (c) the Commission notifies the appropriate authority that it requires the complaint in question to be referred to the Commission for its consideration.
- (2) In a case where there is no obligation under sub-paragraph (1) to make a reference, the appropriate authority may refer a complaint to the Commission if that authority considers that it would be appropriate to do so by reason of—
- (a) the gravity of the subject-matter of the complaint; or
  - (b) any exceptional circumstances.
- (3) In a case in which a reference under sub-paragraph (1) or (2) is neither made nor required to be made, a police authority may refer a complaint to the Commission if—
- (a) it is one in relation to which the chief officer of police of the police force maintained by that authority is the appropriate authority; and
  - (b) the police authority considers that it would be appropriate to do so reason of—
    - (i) the gravity of the subject-matter of the complaint; or
    - (ii) any exceptional circumstances.
- (4) Where there is an obligation under this paragraph to refer a complaint to the Commission, it must be so referred within such period as may be provided for by regulations made by the Secretary of State.

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- (5) Subject to sub-paragraph (7), the following powers—
- (a) the power of the Commission by virtue of sub-paragraph (1)(c) to require a complaint to be referred to it, and
  - (b) the power of a police authority or chief officer to refer a complaint to the Commission under sub-paragraph (2) or (3),
- shall each be exercisable at any time irrespective of whether the complaint is already being investigated by any person or has already been considered by the Commission.
- (6) A police authority or chief officer which refers a complaint to the Commission under this paragraph shall give a notification of the making of the reference—
- (a) to the complainant, and
  - (b) except in a case where it appears to that authority or chief officer that to do so might prejudice a possible future investigation of the complaint, to the person complained against.
- (7) A complaint that has already been referred to the Commission under this paragraph on a previous occasion—
- (a) shall not be required to be referred again under this paragraph unless the Commission so directs; and
  - (b) shall not be referred in exercise of any power conferred by this paragraph unless the Commission consents.

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

- C8** Sch. 3 para. 4 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**

- I5** Sch. 3 para. 4 wholly in force at 1.4.2004; Sch. 3 para. 4 not in force at Royal Assent see s. 108(2); Sch. 3 para. 4 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), **art. 4(e)**; Sch. 3 para. 4 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), **art. 2(d)**

*Duties of Commission on references under paragraph 4*

- 5 (1) It shall be the duty of the Commission in the case of every complaint referred to it by a police authority or chief officer, to determine whether or not it is necessary for the complaint to be investigated.
- (2) Where the Commission determines under this paragraph that it is not necessary for a complaint to be investigated, it may, if it thinks fit, refer the complaint back to the appropriate authority to be dealt with by that authority in accordance with paragraph 6.
- (3) Where the Commission refers a complaint back under sub-paragraph (2), it shall give a notification of the making of the reference back—
- (a) to the complainant, and
  - (b) except in a case where it appears to the Commission that to do so might prejudice a possible future investigation of the complaint, to the person complained against.



*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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

- C9** Sch. 3 para. 5 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**

- I6** Sch. 3 para. 5 wholly in force at 1.4.2004; Sch. 3 para. 5 not in force at Royal Assent see s. 108(2); Sch. 3 para. 5 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 5 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

*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—
    - (i) criminal proceedings in respect of the conduct to which it relates that would be likely to result in a conviction; or

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- (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)**

**C10** 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**

**I7** 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\(d\)](#)

*Dispensation by the Commission from requirements of Schedule*

- 7
- (1) If, in a case in which paragraph (6) applies, the appropriate authority considers—
    - (a) that it should handle the complaint otherwise than in accordance with this Schedule or should take no action in relation to it, and
    - (b) that the complaint falls within a description of complaints specified in regulations made by the Secretary of State for the purposes of this paragraph, the appropriate authority may apply to the Commission, in accordance with the regulations, for permission to handle the complaint in whatever manner (if any) that authority thinks fit.
  - (2) The appropriate authority shall notify the complainant about the making of the application under this paragraph.
  - (3) Where such an application is made to the Commission, it shall, in accordance with regulations made by the Secretary of State—
    - (a) consider the application and determine whether to grant the permission applied for; and
    - (b) notify its decision to the appropriate authority and the complainant.
  - (4) Where an application is made under this paragraph in respect of any complaint, the appropriate authority shall not, while the application is being considered by the Commission, take any action in accordance with the provisions of this Schedule (other than under paragraph 1) in relation to that complaint.
  - (5) Where the Commission gives permission under this paragraph to handle the complaint in whatever manner (if any) the appropriate authority thinks fit, the authority—

*Status: Point in time view as at 20/01/2004.*

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- (a) shall not be required by virtue of any of the provisions of this Schedule (other than paragraph 1) to take any action in relation to the complaint; but
  - (b) may handle the complaint in whatever manner it thinks fit, or take no action in relation to the complaint, and for the purposes of handling the complaint may take any step that it could have taken, or would have been required to take, but for the permission.
- (6) Where the Commission determines that no permission should be granted under this paragraph—
- (a) it shall refer the matter back to the appropriate authority for the making of a determination under paragraph 6(2); and
  - (b) the authority shall then make that determination.
- (7) No more than one application may be made to the Commission under this paragraph in respect of the same complaint.

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

**C11** Sch. 3 para. 7 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**

**I8** Sch. 3 para. 7 wholly in force at 1.4.2004; Sch. 3 para. 7 not in force at Royal Assent see s. 108(2); Sch. 3 para. 7 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 7 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

*Local resolution of complaints*

- 8 (1) The arrangements made by the appropriate authority for subjecting any complaint to local resolution may include the appointment of a person who—
- (a) is serving with the police, and
  - (b) is under the direction and control of the chief officer of police of the relevant force,
- to secure the local resolution of the complaint.
- (2) The Secretary of State may by regulations make provision—
- (a) for the different descriptions of procedures that are to be available for dealing with a complaint where it is decided it is to be subjected to local resolution;
  - (b) for requiring a person complained against in a case in which the complaint is subjected to local resolution to be given an opportunity of commenting, in such manner as may be provided for in the regulations, on the complaint;
  - (c) for requiring that, on the making of an application in accordance with the regulations, a record of the outcome of any procedure for the local resolution of any complaint is to be given to the complainant.
- (3) A statement made by any person for the purposes of the local resolution of any complaint shall not be 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 local resolution.
- (4) If, after attempts have been made to resolve a complaint using local resolution, it appears to the appropriate authority—

*Status: Point in time view as at 20/01/2004.*

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- (a) that the resolution of the complaint in that manner is impossible, or
  - (b) that the complaint is, for any other reason, not suitable for such resolution,
- it shall make arrangements for the complaint to be investigated by that authority on its own behalf.
- (5) The local resolution of any complaint shall be discontinued if—
- (a) any arrangements are made under sub-paragraph (4);
  - (b) the Commission notifies the appropriate authority that it requires the complaint to be referred to the Commission under paragraph 4; or
  - (c) the complaint is so referred otherwise than in pursuance of such a notification.
- (6) A person who has participated in any attempt to resolve a complaint using local resolution shall be disqualified for appointment under any provision of this Schedule to investigate that complaint, or to assist with the carrying out of the investigation of that complaint.

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

**C12** Sch. 3 para. 8 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**

**I9** Sch. 3 para. 8 wholly in force at 1.4.2004; Sch. 3 para. 8 not in force at Royal Assent see s. 108(2); Sch. 3 para. 8 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), **art. 4(e)**; Sch. 3 para. 8 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), **art. 2(d)**

*Appeals relating to local resolution*

- 9 (1) Subject to sub-paragraph (2), a complainant whose complaint has been subjected to local resolution shall have a right of appeal to the Commission against the conduct of the local resolution of that complaint.
- (2) The only matter that shall fall to be determined on an appeal under this paragraph is whether there have been any contraventions of the procedural requirements relating to the local resolution of the complaint.
- (3) Where an appeal is brought under this paragraph, it shall be the duty of the Commission to give both—
- (a) the person complained against, and
  - (b) the appropriate authority,
- an opportunity of making representations about the matters to which the appeal relates.
- (4) On an appeal under this paragraph, the Commission shall determine whether there have been any contraventions of the procedural requirements relating to the local resolution of the complaint.
- (5) Where the Commission finds in the complainant's favour on an appeal under this paragraph—
- (a) it shall give such directions as the Commission considers appropriate to the appropriate authority as to the future handling of the complaint; and

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- (b) it shall be the duty of the appropriate authority to comply with any directions given to it under this sub-paragraph.
- (6) Where the Commission determines for the purposes of sub-paragraph (5) that the future handling of the complaint should include an investigation, paragraph 15 shall apply as it applies in the case of a determination mentioned in sub-paragraph (1) of that paragraph.
- (7) The Commission—
  - (a) shall give notification to the appropriate authority, to the complainant and to the person complained against of any determination made by it under this paragraph; and
  - (b) shall give notification to the complainant and to the person complained against of any direction given by it under this paragraph to the appropriate authority.
- (8) The Secretary of State may by regulations make provision—
  - (a) for the form and manner in which appeals under this paragraph are to be brought;
  - (b) for the period within which any such appeal must be brought; and
  - (c) for the procedure to be followed by the Commission when dealing with or disposing of any such appeal.

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

**C13** Sch. 3 para. 9 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**

**I10** Sch. 3 para. 9 wholly in force at 1.4.2004; Sch. 3 para. 9 not in force at Royal Assent see s. 108(2); Sch. 3 para. 9 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 9 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

## PART 2

### HANDLING OF CONDUCT MATTERS

#### *Conduct matters arising in civil proceedings*

- 10 (1) This paragraph applies where—
  - (a) a police authority or chief officer has received notification (whether or not under this paragraph) that civil proceedings relating to any matter have been brought by a member of the public against that authority or chief officer, or it otherwise appears to a police authority or chief officer that such proceedings are likely to be so brought; and
  - (b) it appears to that authority or chief officer (whether at the time of the notification or at any time subsequently) that those proceedings involve or would involve a conduct matter.
- (2) The authority or chief officer—

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- (a) shall consider whether it or, as the case may be, he is the appropriate authority in relation to the conduct matter in question; and
  - (b) if it or he is not, shall notify the person who is the appropriate authority about the proceedings, or the proposal to bring them, and about the circumstances that make it appear as mentioned in sub-paragraph (1)(b).
- (3) Where a police authority or chief officer determines for the purposes of this paragraph that it or, as the case may be, he is the appropriate authority in relation to any conduct matter, it or he shall record that matter.
- (4) Where the appropriate authority records any matter under this paragraph it—
- (a) shall first determine whether the matter is one which it is required to refer to the Commission under paragraph 13 or is one which it would be appropriate to so refer; and
  - (b) if it is not required so to refer the matter and does not do so, may deal with the matter in such other manner (if any) as it may determine.
- (5) Nothing in sub-paragraph (3) shall require the appropriate authority to record any conduct matter if it is satisfied that the matter has been, or is already being, dealt with by means of criminal or disciplinary proceedings against the person to whose conduct the matter relates.
- (6) For the purposes of this paragraph civil proceedings involve a conduct matter if—
- (a) they relate to such a matter; or
  - (b) they are proceedings that relate to a matter in relation to which a conduct matter, or evidence of a conduct matter, is or may be relevant.
- (7) The Secretary of State may by regulations provide for the times at which, or the periods within which, any requirement of this paragraph is to be complied with; and the period from which any such period is to run shall be such time as may be specified in those regulations or as may be determined in a manner set out in the regulations.

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

**C14** Sch. 3 para. 10 excluded by [The Independent Police Complaints Commission \(Transitional Provisions\) Order 2004 \(S.I. 2004/671\)](#), art. 4(3) (as inserted (15.4.2004) by [The Independent Police Complaints Commission \(Transitional Provisions\) \(Amendment\) Order 2004 \(S.I. 2004/1092\)](#), art. 2(5))

**C15** Sch. 3 para. 10 applied (with modifications) (28.12.2005) by virtue of [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), reg. 3(4)(6), Sch. 3

**Commencement Information**

**I11** Sch. 3 para. 10 wholly in force at 1.4.2004; Sch. 3 para. 10 not in force at Royal Assent see s. 108(2); Sch. 3 para. 10 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), art. 4(e); Sch. 3 para. 10 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), art. 2(d)

*Recording etc. of conduct matters in other cases*

- 11 (1) Where—
- (a) a conduct matter comes (otherwise than as mentioned in paragraph 10) to the attention of the police authority or chief officer who is the appropriate authority in relation to that matter, and

*Status: Point in time view as at 20/01/2004.*

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- (b) it appears to the appropriate authority that the conduct involved in that matter falls within sub-paragraph (2),  
it shall be the duty of the appropriate authority to record that matter.
- (2) Conduct falls within this sub-paragraph if (assuming it to have taken place)—
- (a) it appears to have resulted in the death of any person or in serious injury to any person;
- (b) a member of the public has been adversely affected by it; or
- (c) it is of a description specified for the purposes of this sub-paragraph in regulations made by the Secretary of State.
- (3) Where the appropriate authority records any matter under this paragraph it—
- (a) shall first determine whether the matter is one which it is required to refer to the Commission under paragraph (13) or is one which it would be appropriate to so refer; and
- (b) if it is not required so to refer the matter and does not do so, may deal with the matter in such other manner (if any) as it may determine.
- (4) Nothing in sub-paragraph (1) shall require the appropriate authority to record any conduct matter if it is satisfied that the matter has been, or is already being, dealt with by means of criminal or disciplinary proceedings against the person to whose conduct the matter relates.
- (5) If it appears to the Commission—
- (a) that any matter that has come to its attention is a recordable conduct matter, but
- (b) that that matter has not been recorded by the appropriate authority,  
the Commission may direct the appropriate authority to record that matter; and it shall be the duty of that authority to comply with the direction.

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

- C16** Sch. 3 para. 11 excluded (15.4.2004) by [The Independent Police Complaints Commission \(Transitional Provisions\) Order 2004 \(S.I. 2004/671\)](#), art. 4(3) (as inserted (15.4.2004) by [The Independent Police Complaints Commission \(Transitional Provisions\) \(Amendment\) Order 2004 \(S.I. 2004/1092\)](#), **art. 2(5)**)
- C17** Sch. 3 para. 11 applied (with modifications) (28.12.2005) by virtue of [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), **reg. 3(4)(6)**, Sch. 3

**Commencement Information**

- I12** Sch. 3 para. 11 wholly in force at 1.4.2004; Sch. 3 para. 11 not in force at Royal Assent see s. 108(2); Sch. 3 para. 11 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), **art. 4(e)**; Sch. 3 para. 11 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), **art. 2(d)**

*Duties to preserve evidence relating to conduct matters*

- 12 (1) Where a recordable conduct matter that relates to the conduct of a chief officer comes to the attention of the police authority maintaining his force, it shall be the duty of that authority to secure that all such steps as are appropriate for the purposes of Part 2 of this Act are taken, both initially and from time to time after that, for obtaining and preserving evidence relating to that matter.

*Status: Point in time view as at 20/01/2004.*

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- (2) Where a chief officer becomes aware of any recordable conduct matter relating to the conduct of a person under his direction and control, it shall be his duty to take all such steps as appear to him to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving evidence relating to that matter.
- (3) The chief officer's duty under sub-paragraph (2) must be performed as soon as practicable after he becomes aware of the matter in question.
- (4) After that, he shall be under a duty, until he is satisfied that it is no longer necessary to do so, to continue to take the steps from time to time appearing to him to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving evidence relating to the matter.
- (5) It shall be the duty of a police authority to comply with all such directions as may be given to it by the Commission in relation to the performance of any duty imposed on it by virtue of sub-paragraph (1).
- (6) It shall be the duty of the chief officer to take all such specific steps for obtaining or preserving evidence relating to any recordable conduct matter as he may be directed to take for the purposes of this paragraph by the police authority maintaining his force or by the Commission.

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

**C18** Sch. 3 para. 12 applied (with modifications) (28.12.2005) by virtue of [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(4\)\(6\)](#), Sch. 3

**Commencement Information**

**I13** Sch. 3 para. 12 wholly in force at 1.4.2004; Sch. 3 para. 12 not in force at Royal Assent see s. 108(2); Sch. 3 para. 12 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 12 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

*Reference of conduct matters to the Commission*

- 13 (1) It shall be the duty of a police authority or a chief officer to refer a recordable conduct matter to the Commission if, in a case (whether or not falling within paragraph 10) in which the authority or chief officer is the appropriate authority—
  - (a) that matter relates to any incident or circumstances in or in consequence of which any person has died or suffered serious injury;
  - (b) that matter is of a description specified for the purposes of this sub-paragraph in regulations made by the Secretary of State; or
  - (c) the Commission notifies the appropriate authority that it requires that matter to be referred to the Commission for its consideration.
- (2) In any case where there is no obligation under sub-paragraph (1) to make a reference, the appropriate authority may refer a recordable conduct matter to the Commission if that authority considers that it would be appropriate to do so by reason of—
  - (a) the gravity of the matter; or
  - (b) any exceptional circumstances.



*Status: Point in time view as at 20/01/2004.*

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- (3) In a case in which a reference under sub-paragraph (1) or (2) is neither made nor required to be made, a police authority maintaining any police force may refer any recordable conduct matter to the Commission if—
- (a) it is one in relation to which the chief officer of police of that force is the appropriate authority; and
  - (b) the police authority considers that it would be appropriate to do so by reason of—
    - (i) the gravity of the matter; or
    - (ii) any exceptional circumstances.
- (4) Where there is an obligation under this paragraph to refer any matter to the Commission, it must be so referred within such period as may be provided for by regulations made by the Secretary of State.
- (5) Subject to sub-paragraph (7), the following powers—
- (a) the power of the Commission by virtue of sub-paragraph (1)(c) to require a matter to be referred to it, and
  - (b) the power of a police authority or chief officer to refer any matter to the Commission under sub-paragraph (2) or (3),
- shall each be exercisable at any time irrespective of whether the matter is already being investigated by any person or has already been considered by the Commission.
- (6) Where—
- (a) a police authority or chief officer refers a matter to the Commission under this paragraph, and
  - (b) that authority or chief officer does not consider that to do so might prejudice a possible future investigation of that matter,
- that authority or chief officer shall give a notification of the making of the reference to the person to whose conduct that matter relates.
- (7) A matter that has already been referred to the Commission under this paragraph on a previous occasion—
- (a) shall not be required to be referred again under this paragraph unless the Commission so directs; and
  - (b) shall not be referred in exercise of any power conferred by this paragraph unless the Commission consents.

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

**C19** Sch. 3 para. 13 applied (with modifications) (28.12.2005) by virtue of [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(4\)\(6\)](#), Sch. 3

**Commencement Information**

**I14** Sch. 3 para. 13 wholly in force at 1.4.2004; Sch. 3 para. 13 not in force at Royal Assent see s. 108(2); Sch. 3 para. 13 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 13 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 20/01/2004.*

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### *Duties of Commission on references under paragraph 13*

- 14 (1) It shall be the duty of the Commission, in the case of every recordable conduct matter referred to it by a police authority or chief officer under paragraph 13, to determine whether or not it is necessary for the matter to be investigated.
- (2) Where the Commission determines under this paragraph that it is not necessary for a recordable conduct matter to be investigated, it may if it thinks fit refer the matter back to the appropriate authority to be dealt with by that authority in such manner (if any) as that authority may determine.
- (3) Where—
- (a) the Commission refers a matter back to the appropriate authority under this paragraph, and
  - (b) the Commission does not consider that to do so might prejudice a possible future investigation of that matter,
- the Commission shall give a notification of the making of the reference to the person to whose conduct that matter relates.

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

**C20** Sch. 3 para. 14 applied (with modifications) (28.12.2005) by virtue of [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(4\)\(6\)](#), Sch. 3

#### **Commencement Information**

**I15** Sch. 3 para. 14 wholly in force at 1.4.2004; Sch. 3 para. 14 not in force at Royal Assent see s. 108(2); Sch. 3 para. 14 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 14 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

VALID FROM 01/07/2005

## [<sup>F1</sup>PART 2A

### HANDLING OF DEATH AND SERIOUS INJURY (DSI) MATTERS

#### **Textual Amendments**

**F1** Sch. 3 Pt. 2A (paras. 14A-14D) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 12](#); [S.I. 2005/1521](#), [art. 3\(1\)\(w\)](#)

#### *Duty to record DSI matters*

- 14A (1) Where a DSI matter comes to the attention of the police authority or chief officer who is the appropriate authority in relation to that matter, it shall be the duty of the appropriate authority to record that matter.
- (2) If it appears to the Commission—
- (a) that any matter that has come to its attention is a DSI matter, but
  - (b) that that matter has not been recorded by the appropriate authority,

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

the Commission may direct the appropriate authority to record that matter; and it shall be the duty of that authority to comply with the direction.

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

**C21** Sch. 3 para. 14A applied (with modifications) (28.12.2005) by virtue of [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(4\)\(6\)](#), Sch. 3

*Duty to preserve evidence relating to DSI matters*

14B (1) Where—

- (a) a DSI matter comes to the attention of a police authority, and
- (b) the relevant officer in relation to that matter is the chief officer of the force maintained by that authority,

it shall be the duty of that authority to secure that all such steps as are appropriate for the purposes of Part 2 of this Act are taken, both initially and from time to time after that, for obtaining and preserving evidence relating to that matter.

(2) Where—

- (a) a chief officer becomes aware of a DSI matter, and
- (b) the relevant officer in relation to that matter is a person under his direction and control,

it shall be his duty to take all such steps as appear to him to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving evidence relating to that matter.

- (3) The chief officer's duty under sub-paragraph (2) must be performed as soon as practicable after he becomes aware of the matter in question.
- (4) After that, he shall be under a duty, until he is satisfied that it is no longer necessary to do so, to continue to take the steps from time to time appearing to him to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving evidence relating to the matter.
- (5) It shall be the duty of a police authority to comply with all such directions as may be given to it by the Commission in relation to the performance of any duty imposed on it by virtue of sub-paragraph (1).
- (6) It shall be the duty of the chief officer to take all such specific steps for obtaining or preserving evidence relating to any DSI matter as he may be directed to take for the purposes of this paragraph by the police authority maintaining his force or by the Commission.

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

**C22** Sch. 3 para. 14B applied (with modifications) (28.12.2005) by virtue of [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(4\)\(6\)](#), Sch. 3

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Reference of DSI matters to the Commission*

- 14C (1) It shall be the duty of the appropriate authority to refer a DSI matter to the Commission.
- (2) The appropriate authority must do so within such period as may be provided for by regulations made by the Secretary of State.
- (3) A matter that has already been referred to the Commission under this paragraph on a previous occasion shall not be required to be referred again under this paragraph unless the Commission so directs.

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

**C23** Sch. 3 para. 14C applied (with modifications) (28.12.2005) by virtue of [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), **reg. 3(4)(6)**, Sch. 3

*Duties of Commission on references under paragraph 14C*

- 14D (1) It shall be the duty of the Commission, in the case of every DSI matter referred to it by a police authority or a chief officer, to determine whether or not it is necessary for the matter to be investigated.
- (2) Where the Commission determines under this paragraph that it is not necessary for a DSI matter to be investigated, it may if it thinks fit refer the matter back to the appropriate authority to be dealt with by that authority in such manner (if any) as that authority may determine.]

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

**C24** Sch. 3 para. 14D applied (with modifications) (28.12.2005) by virtue of [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), **reg. 3(4)(6)**, Sch. 3

### PART 3

#### INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS

*Power of the Commission to determine the form of an investigation*

- 15 (1) This paragraph applies where—
- (a) a complaint or recordable conduct matter is referred to the Commission; and
  - (b) the Commission determines that it is necessary for the complaint or matter to be investigated.
- (2) It shall be the duty of the Commission to determine the form which the investigation should take.
- (3) In making a determination under sub-paragraph (2) the Commission shall have regard to the following factors—
- (a) the seriousness of the case; and
  - (b) the public interest.

*Status: Point in time view as at 20/01/2004.*

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- (4) The only forms which the investigation may take in accordance with a determination made under this paragraph are—
  - (a) an investigation by the appropriate authority on its own behalf;
  - (b) an investigation by that authority under the supervision of the Commission;
  - (c) an investigation by that authority under the management of the Commission;
  - (d) an investigation by the Commission.
- (5) The Commission may at any time make a further determination under this paragraph to replace an earlier one.
- (6) Where a determination under this paragraph replaces an earlier determination under this paragraph, or relates to a complaint or matter in relation to which the appropriate authority has already begun an investigation on its own behalf, the Commission may give—
  - (a) the appropriate authority, and
  - (b) any person previously appointed to carry out the investigation,such directions as it considers appropriate for the purpose of giving effect to the new determination.
- (7) It shall be the duty of a person to whom a direction is given under sub-paragraph (6) to comply with it.
- (8) The Commission shall notify the appropriate authority of any determination that it makes under this paragraph in relation to a particular complaint or recordable conduct matter.

#### **Commencement Information**

**116** Sch. 3 para. 15 wholly in force at 1.4.2004; Sch. 3 para. 15 not in force at Royal Assent see s. 108(2); Sch. 3 para. 15 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 15 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

#### *Investigations by the appropriate authority on its own behalf*

- 16 (1) This paragraph applies if the appropriate authority is required by virtue of—
  - (a) any determination made by that authority under paragraph 6(2) (whether following the recording of a complaint or on a reference back under paragraph 5(2)) or under paragraph 8(4), or
  - (b) any determination made by the Commission under paragraph 15,to make arrangements for a complaint or recordable conduct matter to be investigated by the appropriate authority on its own behalf.
- (2) This paragraph also applies if—
  - (a) a determination falls to be made by that authority under paragraph 10(4)(b), or 11(3)(b) or 14(2) in relation to any recordable conduct matter; and
  - (b) the appropriate authority determine that it is necessary for the matter to be investigated by the authority on its own behalf.
- (3) Subject to sub-paragraph (4), it shall be the duty of the appropriate authority to appoint—

*Status: Point in time view as at 20/01/2004.*

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- (a) a person serving with the police (whether under the direction and control of the chief officer of police of the relevant force or of the chief officer of another force), or
  - (b) a member of the National Criminal Intelligence Service or the National Crime Squad,
- to investigate the complaint or matter.
- (4) The person appointed under this paragraph to investigate any complaint or matter—
- (a) in the case of an investigation relating to any conduct of a chief officer, must not be a person under that chief officer’s direction and control; and
  - (b) in the case of an investigation relating to any conduct of the Commissioner of Police of the Metropolis or of the Deputy Commissioner of Police of the Metropolis, must be the person nominated by the Secretary of State for appointment under this paragraph.

#### **Commencement Information**

**I17** Sch. 3 para. 16 wholly in force at 1.4.2004; Sch. 3 para. 16 not in force at Royal Assent see s. 108(2); Sch. 3 para. 16 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), **art. 4(e)**; Sch. 3 para. 16 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), **art. 2(d)**

#### *Investigations supervised by the Commission*

- 17 (1) This paragraph applies where the Commission has determined that it should supervise the investigation by the appropriate authority of any complaint or recordable conduct matter.
- (2) On being given notice of that determination, the appropriate authority shall, if it has not already done so, appoint—
- (a) a person serving with the police (whether under the direction and control of the chief officer of police of the relevant force or of the chief officer of another force), or
  - (b) a member of the National Criminal Intelligence Service or the National Crime Squad,
- to investigate the complaint or matter.
- (3) The Commission may require that no appointment is made under sub-paragraph (2) unless it has given notice to the appropriate authority that it approves the person whom that authority proposes to appoint.
- (4) Where a person has already been appointed to investigate the complaint or matter, or is selected under this sub-paragraph for appointment, and the Commission is not satisfied with that person, the Commission may require the appropriate authority, as soon as reasonably practicable after being required to do so—
- (a) to select another person falling within sub-paragraph (2)(a) or (b) to investigate the complaint or matter; and
  - (b) to notify the Commission of the person selected.
- (5) Where a selection made in pursuance of a requirement under sub-paragraph (4) has been notified to the Commission, the appropriate authority shall appoint that person to investigate the complaint or matter if, but only if, the Commission notifies the authority that it approves the appointment of that person.

*Status: Point in time view as at 20/01/2004.*

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- (6) A person appointed under this paragraph to investigate any complaint or matter—
- (a) in the case of an investigation relating to any conduct of a chief officer, must not be a person under that chief officer’s direction and control; and
  - (b) in the case of an investigation relating to any conduct of the Commissioner of Police of the Metropolis or of the Deputy Commissioner of Police of the Metropolis, must be the person nominated by the Secretary of State for appointment under this paragraph.
- (7) The person appointed to investigate the complaint or matter shall comply with all such requirements in relation to the carrying out of that investigation as may, in accordance with regulations made for the purposes of this sub-paragraph by the Secretary of State, be imposed by the Commission in relation to that investigation.

#### Commencement Information

**I18** Sch. 3 para. 17 wholly in force at 1.4.2004; Sch. 3 para. 17 not in force at Royal Assent see s. 108(2); Sch. 3 para. 17 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 17 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

#### *Investigations managed by the Commission*

- 18 (1) This paragraph applies where the Commission has determined that it should manage the investigation by the appropriate authority of any complaint or recordable conduct matter.
- (2) Sub-paragraphs (2) to (6) of paragraph 17 shall apply as they apply in the case of an investigation which the Commission has determined is one that it should supervise.
- (3) The person appointed to investigate the complaint or matter shall, in relation to that investigation, be under the direction and control of the Commission.

#### Commencement Information

**I19** Sch. 3 para. 18 wholly in force at 1.4.2004; Sch. 3 para. 18 not in force at Royal Assent see s. 108(2); Sch. 3 para. 18 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 18 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

#### *Investigations by the Commission itself*

- 19 (1) This paragraph applies where the Commission has determined that it should itself carry out the investigation of a complaint or recordable conduct matter.
- (2) The Commission shall designate both—
- (a) a member of the Commission’s staff to take charge of the investigation on behalf of the Commission, and
  - (b) all such other members of the Commission’s staff as are required by the Commission to assist him.
- (3) The person designated under sub-paragraph (2) to be the person to take charge of an investigation relating to any conduct of the Commissioner of Police of the Metropolis

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or of the Deputy Commissioner of Police of the Metropolis must be the person nominated by the Secretary of State to be so designated under that sub-paragraph.

- (4) A member of the Commission’s staff who—
- (a) is designated under sub-paragraph (2) in relation to any investigation, but
  - (b) does not already, by virtue of section 97(8) of the 1996 Act, have all the powers and privileges of a constable throughout England and Wales and the adjacent United Kingdom waters,
- shall, for the purposes of the carrying out of the investigation and all purposes connected with it, have all those powers and privileges throughout England and Wales and those waters.
- (5) A member of the Commission’s staff who is not a constable shall not, as a result of sub-paragraph (4), be treated as being in police service for the purposes of—
- (a) section 280 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) (person in police service excluded from definitions of “worker” and “employee”); or
  - (b) section 200 of the Employment Rights Act 1996 (c. 18) (certain provisions of that Act not to apply to persons in police service).
- (6) The Secretary of State may by order provide that such provisions of the 1984 Act relating to investigations of offences conducted by police officers as may be specified in the order shall apply, subject to such modifications as may be so specified, to investigations of offences conducted by virtue of this paragraph by members of the Commission’s staff designated under sub-paragraph (2).
- (7) References in this paragraph to the powers and privileges of a constable—
- (a) are references to any power or privilege conferred by or under any enactment (including one passed after the passing of this Act) on a constable; and
  - (b) shall have effect as if every such power were exercisable, and every such privilege existed, throughout England and Wales and the adjacent United Kingdom waters (whether or not that is the case apart from this sub-paragraph).
- (8) In this paragraph “United Kingdom waters” means the sea and other waters within the seaward limits of the United Kingdom’s territorial sea.

#### **Commencement Information**

**I20** Sch. 3 para. 19 wholly in force at 1.4.2004; Sch. 3 para. 19 not in force at Royal Assent see s. 108(2); Sch. 3 para. 19 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 19 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

VALID FROM 03/11/2008

#### *Special procedure where investigation relates to police officer or special constable*

[<sup>F2</sup>19A] Paragraphs 19B to 19E apply to investigations of complaints or recordable conduct matters in cases where the person concerned (see paragraph 19B(11)) is a member of a police force or a special constable.



*Status: Point in time view as at 20/01/2004.*

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### Textual Amendments

- F2** Sch. 3 paras. 19A-19E inserted (3.11.2008 for the purpose of making regulations and 1.12.2008 otherwise) by **Criminal Justice and Immigration Act 2008 (c. 4)**, ss. 127, 153, **Sch. 23 para. 5** (with s. 14(1)); S.I. 2008/2712, **art. 2**, Sch. para. 17(b) (subject to arts. 3, 4); S.I. 2008/2993, **art. 2(1)(i)(ii)** (with art. 3)

VALID FROM 03/11/2008

### *Assessment of seriousness of conduct under investigation*

- 19B (1) If, during the course of an investigation of a complaint, it appears to the person investigating that there is an indication that a person to whose conduct the investigation relates may have—
- (a) committed a criminal offence, or
  - (b) behaved in a manner which would justify the bringing of disciplinary proceedings,
- the person investigating must certify the investigation as one subject to special requirements.
- (2) If the person investigating a complaint certifies the investigation as one subject to special requirements, the person must, as soon as is reasonably practicable after doing so, make a severity assessment in relation to the conduct of the person concerned to which the investigation relates.
- (3) The person investigating a recordable conduct matter must make a severity assessment in relation to the conduct to which the investigation relates—
- (a) as soon as is reasonably practicable after his appointment or designation, or
  - (b) in the case of a matter recorded in accordance with paragraph 21A(5) or 24B(2), as soon as is reasonably practicable after it is so recorded.
- (4) For the purposes of this paragraph a “severity assessment”, in relation to conduct, means an assessment as to—
- (a) whether the conduct, if proved, would amount to misconduct or gross misconduct, and
  - (b) if the conduct were to become the subject of disciplinary proceedings, the form which those proceedings would be likely to take.
- (5) An assessment under this paragraph may only be made after consultation with the appropriate authority.
- (6) On completing an assessment under this paragraph, the person investigating the complaint or matter must give a notification to the person concerned that complies with sub-paragraph (7).
- (7) The notification must—
- (a) give the prescribed information about the results of the assessment;
  - (b) give the prescribed information about the effect of paragraph 19C and of regulations under paragraph 19D;

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- (c) set out the prescribed time limits for providing the person investigating the complaint or matter with relevant statements and relevant documents respectively for the purposes of paragraph 19C(2);
  - (d) give such other information as may be prescribed.
- (8) Sub-paragraph (6) does not apply for so long as the person investigating the complaint or matter considers that giving the notification might prejudice—
- (a) the investigation, or
  - (b) any other investigation (including, in particular, a criminal investigation).
- (9) Where the person investigating a complaint or matter has made a severity assessment and considers it appropriate to do so, the person may revise the assessment.
- (10) On revising a severity assessment, the person investigating the complaint or matter must notify the prescribed information about the revised assessment to the person concerned.
- (11) In this paragraph and paragraphs 19C to 19E—
- “the person concerned”—
    - (a) in relation to an investigation of a complaint, means the person in respect of whom it appears to the person investigating that there is the indication mentioned in paragraph 19B(1);
    - (b) in relation to an investigation of a recordable conduct matter, means the person to whose conduct the investigation relates;
  - “relevant document”—
    - (a) means a document relating to any complaint or matter under investigation, and
    - (b) includes such a document containing suggestions as to lines of inquiry to be pursued or witnesses to be interviewed;
  - “relevant statement” means an oral or written statement relating to any complaint or matter under investigation.

### Textual Amendments

- F2** Sch. 3 paras. 19A-19E inserted (3.11.2008 for the purpose of making regulations and 1.12.2008 otherwise) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 153, [Sch. 23 para. 5](#) (with [s. 14\(1\)](#)); [S.I. 2008/2712](#), [art. 2](#), [Sch. para. 17\(b\)](#) (subject to [arts. 3, 4](#)); [S.I. 2008/2993](#), [art. 2\(1\)\(i\)\(ii\)](#) (with [art. 3](#))

VALID FROM 03/11/2008

### *Duty to consider submissions from person whose conduct is being investigated*

- 19C (1) This paragraph applies to—
- (a) an investigation of a complaint that has been certified under paragraph 19B(1) as one subject to special requirements, or
  - (b) an investigation of a recordable conduct matter.

*Status: Point in time view as at 20/01/2004.*

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- (2) If before the expiry of the appropriate time limit notified in pursuance of paragraph 19B(7)(c)—
- (a) the person concerned provides the person investigating the complaint or matter with a relevant statement or a relevant document, or
  - (b) any person of a prescribed description provides that person with a relevant document,
- that person must consider the statement or document.

#### Textual Amendments

- F2** Sch. 3 paras. 19A-19E inserted (3.11.2008 for the purpose of making regulations and 1.12.2008 otherwise) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 153, [Sch. 23 para. 5](#) (with s. 14(1)); S.I. 2008/2712, [art. 2](#), Sch. para. 17(b) (subject to arts. 3, 4); S.I. 2008/2993, [art. 2\(1\)\(i\)\(ii\)](#) (with art. 3)

VALID FROM 03/11/2008

#### *Interview of person whose conduct is being investigated*

- 19D (1) The Secretary of State may by regulations make provision as to the procedure to be followed in connection with any interview of the person concerned which is held during the course of an investigation within paragraph 19C(1)(a) or (b) by the person investigating the complaint or matter.
- (2) Regulations under this paragraph may, in particular, make provision—
- (a) for determining how the time at which an interview is to be held is to be agreed or decided,
  - (b) about the information that must be provided to the person being interviewed,
  - (c) for enabling that person to be accompanied at the interview by a person of a prescribed description.

#### Textual Amendments

- F2** Sch. 3 paras. 19A-19E inserted (3.11.2008 for the purpose of making regulations and 1.12.2008 otherwise) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 153, [Sch. 23 para. 5](#) (with s. 14(1)); S.I. 2008/2712, [art. 2](#), Sch. para. 17(b) (subject to arts. 3, 4); S.I. 2008/2993, [art. 2\(1\)\(i\)\(ii\)](#) (with art. 3)

VALID FROM 03/11/2008

#### *Duty to provide certain information to appropriate authority*

- 19E (1) This paragraph applies during the course of an investigation within paragraph 19C(1)(a) or (b).

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) The person investigating the complaint or matter must supply the appropriate authority with such information in that person's possession as the authority may reasonably request for the purpose mentioned in sub-paragraph (3).
- (3) That purpose is determining, in accordance with regulations under section 50 or 51 of the 1996 Act, whether the person concerned should be, or should remain, suspended—
- (a) from office as constable, and
  - (b) where that person is a member of a police force, from membership of that force.]

#### Textual Amendments

- F2** Sch. 3 paras. 19A-19E inserted (3.11.2008 for the purpose of making regulations and 1.12.2008 otherwise) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 153, [Sch. 23 para. 5](#) (with s. 14(1)); S.I. 2008/2712, [art. 2](#), Sch. para. 17(b) (subject to arts. 3, 4); S.I. 2008/2993, [art. 2\(1\)\(i\)\(ii\)](#) (with art. 3)

#### *Restrictions on proceedings pending the conclusion of an investigation*

- 20 (1) No criminal or disciplinary proceedings shall be brought in relation to any matter which is the subject of an investigation in accordance with the provisions of this Schedule until a report on that investigation has been submitted to the Commission or to the appropriate authority under paragraph 22.
- (2) Nothing in this paragraph shall prevent the bringing of criminal or disciplinary proceedings in respect of any conduct at any time after the discontinuance of the investigation in accordance with the provisions of this Schedule which relates to that conduct.
- (3) The restrictions imposed by this paragraph in relation to the bringing of criminal proceedings shall not apply to the bringing of criminal proceedings by the Director of Public Prosecutions in any case in which it appears to him that there are exceptional circumstances which make it undesirable to delay the bringing of such proceedings.

#### Commencement Information

- I21** Sch. 3 para. 20 wholly in force at 1.4.2004; Sch. 3 para. 20 not in force at Royal Assent see s. 108(2); Sch. 3 para. 20 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 20 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

VALID FROM 01/07/2005

#### *Accelerated procedure in special cases*

- [<sup>F3</sup>20A(1) If, at any time before the completion of his investigation, a person appointed or designated to investigate a complaint or recordable conduct matter believes that the appropriate authority would, on consideration of the matter, be likely to consider

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that the special conditions are satisfied, he shall proceed in accordance with the following provisions of this paragraph.

- (2) If the person was appointed under paragraph 16, he shall submit to the appropriate authority—
  - (a) a statement of his belief and the grounds for it; and
  - (b) a written report on his investigation to that point;and if he was appointed following a determination made by the Commission under paragraph 15 he shall send a copy of the statement and the report to the Commission.
- (3) If the person was appointed under paragraph 17 or 18 or designated under paragraph 19, he shall submit to the appropriate authority—
  - (a) a statement of his belief and the grounds for it; and
  - (b) a written report on his investigation to that point;and shall send a copy of the statement and the report to the Commission.
- (4) A person submitting a report under this paragraph shall not be prevented by any obligation of secrecy imposed by any rule of law or otherwise from including all such matters in his report as he thinks fit.
- (5) A statement and report may be submitted under this paragraph whether or not a previous statement and report have been submitted; but a second or subsequent statement and report may be submitted only if the person submitting them has grounds to believe that the appropriate authority will reach a different determination under paragraph 20B(2) or 20E(2).
- (6) After submitting a report under this paragraph, the person appointed or designated to investigate the complaint or recordable conduct matter shall continue his investigation to such extent as he considers appropriate.
- (7) The special conditions are that—
  - (a) the person whose conduct is the subject matter of the investigation may have committed an imprisonable offence and that person's conduct is of a serious nature;
  - (b) there is sufficient evidence, in the form of written statements or other documents, to establish on the balance of probabilities that conduct justifying dismissal took place; and
  - (c) it is in the public interest for the person whose conduct is the subject matter of the investigation to cease to be a member of a police force, or to be a special constable, without delay.
- (8) In sub-paragraph (7)—
  - (a) in paragraph (a), “imprisonable offence” means an offence which is punishable with imprisonment in the case of a person aged 21 or over; and
  - (b) in paragraph (b), “conduct justifying dismissal” means conduct which is so serious that disciplinary proceedings brought in respect of it would be likely to result in a dismissal.
- (9) In paragraphs 20B to 20H “special report” means a report submitted under this paragraph.]

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

**F3** Sch. 3 paras. 20A-20I inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 159, 178, [Sch. 11 para. 3](#); S.I. 2005/1521, [art. 3\(1\)\(v\)](#)

VALID FROM 01/07/2005

#### *Investigations managed or carried out by Commission: action by appropriate authority*

<sup>F3</sup>20B(1) This paragraph applies where —

- (a) a statement and special report on an investigation carried out under the management of the Commission, or
- (b) a statement and special report on an investigation carried out by a person designated by the Commission,

are submitted to the appropriate authority under paragraph 20A(3).

- (2) The appropriate authority shall determine whether the special conditions are satisfied.
- (3) If the appropriate authority determines that the special conditions are satisfied then, unless it considers that the circumstances are such as to make it inappropriate to do so, it shall—
  - (a) certify the case as a special case for the purposes of Regulation 11 of the Police (Conduct) Regulations 2004 (S.I. 2004/645); and
  - (b) subject to any request made under paragraph 20G(1), take such steps as are required by that Regulation in relation to a case so certified.
- (4) The reference in sub-paragraph (3) to Regulation 11 includes a reference to any corresponding provision replacing that Regulation.
- (5) If the appropriate authority determines that the special conditions are satisfied then it shall notify the Director of Public Prosecutions of its determination and send him a copy of the special report.
- (6) The appropriate authority shall notify the Commission of a certification under sub-paragraph (3).
- (7) If the appropriate authority determines—
  - (a) that the special conditions are not satisfied, or
  - (b) that, although those conditions are satisfied, the circumstances are such as to make it inappropriate at present to bring disciplinary proceedings,
 it shall submit to the Commission a memorandum under this sub-paragraph.
- (8) The memorandum required to be submitted under sub-paragraph (7) is one which—
  - (a) notifies the Commission of its determination that those conditions are not satisfied or (as the case may be) that they are so satisfied but the circumstances are such as to make it inappropriate at present to bring disciplinary proceedings; and
  - (b) (in either case) sets out its reasons for so determining.

(9) In this paragraph “special conditions” has the meaning given by paragraph 20A(7).]

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

**F3** Sch. 3 paras. 20A-20I inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 159, 178, [Sch. 11 para. 3](#); S.I. 2005/1521, [art. 3\(1\)\(v\)](#)

VALID FROM 01/07/2005

### *Investigations managed or carried out by Commission: action by Commission*

- [<sup>F3</sup>20C(1) On receipt of a notification under paragraph 20B(6), the Commission shall give a notification—
- (a) in the case of a complaint, to the complainant and to every person entitled to be kept properly informed in relation to the complaint under section 21; and
  - (b) in the case of a recordable conduct matter, to every person entitled to be kept properly informed in relation to that matter under that section.
- (2) The notification required by sub-paragraph (1) is one setting out—
- (a) the findings of the special report;
  - (b) the appropriate authority's determination under paragraph 20B(2); and
  - (c) the action that the appropriate authority is required to take as a consequence of that determination.
- (3) Subsections (5) to (7) of section 20 shall have effect in relation to the duties imposed on the Commission by sub-paragraph (1) as they have effect in relation to the duties imposed on the Commission by that section.
- (4) Except so far as may be otherwise provided by regulations made by virtue of sub-paragraph (3), the Commission shall be entitled (notwithstanding any obligation of secrecy imposed by any rule of law or otherwise) to discharge the duty to give a person mentioned in sub-paragraph (1) notification of the findings of the special report by sending that person a copy of that report.

### Textual Amendments

**F3** Sch. 3 paras. 20A-20I inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 159, 178, [Sch. 11 para. 3](#); S.I. 2005/1521, [art. 3\(1\)\(v\)](#)

VALID FROM 01/07/2005

### *Investigations managed or carried out by Commission: action by Commission*

- [<sup>F3</sup>20D (1) On receipt of a memorandum under paragraph 20B(7), the Commission shall—
- (a) consider the memorandum;
  - (b) determine, in the light of that consideration, whether or not to make a recommendation under paragraph 20H; and
  - (c) if it thinks fit to do so, make a recommendation under that paragraph.

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) If the Commission determines not to make a recommendation under paragraph 20H, it shall notify the appropriate authority and the person appointed under paragraph 18 or designated under paragraph 19 of its determination.]

### Textual Amendments

**F3** Sch. 3 paras. 20A-20I inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 159, 178, [Sch. 11 para. 3](#); S.I. 2005/1521, [art. 3\(1\)\(v\)](#)

VALID FROM 01/07/2005

### *Other investigations: action by appropriate authority*

- [<sup>F3</sup>20E (1) This paragraph applies where—
- (a) a statement and a special report on an investigation carried out by an appropriate authority on its own behalf, or
  - (b) a statement and a special report on an investigation carried out under the supervision of the Commission,
- are submitted to the appropriate authority under paragraph 20A(2) or (3).
- (2) The appropriate authority shall determine whether the special conditions are satisfied.
- (3) If the appropriate authority determines that the special conditions are satisfied then, unless it considers that the circumstances are such as to make it inappropriate to do so, it shall—
- (a) certify the case as a special case for the purposes of Regulation 11 of the Police (Conduct) Regulations 2004 (S.I. 2004/645); and
  - (b) subject to any request made under paragraph 20G(1), take such steps as are required by that Regulation in relation to a case so certified.
- (4) The reference in sub-paragraph (3) to Regulation 11 includes a reference to any corresponding provision replacing that Regulation.
- (5) If the appropriate authority determines that the special conditions are satisfied then it shall notify the Director of Public Prosecutions of its determination and send him a copy of the special report.
- (6) Where the statement and report were required under paragraph 20A(2) to be copied to the Commission, the appropriate authority shall notify the Commission of a certification under sub-paragraph (3).
- (7) If the appropriate authority determines—
- (a) that the special conditions are not satisfied, or
  - (b) that, although those conditions are satisfied, the circumstances are such as to make it inappropriate at present to bring disciplinary proceedings,
- it shall notify the person appointed under paragraph 16 or 17 of its determination.
- (8) In this paragraph “special conditions” has the meaning given by paragraph 20A(7).]



*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

**F3** Sch. 3 paras. 20A-20I inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 159, 178, [Sch. 11 para. 3](#); S.I. 2005/1521, [art. 3\(1\)\(v\)](#)

VALID FROM 01/07/2005

#### *Other investigations: action by appropriate authority*

- 20F (1) If the appropriate authority certifies a case under paragraph 20E(3), it shall give a notification—
- (a) in the case of a complaint, to the complainant and to every person entitled to be kept properly informed in relation to the complaint under section 21; and
  - (b) in the case of a recordable conduct matter, to every person entitled to be kept properly informed in relation to that matter under that section.
- (2) The notification required by sub-paragraph (1) is one setting out—
- (a) the findings of the report;
  - (b) the authority's determination under paragraph 20E(2); and
  - (c) the action that the authority is required to take in consequence of that determination.
- (3) Subsections (5) to (7) of section 20 shall have effect in relation to the duties imposed on the appropriate authority by sub-paragraph (1) as they have effect in relation to the duties imposed on the appropriate authority by that section.
- (4) Except so far as may be otherwise provided by regulations made by virtue of sub-paragraph (3), the appropriate authority shall be entitled (notwithstanding any obligation of secrecy imposed by any rule of law or otherwise) to discharge the duty to give a person mentioned in sub-paragraph (1) notification of the findings of the special report by sending that person a copy of that report.

#### Textual Amendments

**F3** Sch. 3 paras. 20A-20I inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 159, 178, [Sch. 11 para. 3](#); S.I. 2005/1521, [art. 3\(1\)\(v\)](#)

VALID FROM 01/07/2005

#### *Special cases: Director of Public Prosecutions*

- [  
F320G (1) On receiving a copy of a special report under paragraph 20B(5) or 20E(5), the Director of Public Prosecutions may request the appropriate authority not to bring disciplinary proceedings without his prior agreement, if the Director considers that bringing such proceedings might prejudice any future criminal proceedings.
- (2) The Director of Public Prosecutions—

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) shall notify the appropriate authority of any decision of his to take, or not to take, action in respect of the matters dealt with in a special report copied to him under paragraph 20B(5) or 20E(5); and
  - (b) where the special report was copied to him under paragraph 20B(5), shall send a copy of that notification to the Commission.
- (3) It shall be the duty of the Commission to notify the persons mentioned in sub-paragraph (5) if criminal proceedings are brought against any person by the Director of Public Prosecutions in respect of any matters dealt with in a special report copied to him under paragraph 20B(5).
- (4) It shall be the duty of the appropriate authority to notify the persons mentioned in sub-paragraph (5) if criminal proceedings are brought against any person by the Director of Public Prosecutions in respect of any matters dealt with in a special report copied to him under paragraph 20E(5).
- (5) Those persons are—
- (a) in the case of a complaint, the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21; and
  - (b) in the case of a recordable conduct matter, every person entitled to be kept properly informed in relation to that matter under that section.]

#### Textual Amendments

- F3** Sch. 3 paras. 20A-20I inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 159, 178, [Sch. 11 para. 3](#); S.I. 2005/1521, [art. 3\(1\)\(v\)](#)

VALID FROM 01/07/2005

#### *Special cases: recommendation or direction of Commission*

- 20H (1) Where the appropriate authority has submitted, or is required to submit, a memorandum to the Commission under paragraph 20B(7), the Commission may make a recommendation to the appropriate authority that it should certify the case under paragraph 20B(3).
- (2) If the Commission determines to make a recommendation under this paragraph, it shall give a notification—
- (a) in the case of a complaint, to the complainant and to every person entitled to be kept properly informed in relation to the complaint under section 21; and
  - (b) in the case of a recordable conduct matter, to every person entitled to be kept properly informed in relation to that matter under that section.
- (3) The notification required by sub-paragraph (2) is one setting out—
- (a) the findings of the special report; and
  - (b) the Commission's recommendation under this paragraph.
- (4) Subsections (5) to (7) of section 20 shall have effect in relation to the duties imposed on the Commission by sub-paragraph (2) as they have effect in relation to the duties imposed on the Commission by that section.

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) Except so far as may be otherwise provided by regulations made by virtue of sub-paragraph (4), the Commission shall be entitled (notwithstanding any obligation of secrecy imposed by any rule of law or otherwise) to discharge the duty to give a person mentioned in sub-paragraph (2) notification of the findings of the special report by sending that person a copy of the report.
- (6) It shall be the duty of the appropriate authority to notify the Commission whether it accepts the recommendation and (if it does) to certify the case and proceed accordingly.
- (7) If, after the Commission has made a recommendation under this paragraph, the appropriate authority does not certify the case under paragraph 20B(3)—
  - (a) the Commission may direct the appropriate authority so to certify it; and
  - (b) it shall be the duty of the appropriate authority to comply with the direction and proceed accordingly.
- (8) Where the Commission gives the appropriate authority a direction under this paragraph, it shall supply the appropriate authority with a statement of its reasons for doing so.
- (9) The Commission may at any time withdraw a direction given under this paragraph.
- (10) The appropriate authority shall keep the Commission informed of whatever action it takes in response to a recommendation or direction.

#### Textual Amendments

**F3** Sch. 3 paras. 20A-20I inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 159, 178, [Sch. 11 para. 3](#); S.I. 2005/1521, [art. 3\(1\)\(v\)](#)

VALID FROM 01/07/2005

#### *Special cases: recommendation or direction of Commission*

- 20I (1) Where—
- (a) the Commission makes a recommendation under paragraph 20H in the case of an investigation of a complaint, and
  - (b) the appropriate authority notifies the Commission that the recommendation has been accepted,
- the Commission shall notify the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21 of that fact and of the steps that have been, or are to be, taken by the appropriate authority to give effect to it.
- (2) Where in the case of an investigation of a complaint the appropriate authority—
    - (a) notifies the Commission that it does not accept the recommendation made by the Commission under paragraph 20H, or
    - (b) fails to certify the case under paragraph 20B(3) and to proceed accordingly,it shall be the duty of the Commission to determine what (if any) further steps to take under paragraph 20H.

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) It shall be the duty of the Commission to notify the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21—
- (a) of any determination under sub-paragraph (2) not to take further steps under paragraph 20H; and
  - (b) where it determines under that sub-paragraph to take further steps under that paragraph, of the outcome of the taking of those steps.]

#### Textual Amendments

**F3** Sch. 3 paras. 20A-20I inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 159, 178, [Sch. 11 para. 3](#); S.I. 2005/1521, [art. 3\(1\)\(v\)](#)

#### *Power of the Commission to discontinue an investigation*

- 21 (1) If at any time appears to the Commission (whether on an application by the appropriate authority or otherwise) that a complaint or matter that is being investigated—
- (a) by the appropriate authority on its own behalf, or
  - (b) under the supervision or management of the Commission,
- is of a description of complaint or matter specified in regulations made by the Secretary of State for the purposes of this sub-paragraph, the Commission may by order require the discontinuance of the investigation.
- (2) The Commission shall not discontinue any investigation that is being carried out in accordance with paragraph 19 except in such cases as may be authorised by regulations made by the Secretary of State.
- (3) Where the Commission makes an order under this paragraph or discontinues an investigation being carried out in accordance with paragraph 19, it shall give notification of the discontinuance—
- (a) to the appropriate authority;
  - (b) to every person entitled to be kept properly informed in relation to the subject matter of the investigation under section 21; and
  - (c) in a case where the investigation that is discontinued is an investigation of a complaint, to the complainant.
- (4) Where an investigation of a complaint or recordable conduct matter is discontinued in accordance with this paragraph—
- (a) the Commission may give the appropriate authority directions to do any such things as it is authorised to direct by regulations made by the Secretary of State;
  - (b) the Commission may itself take any such steps of a description specified in regulations so made as it considers appropriate for purposes connected with the discontinuance of the investigation; and
  - (c) subject to the preceding paragraphs, neither the appropriate authority nor the Commission shall take any further action in accordance with the provisions of this Schedule in relation to that complaint or matter.
- (5) The appropriate authority shall comply with any directions given to it under sub-paragraph (4).

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Commencement Information

- I22** Sch. 3 para. 21 wholly in force at 1.4.2004; Sch. 3 para. 21 not in force at Royal Assent see s. 108(2); Sch. 3 para. 21 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 21 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

VALID FROM 01/07/2005

### *Procedure where conduct matter is revealed during investigation of DSI matter*

- [<sup>F4</sup>21A(1) If during the course of an investigation of a DSI matter it appears to a person appointed under paragraph 18 or designated under paragraph 19 that there is an indication that a person serving with the police (“the person whose conduct is in question”) may have—
- (a) committed a criminal offence, or
  - (b) behaved in a manner which would justify the bringing of disciplinary proceedings,
- he shall make a submission to that effect to the Commission.
- (2) If, after considering a submission under sub-paragraph (1), the Commission determines that there is such an indication, it shall—
- (a) notify the appropriate authority in relation to the DSI matter and (if different) the appropriate authority in relation to the person whose conduct is in question of its determination; and
  - (b) send to it (or each of them) a copy of the submission under sub-paragraph (1).
- (3) If during the course of an investigation of a DSI matter it appears to a person appointed under paragraph 16 or 17 that there is an indication that a person serving with the police (“the person whose conduct is in question”) may have—
- (a) committed a criminal offence, or
  - (b) behaved in a manner which would justify the bringing of disciplinary proceedings,
- he shall make a submission to that effect to the appropriate authority in relation to the DSI matter.
- (4) If, after considering a submission under sub-paragraph (3), the appropriate authority determines that there is such an indication, it shall—
- (a) if it is not the appropriate authority in relation to the person whose conduct is in question, notify that other authority of its determination and send to that authority a copy of the submission under sub-paragraph (3); and
  - (b) notify the Commission of its determination and send to it a copy of the submission under sub-paragraph (3).
- (5) Where the appropriate authority in relation to the person whose conduct is in question—
- (a) is notified of a determination by the Commission under sub-paragraph (2),
  - (b) (in a case where it is also the appropriate authority in relation to the DSI matter) makes a determination under sub-paragraph (4), or

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) (in a case where it is not the appropriate authority in relation to the DSI matter) is notified by that other authority of a determination by it under sub-paragraph (4),  
 it shall record the matter under paragraph 11 as a conduct matter (and the other provisions of this Schedule shall apply in relation to that matter accordingly).]

#### Textual Amendments

**F4** Sch. 3 para. 21A inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 20](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)

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

**C25** Sch. 3 para. 21A applied (with modifications) (28.12.2005) by virtue of [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(4\)\(6\)](#), Sch. 3

#### *Final reports on investigations*

- 22 (1) On the completion of his investigation, a person appointed under paragraph 16 shall submit a report on it to the appropriate authority.
- (2) On the completion of his investigation, a person appointed under paragraph 17 or 18 shall—
- (a) submit a report on it to the Commission; and
  - (b) send a copy of that report to the appropriate authority.
- (3) On the completion of an investigation by the Commission itself, the person designated under paragraph 19 as the person in charge of the investigation shall submit a report on it to the Commission.
- (4) A person submitting a report under this paragraph shall not be prevented by any obligation of secrecy imposed by any rule of law or otherwise from including all such matters in his report as he thinks fit.

#### Commencement Information

**I23** Sch. 3 para. 22 wholly in force at 1.4.2004; Sch. 3 para. 22 not in force at Royal Assent see s. 108(2); Sch. 3 para. 22 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 22 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

#### *Action by the Commission in response to an investigation report*

- 23 (1) This paragraph applies where—
- (a) a report on an investigation carried out under the management of the Commission is submitted to it under sub-paragraph (2) of paragraph 22; or
  - (b) a report on an investigation carried out by a person designated by the Commission is submitted to it under sub-paragraph (3) of that paragraph.
- (2) On receipt of the report, the Commission—
- (a) if it appears that the appropriate authority has not already been sent a copy of the report, shall send a copy of the report to that authority;

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*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (b) shall determine whether the report indicates that a criminal offence may have been committed by the person whose conduct was the subject-matter of the investigation;
  - (c) if it determines that the report does so indicate, shall notify the Director of Public Prosecutions of the determination and send him a copy of the report; and
  - (d) shall notify the appropriate authority of its determination under paragraph (b) and of any action taken by it under paragraph (c).
- (3) The Director of Public Prosecutions shall notify the Commission of any decision of his to take, or not to take, action in respect of the matters dealt with in any report a copy of which has been sent to him under sub-paragraph (2)(c).
- (4) It shall be the duty of the Commission to notify the persons mentioned in sub-paragraph (5) if criminal proceedings are brought against any person by the Director of Public Prosecutions in respect of any matters dealt with in a report copied to him under sub-paragraph (2)(c).
- (5) Those persons are—
  - (a) in the case of a complaint, the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21; and
  - (b) in the case of a recordable conduct matter, every person entitled to be kept properly informed in relation to that matter under that section.
- (6) Where the Commission—
  - (a) has determined under sub-paragraph (2)(b) that there is no indication in the report that a criminal offence may have been committed,
  - (b) is notified by the Director of Public Prosecutions, in any case in which it has sent him a copy of the report, that the Director proposes to take no action in respect any of the matters dealt with in the report, or
  - (c) is satisfied that all criminal proceedings brought or likely to be brought in respect of matters dealt with in the report have been brought to a conclusion (apart from the bringing and determination of any appeal),the Commission shall give a notification to the appropriate authority requiring it to determine what action (if any) it will itself take in respect of the matters dealt with in the report.
- (7) On being required under sub-paragraph (6) to determine what action it will take in respect of the matters dealt with in the report the appropriate authority shall make that determination and submit a memorandum to the Commission which—
  - (a) sets out whether the appropriate authority is proposing to take any action in respect of the matters dealt with in the report;
  - (b) if the appropriate authority is proposing to take any action, sets out what action it is proposing to take; and
  - (c) if the appropriate authority has decided in relation to any person whose conduct is the subject-matter of the report that disciplinary proceedings should not be brought against that person, sets out its reasons for so deciding.
- (8) On receipt of a memorandum under sub-paragraph (7), the Commission shall—
  - (a) consider the memorandum and whether the appropriate authority is proposing to take the action that the Commission considers appropriate in respect of the matters dealt with in the report;

*Status: Point in time view as at 20/01/2004.*

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- (b) determine, in the light of its consideration of those matters, whether or not to make recommendations under paragraph 27; and
  - (c) make such recommendations (if any) under that paragraph as it thinks fit.
- (9) On the making of a determination under sub-paragraph (8)(b) the Commission shall give a notification—
- (a) in the case of a complaint, to the complainant and to every person entitled to be kept properly informed in relation to the complaint under section 21; and
  - (b) in the case of a recordable conduct matter, to every person entitled to be kept properly informed in relation to that matter under that section.
- (10) The notification required by sub-paragraph (9) is one setting out—
- (a) the findings of the report;
  - (b) the Commission’s determination under sub-paragraph (8)(b); and
  - (c) the action which the appropriate authority is to be recommended to take as a consequence of the determination.
- (11) Subsections (5) to (7) of section 20 shall have effect in relation to the duties imposed on the Commission by sub-paragraph (9) of this paragraph as they have effect in relation to the duties imposed on the Commission by that section.
- (12) Except so far as may be otherwise provided by regulations made by virtue of sub-paragraph (11), the Commission shall be entitled (notwithstanding any obligation of secrecy imposed by any rule of law or otherwise) to discharge the duty to give a person mentioned in sub-paragraph (9) notification of the findings of the report by sending that person a copy of the report.

#### **Commencement Information**

**I24** Sch. 3 para. 23 wholly in force at 1.4.2004; Sch. 3 para. 23 not in force at Royal Assent see s. 108(2); Sch. 3 para. 23 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 23 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

#### *Action by the appropriate authority in response to an investigation report*

- 24 (1) This paragraph applies where—
- (a) a report of an investigation is submitted to the appropriate authority in accordance with paragraph 22(1); or
  - (b) a copy of a report on an investigation carried out under the supervision of the Commission is sent to the appropriate authority in accordance with paragraph 22(2).
- (2) On receipt of the report or (as the case may be) of the copy, the appropriate authority—
- (a) shall determine whether the report indicates that a criminal offence may have been committed by a person whose conduct was the subject-matter of the investigation; and
  - (b) if it determines that the report does so indicate, shall notify the Director of Public Prosecutions of the determination and send him a copy of the report.



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*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (3) The Director of Public Prosecutions shall notify the appropriate authority of any decision of his to take, or not to take, action in respect of the matters dealt with in any report a copy of which has been sent to him under sub-paragraph (2).
- (4) It shall be the duty of the appropriate authority to notify the persons mentioned in sub-paragraph (5) if criminal proceedings are brought against any person by the Director of Public Prosecutions in respect of any matters dealt with in a report copied to him under sub-paragraph (2)(b).
- (5) Those persons are—
  - (a) in the case of a complaint, the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21; and
  - (b) in the case of a recordable conduct matter, every person entitled to be kept properly informed in relation to that matter under that section.
- (6) Where the appropriate authority—
  - (a) has determined under sub-paragraph (2) that there is no indication in the report that a criminal offence may have been committed,
  - (b) is notified by the Director of Public Prosecutions, in any case in which it has sent him a copy of the report, that the Director proposes to take no action in respect any of the matters dealt with in the report, or
  - (c) is satisfied that all criminal proceedings brought or likely to be brought in respect of matters dealt with in the report have been brought to a conclusion (apart from the bringing and determination of any appeal),the appropriate authority shall determine what action (if any) it will itself take in respect of the matters dealt with in the report.
- (7) On the making of a determination under sub-paragraph (6) the appropriate authority shall give a notification—
  - (a) in the case of a complaint, to the complainant and to every person entitled to be kept properly informed in relation to the complaint under section 21; and
  - (b) in the case of a recordable conduct matter, to every person entitled to be kept properly informed in relation to that matter under that section.
- (8) The notification required by sub-paragraph (7) is one setting out—
  - (a) the findings of the report;
  - (b) whether the authority has determined under sub-paragraph (6) to take any action;
  - (c) the action (if any) which that authority has decided to take; and
  - (d) the complainant's right of appeal under paragraph 25.
- (9) Subsections (5) to (7) of section 20 shall have effect in relation to the duties imposed on the appropriate authority by sub-paragraph (7) of this paragraph as they have effect in relation to the duties imposed on the appropriate authority by that section.
- (10) Except so far as may be otherwise provided by regulations made by virtue of sub-paragraph (9), the appropriate authority shall be entitled (notwithstanding any obligation of secrecy imposed by any rule of law or otherwise) to discharge the duty to give a person mentioned in sub-paragraph (7) notification of the findings of the report by sending that person a copy of the report.

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Commencement Information

- I25** Sch. 3 para. 24 wholly in force at 1.4.2004; Sch. 3 para. 24 not in force at Royal Assent see s. 108(2); Sch. 3 para. 24 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 24 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

VALID FROM 01/07/2005

### *Final reports on investigations: other DSI matters*

- [<sup>F5</sup>24A(1) This paragraph applies on the completion of an investigation of a DSI matter in respect of which neither the Commission nor the appropriate authority has made a determination under paragraph 21A(2) or (4).
- (2) A person appointed under paragraph 16, 17 or 18 or designated under paragraph 19 shall—
- (a) submit a report on the investigation to the Commission; and
  - (b) send a copy of that report to the appropriate authority.
- (3) A person submitting a report under this paragraph shall not be prevented by any obligation of secrecy imposed by any rule of law or otherwise from including all such matters in his report as he thinks fit.
- (4) On receipt of the report, the Commission shall determine whether the report indicates that a person serving with the police may have—
- (a) committed a criminal offence, or
  - (b) behaved in a manner which would justify the bringing of disciplinary proceedings.]

### Textual Amendments

- F5** Sch. 3 paras. 24A-24C inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, **Sch. 12 para. 24**; S.I. 2005/1521, **art. 3(1)(w)**

VALID FROM 01/07/2005

### *Action by the Commission in response to an investigation report under paragraph 24A*

- [<sup>F5</sup>24B(1) If the Commission determines under paragraph 24A(4) that the report indicates that a person serving with the police may have—
- (a) committed a criminal offence, or
  - (b) behaved in a manner which would justify the bringing of disciplinary proceedings,
- it shall notify the appropriate authority in relation to the person whose conduct is in question of its determination and, if it appears that that authority has not already been sent a copy of the report, send a copy of the report to that authority.

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) Where the appropriate authority in relation to the person whose conduct is in question is notified of a determination by the Commission under sub-paragraph (1), it shall record the matter under paragraph 11 as a conduct matter (and the other provisions of this Schedule shall apply in relation to that matter accordingly).]

#### Textual Amendments

- F5** Sch. 3 paras. 24A-24C inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 24](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)

VALID FROM 01/07/2005

- [<sup>F5</sup>24C(1) If the Commission determines under paragraph 24A(4) that there is no indication in the report that a person serving with the police may have—
- (a) committed a criminal offence, or
  - (b) behaved in a manner which would justify the bringing of disciplinary proceedings,
- it shall make such recommendations or give such advice under section 10(1)(e) (if any) as it considers necessary or desirable.
- (2) Sub-paragraph (1) does not affect any power of the Commission to make recommendations or give advice under section 10(1)(e) in other cases (whether arising under this Schedule or otherwise).]

#### Textual Amendments

- F5** Sch. 3 paras. 24A-24C inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 24](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)

#### *Appeals to the Commission with respect to an investigation*

- 25 (1) This paragraph applies where a complaint has been subjected to—
- (a) an investigation by the appropriate authority on its own behalf; or
  - (b) an investigation under the supervision of the Commission.
- (2) The complainant shall have the following rights of appeal to the Commission—
- (a) a right to appeal on the grounds that he has not been provided with adequate information—
    - (i) about the findings of the investigation; or
    - (ii) about any proposals of the appropriate authority to take, or not to take, action in consequence of the report;
  - (b) a right to appeal against the findings of the investigation; and
  - (c) a right of appeal against any proposal of the appropriate authority to take, or not to take, action in respect of any of the matters dealt with in the report of the investigation;

and it shall be the duty of the Commission to notify the appropriate authority, every person entitled to be kept properly informed in relation to the complaint under

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section 21 and the person complained against of any appeal brought under this paragraph.

- (3) On the bringing of an appeal under this paragraph, the Commission may require the appropriate authority to submit a memorandum to the Commission which—
  - (a) sets out whether the appropriate authority is proposing to take any action in respect of the matters dealt with in the report;
  - (b) if the appropriate authority is proposing to take any action, sets out what action it is proposing to take; and
  - (c) if the appropriate authority has decided in relation to any person whose conduct is the subject-matter of the report that disciplinary proceedings should not be brought against that person, sets out its reasons for so deciding;
 and it shall be the duty of the appropriate authority to comply with any requirement under this sub-paragraph.
- (4) Where the Commission so requires on the bringing of any appeal under this paragraph in the case of an investigation by the appropriate authority on its own behalf, the appropriate authority shall provide the Commission with a copy of the report of the investigation.
- (5) On an appeal under this paragraph, the Commission shall determine—
  - (a) whether the complainant has been provided with adequate information about the matters mentioned in sub-paragraph (2)(a);
  - (b) whether the findings of the investigation need to be reconsidered; and
  - (c) whether the appropriate authority is proposing to take the action that the Commission considers appropriate in consequence of the report.
- (6) If, on an appeal under this paragraph, the Commission determines that the complainant has not been provided with adequate information about any matter, the Commission shall give the appropriate authority all such directions as the Commission considers appropriate for securing that the complainant is properly informed.
- (7) Nothing in sub-paragraph (6) shall authorise the Commission to require the disclosure of any information the disclosure of which to the appellant has been or is capable of being withheld by virtue of regulations made under section 20(5).
- (8) If, on an appeal under this paragraph, the Commission determines that the findings of the investigation need to be reconsidered, it shall either—
  - (a) review those findings without an immediate further investigation; or
  - (b) direct that the complaint be re-investigated.
- (9) If, on an appeal under this paragraph, the Commission determines that the appropriate authority is not proposing to take the action in consequence of the report that the Commission considers appropriate, the Commission shall—
  - (a) determine, in the light of that determination, whether or not to make recommendations under paragraph 27; and
  - (b) make such recommendations (if any) under that paragraph as it thinks fit.
- (10) The Commission shall give notification of any determination under this paragraph—
  - (a) to the appropriate authority,
  - (b) to the complainant;

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- (c) to every person entitled to be kept properly informed in relation to the complaint under section 21; and
  - (d) except in a case where it appears to the Commission that to do so might prejudice any proposed review or re-investigation of the complaint, to the person complained against.
- (11) The Commission shall also give notification of any directions given to the appropriate authority under this paragraph—
- (a) to the complainant;
  - (b) to every person entitled to be kept properly informed in relation to the complaint under section 21; and
  - (c) except in a case where it appears to the Commission that to do so might prejudice any proposed review or re-investigation of the complaint, to the person complained against.
- (12) It shall be the duty of the appropriate authority to comply with any directions given to it under this paragraph.
- (13) The Secretary of State may by regulations make provision—
- (a) for the form and manner in which appeals under this paragraph are to be brought;
  - (b) for the period within which any such appeal must be brought; and
  - (c) for the procedure to be followed by the Commission when dealing with or disposing of any such appeal.

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

**C26** Sch. 3 para. 25 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**

**I26** Sch. 3 para. 25 wholly in force at 1.4.2004; Sch. 3 para. 25 not in force at Royal Assent see s. 108(2); Sch. 3 para. 25 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 25 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

*Reviews and re-investigations following an appeal*

- 26 (1) On a review under paragraph 25(8)(a) of the findings of an investigation the powers of the Commission shall be, according to its determination on that review, to do one or more of the following—
- (a) to uphold the findings in whole or in part;
  - (b) to give the appropriate authority such directions—
    - (i) as to the carrying out by the appropriate authority of its own review of the findings,
    - (ii) as to the information to be provided to the complainant, and
    - (iii) generally as to the handling of the matter in future,as the Commission thinks fit;
  - (c) to direct that the complaint be re-investigated.

*Status: Point in time view as at 20/01/2004.*

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- (2) Where the Commission directs under paragraph 25 or sub-paragraph (1) that a complaint be re-investigated, it shall make a determination of the form that the re-investigation should take.
- (3) Sub-paragraphs (3) to (7) of paragraph 15 shall apply in relation to a determination under sub-paragraph (2) as they apply in the case of a determination under that paragraph.
- (4) The other provisions of this Schedule (including this paragraph) shall apply in relation to any re-investigation in pursuance of a direction under paragraph 25(8) or sub-paragraph (1) of this paragraph as they apply in relation to any investigation in pursuance of a determination under paragraph 15.
- (5) The Commission shall give notification of any determination made by it under this paragraph—
  - (a) to the appropriate authority;
  - (b) to the complainant;
  - (c) to every person entitled to be kept properly informed in relation to the complaint under section 21; and
  - (d) except in a case where it appears to the Commission that to do so might prejudice any proposed re-investigation of the complaint, to the person complained against.
- (6) The Commission shall also give notification of any directions given to the appropriate authority under this paragraph —
  - (a) to the complainant;
  - (b) to every person entitled to be kept properly informed in relation to the complaint under section ; and
  - (c) except in a case where it appears to the Commission that to do so might prejudice any proposed review or re-investigation of the complaint, to the person complained against.

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

**C27** Sch. 3 para. 26 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**

**I27** Sch. 3 para. 26 wholly in force at 1.4.2004; Sch. 3 para. 26 not in force at Royal Assent see s. 108(2); Sch. 3 para. 26 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 26 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

*Duties with respect to disciplinary proceedings*

- 27 (1) This paragraph applies where, in the case of any investigation, the appropriate authority—
- (a) has given, or is required to give, a notification under paragraph 24(7) of the action it is proposing to take in relation to the matters dealt with in any report of the investigation; or

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*Status: Point in time view as at 20/01/2004.*

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- (b) has submitted, or is required to submit, a memorandum to the Commission under paragraph 23 or 25 setting out the action that it is proposing to take in relation to those matters.
- (2) Subject to paragraph 20 and to any recommendations or directions under the following provisions of this paragraph, it shall be the duty of the appropriate authority—
  - (a) to take the action which has been or is required to be notified or, as the case may be, which is or is required to be set out in the memorandum; and
  - (b) in a case where that action consists of or includes the bringing of disciplinary proceedings, to secure that those proceedings, once brought, are proceeded with to a proper conclusion.
- (3) Where this paragraph applies by virtue of sub-paragraph (1)(b), the Commission may make a recommendation to the appropriate authority in respect of any person serving with the police—
  - (a) that disciplinary proceedings, or such disciplinary proceedings as may be specified in the recommendation, are brought against that person in respect of the conduct which was the subject-matter of the investigation; or
  - (b) that any disciplinary proceedings brought against that person are modified so as to include such charges as may be so specified;and it shall be the duty of the appropriate authority to notify the Commission whether it accepts the recommendation and (if it does) to set out in the notification the steps that it is proposing to take to give effect to it.
- (4) If, after the Commission has made a recommendation under this paragraph, the appropriate authority does not take steps to secure that full effect is given to the recommendation—
  - (a) the Commission may direct the appropriate authority to take steps for that purpose; and
  - (b) it shall be the duty of the appropriate authority to comply with the direction.
- (5) A direction under sub-paragraph (4) may, to such extent as the Commission thinks fit, set out the steps to be taken by the appropriate authority in order to give effect to the recommendation.
- (6) Where the Commission gives the appropriate authority a direction under this paragraph, it shall supply the appropriate authority with a statement of its reasons for doing so.
- (7) Where disciplinary proceedings have been brought in accordance with a recommendation or direction under this paragraph, it shall be the duty of the authority to ensure that they are proceeded with to a proper conclusion.
- (8) The Commission may at any time withdraw a direction given under this paragraph; and sub-paragraph (7) shall not impose any obligation in relation to any time after the withdrawal of the direction.
- (9) The appropriate authority shall keep the Commission informed—
  - (a) in a case in which this paragraph applies by virtue of sub-paragraph (1)(b), of whatever action it takes in pursuance of its duty under sub-paragraph (2); and
  - (b) in every case of a recommendation or direction under this paragraph, of whatever action it takes in response to that recommendation or direction.

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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

**C28** Sch. 3 para. 27 applied (with modifications) (28.12.2005) by virtue of [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(4\)\(6\)](#), Sch. 3

**Commencement Information**

**I28** Sch. 3 para. 27 wholly in force at 1.4.2004; Sch. 3 para. 27 not in force at Royal Assent see s. 108(2); Sch. 3 para. 27 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 27 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

*Information for complainant about disciplinary recommendations*

- 28 (1) Where—
- (a) the Commission makes recommendations under paragraph 27 in the case of an investigation of a complaint, and
  - (b) the appropriate authority notify the Commission that the recommendations have been accepted,
- the Commission shall notify the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21 of that fact and of the steps that have been, or are to be taken, by the appropriate authority to give effect to it.
- (2) Where in the case of an investigation of a complaint the appropriate authority—
- (a) notify the Commission that it does not (either in whole or in part) accept recommendations made by the Commission under paragraph 27, or
  - (b) fails to take steps to give full effect to any such recommendations,
- it shall be the duty of the Commission to determine what if any further steps to take under that paragraph.
- (3) It shall be the duty of the Commission to notify the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21—
- (a) of any determination under sub-paragraph (2) not to take further steps under paragraph 27; and
  - (b) where they determine under that sub-paragraph to take further steps under that paragraph, of the outcome of the taking of those steps.

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

**C29** Sch. 3 para. 28 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**

**I29** Sch. 3 para. 28 wholly in force at 1.4.2004; Sch. 3 para. 28 not in force at Royal Assent see s. 108(2); Sch. 3 para. 28 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 28 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 20/01/2004.*

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VALID FROM 03/11/2008

### Minor definitions

- [<sup>F6</sup>29 In this Part of this Schedule—
- “gross misconduct” means a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal;
  - “misconduct” means a breach of the Standards of Professional Behaviour;
  - “the person investigating”, in relation to a complaint, recordable conduct matter or DSI matter, means the person appointed or designated to investigate that complaint or matter;
  - “prescribed” means prescribed by regulations made by the Secretary of State;
  - “the Standards of Professional Behaviour” means the standards so described in, and established by, regulations made by the Secretary of State.]

### Textual Amendments

- F6** Sch. 3 para. 29 inserted (3.11.2008 for certain purposes and 1.12.2008 otherwise) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 153, **Sch. 23 para. 19** (with s. 14(1)); S.I. 2008/2712, art. 2, **Sch. para. 17(b)** (subject to arts. 3, 4); S.I. 2008/2993, **art. 2(1)(i)(ii)** (subject to art. 3)

## SCHEDULE 4

Section 38

### POWERS EXERCISABLE BY POLICE CIVILIANS

### Modifications etc. (not altering text)

- C30** Sch. 4 applied (with modifications) (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), ss. **28(1)(g)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

## PART 1

### COMMUNITY SUPPORT OFFICERS

#### *Powers to issue fixed penalty notices*

- 1 (1) Where a designation applies this paragraph to any person, that person shall have the powers specified in sub-paragraph (2) in relation to any individual who he has reason to believe has committed a relevant fixed penalty offence at a place within the relevant police area.
- (2) Those powers are the following powers so far as exercisable in respect of a relevant fixed penalty offence—

*Status: Point in time view as at 20/01/2004.*

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- (a) the powers of a constable in uniform and of an authorised constable to give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (c. 16) (fixed penalty notices in respect of offences of disorder);
  - (b) the power of a constable in uniform to give a person a fixed penalty notice under section 54 of the Road Traffic Offenders Act 1988 (c. 53) (fixed penalty notices) in respect of an offence under section 72 of the Highway Act 1835 (c. 50) (riding on a footway) committed by cycling;
  - (c) the power of an authorised officer of a local authority to give a notice under section 4 of the Dogs (Fouling of Land) Act 1996 (c. 20) (fixed penalty notices in respect of dog fouling);<sup>F7</sup> . . .
  - (d) the power of an authorised officer of a litter authority to give a notice under section 88 of the Environmental Protection Act 1990 (c. 43) (fixed penalty notices in respect of litter).
- (3) In this paragraph “relevant fixed penalty offence”, in relation to a designated person, means an offence which—
- (a) is an offence by reference to which a notice may be given to a person in exercise of any of the powers mentioned in sub-paragraph 1(2)(a) to (d); and
  - (b) is specified or described in that person’s designation as an offence he has been designated to enforce under this paragraph.

#### Textual Amendments

**F7** Word in [Sch. 4 para. 1\(2\)\(c\)](#) repealed (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. 46(1)(a), 92, 93, [Sch. 3](#); [S.I. 2003/3300](#), [art. 2\(g\)\(ii\)\(f\)](#)

#### Commencement Information

**I30** [Sch. 4 para. 1](#) wholly in force at 15.11.2003; [Sch. 4 para. 1](#) not in force at Royal Assent, see s. 108(2); [Sch. 4 para. 1](#) (except sub-paragraph 1(2)(a)) in force at 2.12.2002 by [S.I. 2002/2750](#), [art. 2\(a\)\(ii\)\(a\)](#); [Sch. 4 para. 1\(2\)\(a\)](#) in force at 15.11.2003 by [S.I. 2003/2593](#), [art. 2\(d\)](#)

VALID FROM 27/01/2010

- [<sup>F8</sup>1ZA(1) This paragraph applies if a designation applies it to any person.
- (2) Such a designation may specify that, in relation to that person, the application of sub-paragraph (3) is confined to one or more only (and not all) relevant byelaws, being in each case specified in the designation.
  - (3) Where that person has reason to believe that an individual has committed an offence against a relevant byelaw at a place within the relevant police area, he may exercise the power of an authorised officer of an authority to give a notice under section 237A of the Local Government Act 1972 (fixed penalty notices in relation to offences against certain byelaws).
  - (4) In this paragraph “relevant byelaw”, in relation to a designated person, means a byelaw which—
    - (a) falls within sub-paragraph (5); and
    - (b) is specified or described in that person's designation as a byelaw he has been designated to enforce under this paragraph.
  - (5) A byelaw falls within this sub-paragraph if—

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) it is a byelaw to which section 237A of the Local Government Act 1972 applies (fixed penalty notices in relation to offences against certain byelaws); and
  - (b) the chief officer of the police force for the relevant police area and the authority who made the byelaw have agreed to include it in a list of byelaws for the purposes of this sub-paragraph.
- (6) A list under sub-paragraph (5)(b) must be published by the chief officer in such a way as to bring it to the attention of members of the public in localities where the byelaws in the list apply.
- (7) The list may be amended from time to time by agreement between the chief officer and the authority, by adding byelaws to it or removing byelaws from it, and the amended list shall also be published by the chief officer as mentioned in sub-paragraph (6).]

#### Textual Amendments

- F8** Sch. 4 para. 1ZA inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 133(2)(b)**, 245; S.I. 2010/112, **art. 2(e)**

VALID FROM 01/07/2005

#### *Power to require name and address*

- [<sup>F9</sup>1A (1) This paragraph applies if a designation applies it to any person.
- (2) Such a designation may specify that, in relation to that person, the application of sub-paragraph (3) is confined to one or more only (and not to all) relevant offences or relevant licensing offences, being in each case specified in the designation.
  - (3) Subject to sub-paragraph (4), where that person has reason to believe that another person has committed a relevant offence in the relevant police area, or a relevant licensing offence (whether or not in the relevant police area), he may require that other person to give him his name and address.
  - (4) The power to impose a requirement under sub-paragraph (3) in relation to an offence under a relevant byelaw is exercisable only in a place to which the byelaw relates.
  - (5) A person who fails to comply with a requirement under sub-paragraph (3) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
  - (6) In its application to an offence which is an offence by reference to which a notice may be given to a person in exercise of the power mentioned in paragraph 1(2) (aa), sub-paragraph (3) of this paragraph shall have effect as if for the words “has committed a relevant offence in the relevant police area” there were substituted in the relevant police area has committed a relevant offence.
  - (7) In this paragraph, “relevant offence”, “relevant licensing offence” and “relevant byelaw” have the meaning given in paragraph 2 (reading accordingly the references to “this paragraph” in paragraph 2(6)).]

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### **Textual Amendments**

- F9** Sch. 4 para. 1A inserted (1.7.2005 for certain purposes and 1.1.2006 otherwise) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 2](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#); S.I. 2005/3495, [art. 2\(1\)\(q\)\(r\)](#)

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

- C31** Sch. 4 para. 1A applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, [Sch.](#)

#### *Power to detain etc.*

- 2 (1) This paragraph applies if a designation applies it to any person.
- (2) Where that person has reason to believe that another person has committed a relevant offence in the relevant police area, he may require that other person to give him his name and address.
- (3) Where, in a case in which a requirement under sub-paragraph (2) has been imposed on another person—
- (a) that other person fails to comply with the requirement, or
  - (b) the person who imposed the requirement has reasonable grounds for suspecting that the other person has given him a name or address that is false or inaccurate,
- the person who imposed the requirement may require the other person to wait with him, for a period not exceeding thirty minutes, for the arrival of a constable.
- (4) A person who has been required under sub-paragraph (3) to wait with a person to whom this Part of this Schedule applies may, if requested to do so, elect that (instead of waiting) he will accompany the person imposing the requirement to a police station in the relevant police area.
- (5) A person who—
- (a) fails to comply with a requirement under sub-paragraph (2),
  - (b) makes off while subject to a requirement under sub-paragraph (3), or
  - (c) makes off while accompanying a person to a police station in accordance with an election under sub-paragraph (4),
- is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (6) In this paragraph “relevant offence”, in relation to a person to whom this paragraph applies, means any offence which is—
- (a) a relevant fixed penalty offence for the purposes of the application of paragraph 1 to that person; or
  - [<sup>F10</sup>(aa) an offence under section 32(2) of the Anti-social Behaviour Act 2003; or]
  - (b) an offence the commission of which appears to that person to have caused—
    - (i) injury, alarm or distress to any other person; or
    - (ii) the loss of, or any damage to, any other person’s property;
 but a designation applying this paragraph to any person may provide that an offence is not to be treated as a relevant offence by virtue of

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paragraph (b) unless it satisfies such other conditions as may be specified in the designation.

#### Textual Amendments

**F10** Sch. 4 para. 2(6)(aa) inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 33(2), 93; S.I. 2003/3300, art. 2(b)

#### Commencement Information

**I31** Sch. 4 para. 2 wholly in force at 23.12.2004; Sch. 4 para. 2 not in force at Royal Assent, see s. 108(2); Sch. 4 para. 2(1)(2)(5) (except sub-paragraphs (b)(c) and (6) in force at 2.12.2002 by S.I. 2002/2750, art. 2(a)(ii)(b); Sch. 4 para. 2(3)(4)(5)(b)(c) in force for specified areas only at 2.12.2002 by S.I. 2002/2750, art. 3; Sch. 4 para. 2 in force in so far as not already in force at 23.12.2004 by S.I. 2004/3338, art. 2(a)

VALID FROM 01/01/2006

#### *Powers to search individuals and to seize and retain items*

- [<sup>F11</sup>2A (1) Where a designation applies this paragraph to any person, that person shall (subject to sub-paragraph (3)) have the powers mentioned in sub-paragraph (2) in relation to a person upon whom he has imposed a requirement to wait under paragraph 2(3) or (3B) (whether or not that person makes an election under paragraph 2(4)).
- (2) Those powers are the same powers as a constable has under section 32 of the 1984 Act in relation to a person arrested at a place other than a police station—
- (a) to search the arrested person if the constable has reasonable grounds for believing that the arrested person may present a danger to himself or others; and to seize and retain anything he finds on exercising that power, if the constable has reasonable grounds for believing that the person being searched might use it to cause physical injury to himself or to any other person;
  - (b) to search the arrested person for anything which he might use to assist him to escape from lawful custody; and to seize and retain anything he finds on exercising that power (other than an item subject to legal privilege) if the constable has reasonable grounds for believing that the person being searched might use it to assist him to escape from lawful custody.
- (3) If in exercise of the power conferred by sub-paragraph (1) the person to whom this paragraph applies seizes and retains anything by virtue of sub-paragraph (2), he must—
- (a) tell the person from whom it was seized where inquiries about its recovery may be made; and
  - (b) comply with a constable's instructions about what to do with it.]

#### Textual Amendments

**F11** Sch. 4 para. 2A inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, Sch. 8 para. 4; S.I. 2005/3495, art. 2(1)(q)(r)

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Power to require name and address of person acting in an anti-social manner*

- 3 (1) Where a designation applies this paragraph to any person, that person shall, in the relevant police area, have the powers of a constable in uniform under section 50 to require a person whom he has reason to believe to have been acting, or to be acting, in an anti-social manner (within the meaning of section 1 of the Crime and Disorder Act 1998 (c. 37) (anti-social behaviour orders)) to give his name and address.
- (2) Sub-paragraphs (3) to (5) of paragraph 2 apply in the case of a requirement imposed by virtue of sub-paragraph (1) as they apply in the case of a requirement under sub-paragraph (2) of that paragraph.

**Commencement Information**

**I32** Sch. 4 para. 3 wholly in force at 23.12.2004; Sch. 4 para. 3 not in force at Royal Assent, see s. 108(2); Sch. 4 para. 3(1) in force at 2.12.2002 by [S.I. 2002/2750, art. 2\(a\)\(ii\)\(c\)](#); Sch. 4 para. 3(2) in force for specified areas only at 2.12.2002 by [S. I. 2002/2750, art. 3](#); Sch. 4 para. 3(2) in force in so far as not already in force at 23.12.2004 by [S.I. 2004/3338, art. 2\(b\)](#)

VALID FROM 01/07/2005

*Power to require name and address: road traffic offences*

- [<sup>F12</sup>3A (1) Where a designation applies this paragraph to any person, that person shall, in the relevant police area, have the powers of a constable—
- (a) under subsection (1) of section 165 of the Road Traffic Act 1988 to require a person mentioned in paragraph (c) of that subsection who he has reasonable cause to believe has committed, in the relevant police area, an offence under subsection (1) or (2) of section 35 of that Act (including that section as extended by paragraphs 11B(4) and 12(2) of this Schedule) to give his name and address; and
  - (b) under section 169 of that Act to require a person committing an offence under section 37 of that Act (including that section as extended by paragraphs 11B(4) and 12(2) of this Schedule) to give his name and address.
- (2) Sub-paragraphs (3) to (5) of paragraph 2 apply in the case of a requirement imposed by virtue of sub-paragraph (1) as they apply in the case of a requirement under paragraph 1A(3).
- (3) The reference in section 169 of the Road Traffic Act 1988 to section 37 of that Act is to be taken to include a reference to that section as extended by paragraphs 11B(4) and 12(2) of this Schedule.]

**Textual Amendments**

**F12** Sch. 4 para. 3A inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 122, 178, Sch. 8 para. 6](#); [S.I. 2005/1521, art. 3\(1\)\(h\)\(i\)](#)

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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

**C32** Sch. 4 para. 3A applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, [Sch.](#)

*Power to use reasonable force to detain person*

- 4 (1) This paragraph applies where a designation—
- (a) applies this paragraph to a person to whom any or all of paragraphs 1 to 3 are also applied; and
  - (b) sets out the matters in respect of which that person has the power conferred by this paragraph.
- (2) The matters that may be set out in a designation as the matters in respect of which a person has the power conferred by this paragraph shall be confined to—
- (a) offences that are relevant penalty notice offences for the purposes of the application of paragraph 1 to the designated person;
  - (b) offences that are relevant offences for the purposes of the application of paragraph 2 to the designated person; and
  - (c) behaviour that constitutes acting in an anti-social manner (within the meaning of section 1 of the Crime and Disorder Act 1998 (c. 37) (anti-social behaviour orders)).
- (3) In any case in which a person to whom this paragraph applies has imposed a requirement on any other person under paragraph 2(2) or 3(1) in respect of anything appearing to him to be a matter set out in the designation, he may use reasonable force to prevent that other person from making off while he is either—
- (a) subject to a requirement imposed in that case by the designated person under sub-paragraph (3) of paragraph 2; or
  - (b) accompanying the designated person to a police station in accordance with an election made in that case under sub-paragraph (4) of that paragraph.

**Commencement Information**

**I33** Sch. 4 para. 4 wholly in force at 23.12.2004; Sch. 4 para. 4 not in force at Royal Assent, see s. 108(2); Sch. 4 para. 4 in force for specified areas only at 2.12.2002 by [S.I. 2002/2750](#), [art. 3](#); Sch. 4 para. 4 in force in so far as not already in force at 23.12.2004 by [S.I. 2004/3338](#), [art. 2\(c\)](#)

VALID FROM 01/07/2005

- [<sup>F13</sup>4ZA] Where a designation applies this paragraph to any person, that person may, if he has imposed a requirement on any person to wait with him under paragraph 2(3B) or by virtue of paragraph 7A(8) or 7C(2)(a), use reasonable force to prevent that other person from making off and to keep him under control while he is either—
- (a) subject to that requirement; or
  - (b) accompanying the designated person to a police station in accordance with an election made under paragraph 2(4).

*Status: Point in time view as at 20/01/2004.*

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**Textual Amendments**

**F13** Sch. 4 paras. 4ZA, 4ZB inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 4](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)

VALID FROM 01/07/2005

**4ZB** Where a designation applies this paragraph to any person, that person, if he is complying with any duty under sub-paragraph (4A) or (4B) of paragraph 2, may use reasonable force to prevent P (as identified in those sub-paragraphs) from making off (or escaping) and to keep him under control.]

**Textual Amendments**

**F13** Sch. 4 paras. 4ZA, 4ZB inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 4](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)

*Power to disperse groups and remove young persons to their place of residence*

**[<sup>F14</sup>4A** Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the powers which, by virtue of an authorisation under section 30 of the Anti-social Behaviour Act 2003, are conferred on a constable in uniform by section 30(3) to (6) of that Act (power to disperse groups and remove persons under 16 to their place of residence).

**Textual Amendments**

**F14** Sch. 4 paras. 4A, 4B inserted (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. [33\(3\)](#), 93; S.I. 2003/3300, [art. 2\(b\)](#)

*Power to disperse groups and remove young persons to their place of residence*

**4B** (1) Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the power of a constable under section 15(3) of the Crime and Disorder Act 1998 (power to remove child to their place of residence).

(2) Section 15(1) of that Act shall have effect in relation to the exercise of that power by that person as if the reference to a constable in that section were a reference to that person.

(3) Where that person exercises that power, the duty in section 15(2) of that Act (duty to inform local authority of contravention of curfew notice) is to apply to him as it applies to a constable.]

**Textual Amendments**

**F14** Sch. 4 paras. 4A, 4B inserted (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. [33\(3\)](#), 93; S.I. 2003/3300, [art. 2\(b\)](#)



*Status: Point in time view as at 20/01/2004.*

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VALID FROM 01/04/2007

*Power to remove truants to designated premises etc.*

- [<sup>F15</sup>4C Where a designation applies this paragraph to any person, that person shall—
- (a) as respects any area falling within the relevant police area and specified in a direction under section 16(2) of the Crime and Disorder Act 1998, but
  - (b) only during the period specified in the direction,
- have the powers conferred on a constable by section 16(3) of that Act (power to remove truant found in specified area to designated premises or to the school from which truant is absent).]

**Textual Amendments**

- F15** Sch. 4 para. 4C inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), **ss. 8, 53**; [S.I. 2007/709](#), **art. 3(f)** (subject to **arts. 6, 7**)

*Alcohol consumption in designated public places*

- 5 Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the powers of a constable under section 12 of the Criminal Justice and Police Act 2001 (c. 16) (alcohol consumption in public places)—
- (a) to impose a requirement under subsection (2) of that section; and
  - (b) to dispose under subsection (3) of that section of anything surrendered to him;
- and that section shall have effect in relation to the exercise of those powers by that person as if the references to a constable in subsections (1) and (5) were references to that person.

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

- C33** Sch. 4 para. 5 applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), **art. 2, Sch.**

VALID FROM 06/04/2007

*Power to serve closure notice for licensed premises persistently selling to children*

- [<sup>F16</sup>5A Where a designation applies this paragraph to any person, that person shall have—
- (a) within the relevant police area, and
  - (b) if it appears to him as mentioned in subsection (7) of section 169A of the Licensing Act 2003 (closure notices served on licensed premises persistently serving children),
- the capacity of a constable under that subsection to be the person by whose delivery of a closure notice that notice is served.]

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

**F16** Sch. 4 para. 5A inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), [ss. 24\(6\)](#), [66](#); [S.I. 2007/858](#), [art. 2\(a\)](#)

### *Confiscation of alcohol*

6 Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the powers of a constable under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (c. 33) (confiscation of intoxicating liquor)—

- (a) to impose a requirement under subsection (1) of that section; and
- (b) to dispose under subsection (2) of that section of anything surrendered to him;

and that section shall have effect in relation to the exercise of those powers by that person as if the references to a constable in subsections (1) and (4) (but not the reference in subsection (5) (arrest)) were references to that person.

### Modifications etc. (not altering text)

**C34** Sch. 4 para. 6 applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), [art. 2](#), [Sch.](#)

### *Confiscation of tobacco etc.*

7 Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have—

- (a) the power to seize anything that a constable in uniform has a duty to seize under subsection (3) of section 7 of the Children and Young Persons Act 1933 (c. 12) (seizure of tobacco etc. from young persons); and
- (b) the power to dispose of anything that a constable may dispose of under that subsection;

and the power to dispose of anything shall be a power to dispose of it in such manner as the police authority may direct.

### Modifications etc. (not altering text)

**C35** Sch. 4 para. 7 applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), [art. 2](#), [Sch.](#)

VALID FROM 01/01/2006

### *Search and seizure powers: alcohol and tobacco*

<sup>F17</sup>7A (1) Where a designation applies this paragraph to any person (“the CSO”), the CSO shall have the powers set out below.

(2) Where—

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- (a) in exercise of the powers referred to in paragraph 5 or 6 the CSO has imposed, under section 12(2) of the Criminal Justice and Police Act 2001 or under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997, a requirement on a person to surrender alcohol or a container for alcohol;
  - (b) that person fails to comply with that requirement; and
  - (c) the CSO reasonably believes that the person has alcohol or a container for alcohol in his possession,
- the CSO may search him for it.
- (3) Where—
- (a) in exercise of the powers referred to in paragraph 7 the CSO has sought to seize something which by virtue of that paragraph he has a power to seize;
  - (b) the person from whom he sought to seize it fails to surrender it; and
  - (c) the CSO reasonably believes that the person has it in his possession,
- the CSO may search him for it.
- (4) The power to search conferred by sub-paragraph (2) or (3)—
- (a) is to do so only to the extent that is reasonably required for the purpose of discovering whatever the CSO is searching for; and
  - (b) does not authorise the CSO to require a person to remove any of his clothing in public other than an outer coat, jacket or gloves.
- (5) A person who without reasonable excuse fails to consent to being searched is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (6) A CSO who proposes to exercise the power to search a person under sub-paragraph (2) or (3) must inform him that failing without reasonable excuse to consent to being searched is an offence.
- (7) If the person in question fails to consent to being searched, the CSO may require him to give the CSO his name and address.
- (8) Sub-paragraph (3) of paragraph 2 applies in the case of a requirement imposed by virtue of sub-paragraph (7) as it applies in the case of a requirement under paragraph 1A(3); and sub-paragraphs (4) to (5) of paragraph 2 also apply accordingly.
- (9) If on searching the person the CSO discovers what he is searching for, he may seize it and dispose of it.

#### Textual Amendments

**F17** Sch. 4 paras. 7A-7C inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 8](#); S.I. 2005/3495, [art. 2\(1\)\(q\)\(r\)](#)

*Status: Point in time view as at 20/01/2004.*

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VALID FROM 01/01/2006

*Powers to seize and detain: controlled drugs*

- [<sup>F17</sup>7B (1) Where a designation applies this paragraph to any person (“the CSO”), the CSO shall, within the relevant police area, have the powers set out in sub-paragraphs (2) and (3).
- (2) If the CSO—
- (a) finds a controlled drug in a person's possession (whether or not he finds it in the course of searching the person by virtue of a designation under any paragraph of this Schedule); and
  - (b) reasonably believes that it is unlawful for the person to be in possession of it,
- the CSO may seize it and retain it.
- (3) If the CSO—
- (a) finds a controlled drug in a person's possession (as mentioned in sub-paragraph (2)); or
  - (b) reasonably believes that a person is in possession of a controlled drug, and reasonably believes that it is unlawful for the person to be in possession of it, the CSO may require him to give the CSO his name and address.
- (4) If in exercise of the power conferred by sub-paragraph (2) the CSO seizes and retains a controlled drug, he must—
- (a) if the person from whom it was seized maintains that he was lawfully in possession of it, tell the person where inquiries about its recovery may be made; and
  - (b) comply with a constable's instructions about what to do with it.
- (5) A person who fails to comply with a requirement under sub-paragraph (3) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (6) In this paragraph, “controlled drug” has the same meaning as in the Misuse of Drugs Act 1971.]

**Textual Amendments**

**F17** Sch. 4 paras. 7A-7C inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 8](#); S.I. 2005/3495, [art. 2\(1\)\(q\)\(r\)](#)

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

**C36** Sch. 4 para. 7B applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), [art. 2](#), [Sch.](#)

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

VALID FROM 01/01/2006

*Powers to seize and detain: controlled drugs*

- 7C (1) Sub-paragraph (2) applies where a designation applies this paragraph to any person (“the CSO”).
- (2) If the CSO imposes a requirement on a person under paragraph 7B(3)—
- (a) sub-paragraph (3) of paragraph 2 applies in the case of such a requirement as it applies in the case of a requirement under paragraph 1A(3); and
  - (b) sub-paragraphs (4) to (5) of paragraph 2 also apply accordingly.]

**Textual Amendments**

**F17** Sch. 4 paras. 7A-7C inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 8](#); S.I. 2005/3495, [art. 2\(1\)\(q\)\(r\)](#)

VALID FROM 01/07/2005

*Park Trading offences*

- [<sup>F18</sup>7D (1) This paragraph applies if—
- (a) a designation applies it to any person (“the CSO”), and
  - (b) the CSO has under paragraph 2(3) required another person (“P”) to wait with him for the arrival of a constable.
- (2) If the CSO reasonably suspects that P has committed a park trading offence, the CSO may take possession of anything of a non-perishable nature which—
- (a) P has in his possession or under his control, and
  - (b) the CSO reasonably believes to have been used in the commission of the offence.
- (3) The CSO may retain possession of the thing in question for a period not exceeding 30 minutes unless P makes an election under paragraph 2(4), in which case the CSO may retain possession of the thing in question until he is able to transfer control of it to a constable.
- (4) In this paragraph “park trading offence” means an offence committed in a specified park which is a park trading offence for the purposes of the Royal Parks (Trading) Act 2000.]

**Textual Amendments**

**F18** Sch. 4 para. 7D inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 161, 178, [Sch. 13 para. 13\(3\)](#); S.I. 2005/1521, [art. 3\(1\)\(x\)\(y\)](#)

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Entry to save life or limb or prevent serious damage to property*

- 8 Where a designation applies this paragraph to any person, that person shall have the powers of a constable under section 17 of the 1984 Act to enter and search any premises in the relevant police area for the purpose of saving life or limb or preventing serious damage to property.

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

- C37** Sch. 4 para. 8 applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, **Sch.**

VALID FROM 01/01/2006

*Entry to investigate licensing offences*

- [<sup>F19</sup>8A (1) Where a designation applies this paragraph to any person, that person shall have the powers of a constable under section 180 of the Licensing Act 2003 to enter and search premises other than clubs in the relevant police area, but only in respect of a relevant licensing offence (as defined for the purposes of paragraph 2).
- (2) Except as mentioned in sub-paragraph (3), a person to whom this paragraph applies shall not, in exercise of the power conferred by sub-paragraph (1), enter any premises except in the company, and under the supervision, of a constable.
- (3) The prohibition in sub-paragraph (2) does not apply in relation to premises in respect of which the person to whom this paragraph applies reasonably believes that a premises licence under Part 3 of the Licensing Act 2003 authorises the sale of alcohol for consumption off the premises.]

**Textual Amendments**

- F19** Sch. 4 para. 8A inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, **Sch. 8 para. 9**; S.I. 2005/3495, art. 2(1)(q)(r)

*Seizure of vehicles used to cause alarm etc.*

- 9 (1) Where a designation applies this paragraph to any person—
- (a) that person shall, within the relevant police area, have all the powers of a constable in uniform under section 59 of this Act which are set out in subsection (3) of that section; and
  - (b) references in that section to a constable, in relation to the exercise of any of those powers by that person, are references to that person.
- (2) A person to whom this paragraph applies shall not enter any premises in exercise of the power conferred by section 59(3)(c) except in the company, and under the supervision, of a constable.

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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

**C38** Sch. 4 para. 9 applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, [Sch.](#)

*Abandoned vehicles*

10 Where a designation applies this paragraph to any person, that person shall have any such powers in the relevant police area as are conferred on persons designated under that section by regulations under section 99 of the Road Traffic Regulation Act 1984 (c. 27) (removal of abandoned vehicles).

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

**C39** Sch. 4 para. 10 applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, [Sch.](#)

*Power to stop vehicle for testing*

11 Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the power of a constable in uniform to stop a vehicle under subsection (3) of section 67 of the Road Traffic Act 1988 (c. 52) for the purposes of a test under subsection (1) of that section.

*Power to stop cycles*

[<sup>F20</sup>11A(1) Subject to sub-paragraph (2), where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the power of a constable in uniform under section 163(2) of the Road Traffic Act 1988 to stop a cycle.

(2) The power mentioned in sub-paragraph (1) may only be exercised by that person in relation to a person who he has reason to believe has committed an offence under section 72 of the Highway Act 1835 (riding on a footway) by cycling.]

**Textual Amendments**

**F20** Sch. 4 para. 11A inserted (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. [89\(3\)](#), [93](#); [S.I. 2003/3300](#), art. [2\(f\)\(iv\)](#)

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

**C40** Sch. 4 para. 11A applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, [Sch.](#)

*Status: Point in time view as at 20/01/2004.*

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VALID FROM 01/07/2005

*Power to control traffic for purposes other than escorting a load of exceptional dimensions*

- [<sup>F21</sup>11B] (1) Where a designation applies this paragraph to any person, that person shall have, in the relevant police area—
- (a) the power of a constable engaged in the regulation of traffic in a road to direct a person driving or propelling a vehicle to stop the vehicle or to make it proceed in, or keep to, a particular line of traffic;
  - (b) the power of a constable in uniform engaged in the regulation of vehicular traffic in a road to direct a person on foot to stop proceeding along or across the carriageway.
- (2) The purposes for which those powers may be exercised do not include the purpose mentioned in paragraph 12(1).
- (3) Where a designation applies this paragraph to any person, that person shall also have, in the relevant police area, the power of a constable, for the purposes of a traffic survey, to direct a person driving or propelling a vehicle to stop the vehicle, to make it proceed in, or keep to, a particular line of traffic, or to proceed to a particular point on or near the road.
- (4) Sections 35 and 37 of the Road Traffic Act 1988 (offences of failing to comply with directions of constable engaged in regulation of traffic in a road) shall have effect in relation to the exercise of the powers mentioned in sub-paragraphs (1) and (3), for the purposes for which they may be exercised and by a person whose designation applies this paragraph to him, as if the references to a constable were references to him.
- (5) A designation may not apply this paragraph to any person unless a designation also applies paragraph 3A to him.]

**Textual Amendments**

**F21** Sch. 4 para. 11B inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 10](#); [S.I. 2005/1521](#), [art. 3\(1\)\(h\)\(i\)](#)

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

**C41** Sch. 4 para. 11B applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), [art. 2](#), [Sch.](#)

*Power to control traffic for purposes of escorting a load of exceptional dimensions*

- 12 (1) Where a designation applies this paragraph to any person, that person shall have, for the purpose of escorting a vehicle or trailer carrying a load of exceptional dimensions either to or from the relevant police area, the power of a constable engaged in the regulation of traffic in a road—
- (a) to direct a vehicle to stop;
  - (b) to make a vehicle proceed in, or keep to, a particular line of traffic; and
  - (c) to direct pedestrians to stop.



*Status: Point in time view as at 20/01/2004.*

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- (2) Sections 35 and 37 of the Road Traffic Act 1988 (offences of failing to comply with directions of constable engaged in regulation of traffic in a road) shall have effect in relation to the exercise of those powers for the purpose mentioned in subparagraph (1) by a person whose designation applies this paragraph to him as if the references to a constable engaged in regulation of traffic in a road were references to that person.
- (3) The powers conferred by virtue of this paragraph may be exercised in any police area in England and Wales.
- (4) In this paragraph “vehicle or trailer carrying a load of exceptional dimensions” means a vehicle or trailer the use of which is authorised by an order made by the Secretary of State under section 44(1)(d) of the Road Traffic Act 1988.

#### *Carrying out of road checks*

- 13 Where a designation applies this paragraph to any person, that person shall have the following powers in the relevant police area—
- (a) the power to carry out any road check the carrying out of which by a police officer is authorised under section 4 of the 1984 Act (road checks); and
  - (b) for the purpose of exercising that power, the power conferred by section 163 of the Road Traffic Act 1988 (c. 52) (power of police to stop vehicles) on a constable in uniform to stop a vehicle.

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

**C42** Sch. 4 para. 13 applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, **Sch.**

VALID FROM 01/07/2005

#### *Power to place traffic signs*

- [<sup>F22</sup>13A(1) Where a designation applies this paragraph to any person, that person shall have, in the relevant police area, the powers of a constable under section 67 of the Road Traffic Regulation Act 1984 to place and maintain traffic signs.
- (2) Section 36 of the Road Traffic Act 1988 (drivers to comply with traffic directions) shall apply to signs placed in the exercise of the powers conferred by virtue of subparagraph (1).]

#### **Textual Amendments**

**F22** Sch. 4 para. 13A inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, **Sch. 8 para. 11**; [S.I. 2005/1521](#), art. 3(1)(h)(i)

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

**C43** Sch. 4 para. 13A applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, **Sch.**

*Status: Point in time view as at 20/01/2004.*

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### *Cordoned areas*

- 14 Where a designation applies this paragraph to any person, that person shall, in relation to any cordoned area in the relevant police area, have all the powers of a constable in uniform under section 36 of the Terrorism Act 2000 (c. 11) (enforcement of cordoned area) to give orders, make arrangements or impose prohibitions or restrictions.

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

**C44** Sch. 4 para. 14 applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, [Sch.](#)

### *Power to stop and search vehicles etc. in authorised areas*

- 15 (1) Where a designation applies this paragraph to any person—
- (a) that person shall, in any authorised area within the relevant police area, have all the powers of a constable in uniform by virtue of section 44(1)(a) and (d) and (2)(b) and 45(2) of the Terrorism Act 2000 (powers of stop and search)—
    - (i) to stop and search vehicles;
    - (ii) to search anything in or on a vehicle or anything carried by the driver of a vehicle or any passenger in a vehicle;
    - (iii) to search anything carried by a pedestrian; and
    - (iv) to seize and retain any article discovered in the course of a search carried out by him or by a constable by virtue of any provision of section 44(1) or (2) of that Act;
  - and
  - (b) the references to a constable in subsections (1) and (4) of section 45 of that Act (which relate to the exercise of those powers) shall have effect in relation to the exercise of any of those powers by that person as references to that person.
- (2) A person shall not exercise any power of stop, search or seizure by virtue of this paragraph except in the company, and under the supervision, of a constable.

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

**C45** Sch. 4 para. 15 applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, [Sch.](#)

VALID FROM 01/01/2006

### *Photographing of persons arrested, detained or given fixed penalty notices*

- [<sup>F23</sup>15ZA Where a designation applies this paragraph to any person, that person shall, within the relevant police area, have the power of a constable under section 64A(1A) of the 1984 Act (photographing of suspects etc.) to take a photograph of a person elsewhere than at a police station.]

*Status: Point in time view as at 20/01/2004.*

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#### Textual Amendments

**F23** Sch. 4 para. 15ZA inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 12](#); S.I. 2005/3495, [art. 2\(1\)\(q\)\(r\)](#)

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

**C46** Sch. 4 para. 15ZA applied (1.12.2007) by [The Police Reform Act 2002 \(Standard Powers and Duties of Community Support Officers\) Order 2007 \(S.I. 2007/3202\)](#), art. 2, [Sch.](#)

#### *Power to modify paragraph 1(2)(a)*

[<sup>F24</sup>15A(1) The Secretary of State may by order provide that paragraph 1(2)(a) is to have effect as if the reference to the powers there mentioned did not include those powers so far as they relate to an offence under any provision for the time being mentioned in the first column of the Table in section 1(1) of the Criminal Justice and Police Act 2001 which is specified in the order.

(2) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by this paragraph unless a draft of that order has been laid before Parliament and approved by a resolution of each House.]

#### Textual Amendments

**F24** Sch. 4 para. 15A inserted (20.1.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. 89(4), 93; S.I. 2003/3300, [art. 2\(f\)\(iv\)](#)

## PART 2

### INVESTIGATING OFFICERS

#### *Search warrants*

- 16 Where a designation applies this paragraph to any person—
- (a) he may apply as if he were a constable for a warrant under section 8 of the 1984 Act (warrants for entry and search) in respect of any premises in the relevant police area;
  - (b) the persons to whom a warrant to enter and search any such premises may be issued under that section shall include that person;
  - (c) that person shall have the power of a constable under section 8(2) of that Act in any premises in the relevant police area to seize and retain things for which a search has been authorised under subsection (1) of that section;
  - (d) section 15 of that Act (safeguards) shall have effect in relation to the issue of such a warrant to that person as it has effect in relation to the issue of a warrant under section 8 of that Act to a constable;
  - (e) section 16 of that Act (execution of warrants) shall have effect in relation to any warrant to enter and search premises that is issued (whether to that person or to any other person) in respect of premises in the relevant police area as if references in that section to a constable included references to that person;

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- (f) section 19(6) of that Act (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person by virtue of sub-paragraph (c) as it has effect in relation to the seizure of anything by a constable;
- (g) section 20 of that Act (extension of powers of seizure to computerised information) shall have effect in relation the power of seizure conferred on that person by virtue of sub-paragraph (c) as it applies in relation to the power of seizure conferred on a constable by section 8(2) of that Act;
- (h) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by virtue of sub-paragraph (c) as if the references to a constable and to an officer included references to that person; and
- (i) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power, or taken away by him following the imposition of a requirement by virtue of sub-paragraph (g)—
  - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by section 8(2) of that Act or taken away by a constable following the imposition of a requirement by virtue of section 20 of that Act; and
  - (ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

VALID FROM 01/07/2005

- [<sup>F25</sup>16A Where a designation applies this paragraph to any person—
- (a) the persons to whom a warrant may be addressed under section 26 of the Theft Act 1968 (search for stolen goods) shall, in relation to persons or premises in the relevant police area, include that person; and
  - (b) in relation to such a warrant addressed to him, that person shall have the powers under subsection (3) of that section.

#### Textual Amendments

**F25** Sch. 4 paras. 16A, 16B inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 14](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)

VALID FROM 01/07/2005

- 16B Where a designation applies this paragraph to any person, subsection (3), and (to the extent that it applies subsection (3)) subsection (3A), of section 23 of the Misuse of Drugs Act 1971 (powers to search and obtain evidence) shall have effect as if, in relation to premises in the relevant police area, the reference to a constable included a reference to that person.]

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### Textual Amendments

**F25** Sch. 4 paras. 16A, 16B inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 14](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)

### *Access to excluded and special procedure material*

- 17 Where a designation applies this paragraph to any person—
- (a) he shall have the powers of a constable under section 9(1) of the 1984 Act (special provisions for access) to obtain access, in accordance with Schedule 1 to that Act and the following provisions of this paragraph, to excluded material and special procedure material;
  - (b) that Schedule shall have effect for the purpose of conferring those powers on that person as if —
    - (i) the references in paragraphs 1, 4, 5, 12 and 13 of that Schedule to a constable were references to that person; and
    - (ii) the references in paragraphs 12 and 14 of that Schedule to premises were references to premises in the relevant police area;
  - [<sup>F26</sup>(bb) section 15 of that Act (safeguards) shall have effect in relation to the issue of any warrant under paragraph 12 of that Schedule to that person as it has effect in relation to the issue of a warrant under that paragraph to a constable;
  - (bc) section 16 of that Act (execution of warrants) shall have effect in relation to any warrant to enter and search premises that is issued under paragraph 12 of that Schedule (whether to that person or to any other person) in respect of premises in the relevant police area as if references in that section to a constable included references to that person;]
  - (c) section 19(6) of that Act (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by paragraph 13 of Schedule 1 to that Act as it has effect in relation to the seizure of anything under that paragraph by a constable;
  - (d) section 20 of that Act (extension of powers of seizure to computerised information) shall have effect in relation the power of seizure conferred on that person by paragraph 13 of Schedule 1 to that Act as it applies in relation to the power of seizure conferred on a constable by that paragraph;
  - (e) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by paragraph 13 of Schedule 1 to that Act as if the references to a constable and to an officer included references to that person; and
  - (f) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power or taken away by him following the imposition of a requirement by virtue of sub-paragraph (d), and to anything produced to him under paragraph 4(a) of Schedule 1 to that Act—
    - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by paragraph 13 of that Schedule or taken away by a constable following the imposition of a requirement by virtue of section 20 of that Act or, as the case

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may be, to anything produced to a constable under paragraph 4(a) of that Schedule; and

- (ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

#### Textual Amendments

**F26** Sch. 4 para. 17(bb)(bc) inserted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 12, 336, [Sch. 1 para. 17](#); S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)

#### *Entry and search after arrest*

- 18 Where a designation applies this paragraph to any person—
- (a) he shall have the powers of a constable under section 18 of the 1984 Act (entry and search after arrest) to enter and search any premises in the relevant police area and to seize and retain anything for which he may search under that section;
  - (b) subsections (5) and (6) of that section (power to carry out search before arrested person taken to police station and duty to inform senior officer) shall have effect in relation to any exercise by that person of those powers as if the references in those subsections to a constable were references to that person;
  - (c) section 19(6) of that Act (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person by virtue of sub-paragraph (a) as it has effect in relation to the seizure of anything by a constable;
  - (d) section 20 of that Act (extension of powers of seizure to computerised information) shall have effect in relation to the power of seizure conferred on that person by virtue of sub-paragraph (a) as it applies in relation to the power of seizure conferred on a constable by section 18(2) of that Act;
  - (e) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by virtue of sub-paragraph (a) as if the references to a constable and to an officer included references to that person; and
  - (f) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power or taken away by him following the imposition of a requirement by virtue of sub-paragraph (d)—
    - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by section 18(2) of that Act or taken away by a constable following the imposition of a requirement by virtue of section 20 of that Act; and
    - (ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

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VALID FROM 31/03/2008

*Entry and search for evidence of nationality after arrest*

- [<sup>F27</sup>18A Where a designation applies this paragraph to any person—
- (a) sections 44 to 46 of the UK Borders Act 2007 (entry, search and seizure after arrest) shall apply to that person (with any necessary modifications) as if a reference to a constable included a reference to that person, and
  - (b) a provision of the 1984 Act which applies to constables in connection with any of those sections shall apply (with any necessary modifications) to that person.]

**Textual Amendments**

- F27** Sch. 4 para. 18A inserted (31.3.2008) by UK Borders Act 2007 (c. 30), ss. 47, 59; S.I. 2008/309, art. 3(b) (subject to art. 6)

*General power of seizure*

- 19 Where a designation applies this paragraph to any person—
- (a) he shall, when lawfully on any premises in the relevant police area, have the same powers as a constable under section 19 of the 1984 Act (general powers of seizure) to seize things;
  - (b) he shall also have the powers of a constable to impose a requirement by virtue of subsection (4) of that section in relation to information accessible from such premises;
  - (c) subsection (6) of that section (protection for legally privileged material from seizure) shall have effect in relation to the seizure of anything by that person by virtue of sub-paragraph (a) as it has effect in relation to the seizure of anything by a constable;
  - (d) section 21(1) and (2) of that Act (provision of record of seizure) shall have effect in relation to the seizure of anything by that person in exercise of the power conferred on him by virtue of sub-paragraph (a) as if the references to a constable and to an officer included references to that person; and
  - (e) sections 21(3) to (8) and 22 of that Act (access, copying and retention) shall have effect in relation to anything seized by that person in exercise of that power or taken away by him following the imposition of a requirement by virtue of sub-paragraph (b)—
    - (i) as they have effect in relation to anything seized in exercise of the power conferred on a constable by section 19(2) or (3) of that Act or taken away by a constable following the imposition of a requirement by virtue of section 19(4) of that Act; and
    - (ii) as if the references to a constable in subsections (3), (4) and (5) of section 21 included references to a person to whom this paragraph applies.

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*Access and copying in the case of things seized by constables*

- 20 Where a designation applies this paragraph to any person, section 21 of the 1984 Act (access and copying) shall have effect in relation to anything seized in the relevant police area by a constable [<sup>F28</sup>or by a person authorised to accompany him under section 16(2) of that Act] as if the references to a constable in subsections (3), (4) and (5) of section 21 (supervision of access and photographing of seized items) included references to a person to whom this paragraph applies.

**Textual Amendments**

**F28** Words in Sch. 4 para. 20 inserted (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 12, 336, Sch. 1 para. 18; S.I. 2004/81, art. 2(1)(2)(a)

*Arrest at a police station for another offence*

- 21 (1) Where a designation applies this paragraph to any person, he shall have the power to make an arrest at any police station in the relevant police area in any case where an arrest—
- (a) is required to be made under section 31 of the 1984 Act (arrest for a further offence of a person already at a police station); or
  - (b) would be so required if the reference in that section to a constable included a reference to a person to whom this paragraph applies.
- (2) Section 36 of the Criminal Justice and Public Order Act 1994 (c. 33) (consequences of failure by arrested person to account for objects etc.) shall apply (without prejudice to the effect of any designation applying paragraph 23) in the case of a person arrested in exercise of the power exercisable by virtue of this paragraph as it applies in the case of a person arrested by a constable.

*Power to transfer persons into custody of investigating officers*

- 22 (1) Where a designation applies this paragraph to any person, the custody officer for a designated police station in the relevant police area may transfer or permit the transfer to him of a person in police detention for an offence which is being investigated by the person to whom this paragraph applies.
- (2) A person into whose custody another person is transferred under sub-paragraph (1)—
- (a) shall be treated for all purposes as having that person in his lawful custody;
  - (b) shall be under a duty to prevent his escape; and
  - (c) shall be entitled to use reasonable force to keep that person in his custody.
- (3) Where a person is transferred into the custody of a person to whom this paragraph applies, in accordance with sub-paragraph (1), subsections (2) and (3) of section 39 of the 1984 Act shall have effect as if—
- (a) references to the transfer of a person in police detention into the custody of a police officer investigating an offence for which that person is in police detention were references to that person's transfer into the custody of the person to whom this paragraph applies; and
  - (b) references to the officer to whom the transfer is made and to the officer investigating the offence were references to the person to whom this paragraph applies.



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VALID FROM 01/07/2005

*Powers in respect of detained persons*

- [<sup>F29</sup>22A Where a designation applies this paragraph to any person, he shall be under a duty, when in the course of his employment he is present at a police station—
- (a) to assist any officer or other designated person to keep any person detained at the police station under control; and
  - (b) to prevent the escape of any such person,
- and for those purposes shall be entitled to use reasonable force.]

**Textual Amendments**

- F29** Sch. 4 para. 22A inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, Sch. 9 para. 6; S.I. 2005/1521, art. 3(1)(h)(j)

*Power to require arrested person to account for certain matters*

- 23 Where a designation applies this paragraph to any person—
- (a) he shall have the powers of a constable under sections 36(1)(c) and 37(1)(c) of the Criminal Justice and Public Order Act 1994 (c. 33) to request a person who—
    - (i) has been arrested by a constable, or by any person to whom paragraph 21 applies, and
    - (ii) is detained at any place in the relevant police area,to account for the presence of an object, substance or mark or for the presence of the arrested person at a particular place; and
  - (b) the references to a constable in sections 36(1)(b) and (c) and (4) and 37(1)(b) and (c) and (3) of that Act shall have effect accordingly as including references to the person to whom this paragraph is applied.

*Extended powers of seizure*

- 24 Where a designation applies this paragraph to any person—
- (a) the powers of a constable under Part 2 of the Criminal Justice and Police Act 2001 (c. 16) (extension of powers of seizure) that are exercisable in the case of a constable by reference to a power of a constable that is conferred on that person by virtue of the provisions of this Part of this Schedule shall be exercisable by that person by reference to that power to the same extent as in the case of a constable but in relation only to premises in the relevant police area and things found on any such premises; and
  - (b) section 56 of that Act (retention of property seized by a constable) shall have effect as if the property referred to in subsection (1) of that section included property seized by that person at any time when he was lawfully on any premises in the relevant police area.

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Persons accompanying investigating officers*

- [<sup>F30</sup>24A(1) This paragraph applies where a person (“an authorised person”) is authorised by virtue of section 16(2) of the 1984 Act to accompany an investigating officer designated for the purposes of paragraph 16 (or 17) in the execution of a warrant.
- (2) The reference in paragraph 16(h) (or 17(e)) to the seizure of anything by a designated person in exercise of a particular power includes a reference to the seizure of anything by the authorised person in exercise of that power by virtue of section 16(2A) of the 1984 Act.
- (3) In relation to any such seizure, paragraph 16(h) (or 17(e)) is to be read as if it provided for the references to a constable and to an officer in section 21(1) and (2) of the 1984 Act to include references to the authorised person.
- (4) The reference in paragraph 16(i) (or 17(f)) to anything seized by a designated person in exercise of a particular power includes a reference to anything seized by the authorised person in exercise of that power by virtue of section 16(2A) of the 1984 Act.
- (5) In relation to anything so seized, paragraph 16(i)(ii) (or 17(f)(ii)) is to be read as if it provided for—
- (a) the references to the supervision of a constable in subsections (3) and (4) of section 21 of the 1984 Act to include references to the supervision of a person designated for the purposes of paragraph 16 (or paragraph 17), and
- (b) the reference to a constable in subsection (5) of that section to include a reference to such a person or an authorised person accompanying him.
- (6) Where an authorised person accompanies an investigating officer who is also designated for the purposes of paragraph 24, the references in sub-paragraphs (a) and (b) of that paragraph to the designated person include references to the authorised person.]

**Textual Amendments**

**F30** Sch. 4 para. 24A inserted (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 12, 336, Sch. 1 para. 19; S.I. 2004/81, art. 2(1)(2)(a)

**PART 3**

DETENTION OFFICERS

*Attendance at police station for fingerprinting*

- 25 Where a designation applies this paragraph to any person, he shall, in respect of police stations in the relevant police area, have the power of a constable under section 27(1) of the 1984 Act (fingerprinting of suspects) to require a person to attend a police station in order to have his fingerprints taken.

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### *Non-intimate searches of detained persons*

- 26 (1) Where a designation applies this paragraph to any person, he shall have the powers of a constable under section 54 of the 1984 Act (non-intimate searches of detained persons)—
- (a) to carry out a search under that section of any person at a police station in the relevant police area or of any other person otherwise in police detention in that area; and
  - (b) to seize or retain, or cause to be seized or retained, anything found on such a search.
- (2) Subsections (6C) and (9) of section 54 of that Act (restrictions on power to seize personal effects and searches to be carried out by a member of the same sex) shall apply to the exercise by a person to whom this paragraph is applied of any power exercisable by virtue of this paragraph as they apply to the exercise of the power in question by a constable.

### *Searches and examinations to ascertain identity*

- 27 Where a designation applies this paragraph to any person, he shall have the powers of a constable under section 54A of the 1984 Act (searches and examinations to ascertain identity)—
- (a) to carry out a search or examination at any police station in the relevant police area; and
  - (b) to take a photograph at any such police station of an identifying mark.

VALID FROM 14/12/2009

### *Searches of persons answering to live link bail*

- [<sup>F31</sup>27A(1) Where a designation applies this paragraph to any person, that person has the powers of a constable under section 54B of the 1984 Act (searches of persons answering to live link bail)—
- (a) to carry out a search of any person attending a police station in the relevant police area; and
  - (b) to seize or retain articles found on such a search.
- (2) Anything seized by a person under the power conferred by sub-paragraph (1) must be delivered to a constable as soon as practicable and in any case before the person from whom the thing was seized leaves the police station.]

### **Textual Amendments**

- F31** Sch. 4 para. 27A inserted (in regard to specified local justice areas on 14.12.2009 and 3.10.2011) by Coroners and Justice Act 2009 (c. 25), ss. 108(3), 182, (with s. 180, Sch. 22); S.I. 2009/3253, art. 3; S.I. 2011/2148, art. 2

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*Status: Point in time view as at 20/01/2004.*

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### *Intimate searches of detained persons*

- 28 (1) Where a designation applies this paragraph to any person, he shall have the powers of a constable by virtue of section 55(6) of the 1984 Act (intimate searches) to carry out an intimate search of a person at any police station in the relevant police area.
- (2) Subsection (7) of section 55 of that Act (no intimate search to be carried out by a constable of the opposite sex) shall apply to the exercise by a person to whom this paragraph applies of any power exercisable by virtue of this paragraph as it applies to the exercise of the power in question by a constable.

### *Fingerprinting without consent*

- 29 Where a designation applies this paragraph to any person—
- (a) he shall have, at any police station in the relevant police area, the power of a constable under section 61 of the 1984 Act (fingerprinting) to take fingerprints without the appropriate consent; and
  - (b) the requirement by virtue of subsection (7A)(a) of that section that a person must be informed by an officer that his fingerprints may be the subject of a speculative search shall be capable of being discharged, in the case of a person at such a station, by his being so informed by the person to whom this paragraph applies.

### *Warnings about intimate samples*

- 30 Where a designation applies this paragraph to any person, the requirement by virtue of section 62(7A)(a) of the 1984 Act (intimate samples) that a person must be informed by an officer that a sample taken from him may be the subject of a speculative search shall be capable of being discharged, in the case of a person in a police station in the relevant police area, by his being so informed by the person to whom this paragraph applies.

### *Non-intimate samples*

- 31 Where a designation applies this paragraph to any person—
- (a) he shall have the power of a constable under section 63 of the 1984 Act (non-intimate samples), in the case of a person in a police station in the relevant police area, to take a non-intimate sample without the appropriate consent;
  - (b) the requirement by virtue of subsection (6) of that section (information about authorisation) that a person must be informed by an officer of the matters mentioned in that subsection shall be capable of being discharged, in the case of an authorisation in relation to a person in a police station in the relevant police area, by his being so informed by the person to whom this paragraph applies; and
  - (c) the requirement by virtue of subsection (8B)(a) of that section that a person must be informed by an officer that a sample taken from him may be the subject of a speculative search shall be capable of being discharged, in the case of a person in such a police station, by his being so informed by the person to whom this paragraph applies.

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*Attendance at police station for the taking of a sample*

- 32 Where a designation applies this paragraph to any person, he shall, as respects any police station in the relevant police area, have the power of a constable under subsection (4) of section 63A of the 1984 Act (supplementary provisions relating to fingerprints and samples) to require a person to attend a police station in order to have a sample taken.

*Photographing persons in police detention*

- 33 Where a designation applies this paragraph to any person, he shall, at police stations in the relevant police area, have the power of a constable under section 64A of the 1984 Act (photographing of suspects etc.) to take a photograph of a person detained at a police station.

VALID FROM 01/01/2006

*Taking of impressions of footwear*

- [<sup>F32</sup>33A Where a designation applies this paragraph to any person—
- (a) he shall, at any police station in the relevant police area, have the powers of a constable under section 61A of the 1984 Act (impressions of footwear) to take impressions of a person's footwear without the appropriate consent; and
  - (b) the requirement by virtue of section 61A(5)(a) of the 1984 Act that a person must be informed by an officer that an impression of his footwear may be the subject of a speculative search shall be capable of being discharged, in the case of a person at such a station, by his being so informed by the person to whom this paragraph applies.]

**Textual Amendments**

- F32** Sch. 4 para. 33A inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 16](#); S.I. 2005/3495, [art. 2\(1\)\(q\)\(r\)](#)

VALID FROM 01/07/2005

*Powers in respect of detained persons*

- [<sup>F33</sup>33B Where a designation applies this paragraph to any person, he shall be under a duty, when in the course of his employment he is present at a police station—
- (a) to keep under control any person detained at the police station and for whom he is for the time being responsible;
  - (b) to assist any officer or other designated person to keep any other person detained at the police station under control; and
  - (c) to prevent the escape of any such person as is mentioned in paragraph (a) or (b),
- and for those purposes shall be entitled to use reasonable force.

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

**F33** Sch. 4 paras. 33B, 33C inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 7](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)

VALID FROM 01/07/2005

- 33C Where a designation applies this paragraph to any person, he shall be entitled to use reasonable force when—
- (a) securing, or assisting an officer or another designated person to secure, the detention of a person detained at a police station in the relevant police area, or
  - (b) escorting within a police station in the relevant police area, or assisting an officer or another designated person to escort within such a police station, a person detained there.]

#### Textual Amendments

**F33** Sch. 4 paras. 33B, 33C inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 7](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)

VALID FROM 01/01/2006

- [<sup>F34</sup>33D Where a designation applies this paragraph to any person, he is authorised to carry out the duty under—
- (a) section 55 of the Police and Criminal Evidence Act 1984 of informing a person who is to be subject to an intimate search under that section of the matters of which he is required to be informed in pursuance of subsection (3B) of that section;
  - (b) section 55A of that Act of informing a person who is to be subject to x-ray or ultrasound (as the case may be) under that section of the matters of which he is required to be informed in pursuance of subsection (3) of that section.]

#### Textual Amendments

**F34** Sch. 4 para. 33D inserted (1.1.2006) by [Drugs Act 2005 \(c. 17\)](#), [ss. 5\(2\)\(a\)](#), 24; S.I. 2005/3053, [art. 3\(c\)](#)

## PART 4

### ESCORT OFFICERS

#### *Power to take an arrested person to a police station*

- 34 (1) Where a designation applies this paragraph to any person—

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- (a) the persons who, in the case of a person arrested by a constable in the relevant police area, are authorised for the purposes of [F35 subsection (1A) of section 30] of the 1984 Act (procedure on arrest of person elsewhere than at a police station) to take the person arrested to a police station in that area shall include that person;
  - (b) that section shall have effect in relation to the exercise by that person of the power conferred by virtue of paragraph (a) as if the references to a constable in subsections (3), (4)(a) and (10) (but not the references in subsections (5) to (9)) included references to that person; and
  - (c) a person who is taking another person to a police station in exercise of the power conferred by virtue of paragraph (a)—
    - (i) shall be treated for all purposes as having that person in his lawful custody;
    - (ii) shall be under a duty to prevent his escape; and
    - (iii) shall be entitled to use reasonable force to keep that person in his charge.
- (2) Without prejudice to any designation under paragraph 26, where a person has another in his lawful custody by virtue of sub-paragraph (1) of this paragraph—
- (a) he shall have the same powers under subsections (6A) and (6B) of section 54 of the 1984 Act (non-intimate searches) as a constable has in the case of a person in police detention—
    - (i) to carry out a search of the other person; and
    - (ii) to seize or retain, or cause to be seized or retained, anything found on such a search;
  - (b) subsections (6C) and (9) of that section (restrictions on power to seize personal effects and searches to be carried out by a member of the same sex) shall apply to the exercise by a person to whom this paragraph is applied of any power exercisable by virtue of this sub-paragraph as they apply to the exercise of the power in question by a constable.

#### Textual Amendments

**F35** Words in Sch. 4 para. 34(1)(a) substituted (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 12, 336, Sch. 1 para. 20; S.I. 2004/81, art. 2(1)(2)(a)

#### *Escort of persons in police detention*

- 35 (1) Where a designation applies this paragraph to any person, that person may be authorised by the custody officer for any designated police station in the relevant police area to escort a person in police detention—
- (a) from that police station to another police station in that or any other police area; or
  - (b) from that police station to any other place specified by the custody officer and then either back to that police station or on to another police station in that area or in another police area.
- (2) Where a designation applies this paragraph to any person, that person may be authorised by the custody officer for any designated police station outside the relevant police area to escort a person in police detention—

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- (a) from that police station to a designated police station in that area; or
  - (b) from that police station to any place in that area specified by the custody officer and either back to that police station or on to another police station (whether in that area or elsewhere).
- (3) A person who is escorting another in accordance with an authorisation under sub-paragraph (1) or (2)—
- (a) shall be treated for all purposes as having that person in his lawful custody;
  - (b) shall be under a duty to prevent his escape; and
  - (c) shall be entitled to use reasonable force to keep that person in his charge.
- (4) Without prejudice to any designation under paragraph 26, where a person has another in his lawful custody by virtue of sub-paragraph (3) of this paragraph—
- (a) he shall have the same powers under subsections (6A) and (6B) of section 54 the 1984 Act (non-intimate searches) as a constable has in the case of a person in police detention—
    - (i) to carry out a search of the other person; and
    - (ii) to seize or retain, or cause to be seized or retained, anything found on such a search;
  - (b) subsections (6C) and (9) of that section (restrictions on power to seize personal effects and searches to be carried out by a member of the same sex) shall apply to the exercise by a person to whom this paragraph is applied of any power exercisable by virtue of this sub-paragraph as they apply to the exercise of the power in question by a constable.
- (5) Section 39(2) of that Act (responsibilities of custody officer transferred to escort) shall have effect where the custody officer for any police station transfers or permits the transfer of any person to the custody of a person who by virtue of this paragraph has lawful custody outside the police station of the person transferred as it would apply if the person to whom this paragraph applies were a police officer.

VALID FROM 01/01/2006

## PART 4A

### STAFF CUSTODY OFFICERS

PROSPECTIVE

#### *Exercise of functions of custody officers*

- 35A (1) Where a designation applies this paragraph to any person, he may (subject to sub-paragraph (2)) perform all the functions of a custody officer under the 1984 Act (except those under section 45A(4) of that Act) and under any other enactment which confers functions on such a custody officer.
- (2) But in relation to a police station designated under section 35(1) of the 1984 Act, the person must first also be appointed a custody officer for that police station under section 36(2) of that Act.



*Status: Point in time view as at 20/01/2004.*

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(3) A person performing the functions of a custody officer by virtue of a designation under this paragraph (together with, if appropriate, an appointment as such) shall have all the powers and duties of a custody officer.

(4) Except in sections 36 and 45A(4) of the 1984 Act, references in any enactment to a custody officer within the meaning of that Act include references to a person performing the functions of a custody officer by virtue of a designation under this paragraph.

*Powers in respect of detained persons*

35B Where a designation applies this paragraph to any person, he shall be under a duty, when in the course of his employment he is present at a police station—

- (a) to keep under control any person detained at the police station and for whom he is for the time being responsible;
- (b) to assist any officer or other designated person to keep any other person detained at the police station under control; and
- (c) to prevent the escape of any such person as is mentioned in paragraph (a) or (b),

and for those purposes shall be entitled to use reasonable force.

35C Where a designation applies this paragraph to any person, he is authorised to carry out the duty under—

- (a) section 55 of the Police and Criminal Evidence Act 1984 of informing a person who is to be subject to an intimate search under that section of the matters of which he is required to be informed in pursuance of subsection (3B) of that section;
- (b) section 55A of that Act of informing a person who is to be subject to x-ray or ultrasound (as the case may be) under that section of the matters of which he is required to be informed in pursuance of subsection (3) of that section.

## PART 5

### INTERPRETATION OF SCHEDULE

- 36 (1) In this Schedule “the relevant police area”—
- (a) in relation to a designation under section 38 or 39 by the chief officer of any police force, means the police area for which that force is maintained; and
  - (b) in relation to a designation under section 38 by a Director General, means England and Wales.
- (2) In this Schedule “a designation” means a designation under section 38.
- (3) In Parts 3 and 4 of this Schedule “a designation” also includes a designation under section 39.

*Status: Point in time view as at 20/01/2004.*

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- (4) Expressions used in this Schedule and in the 1984 Act have the same meanings in this Schedule as in that Act.

## SCHEDULE 5

Section 41

### POWERS EXERCISABLE BY ACCREDITED PERSONS

#### *Power to issue fixed penalty notices*

- 1 (1) An accredited person whose accreditation specifies that this paragraph applies to him shall have the powers specified in sub-paragraph (2) in relation to any individual who he has reason to believe has committed or is committing a relevant fixed penalty offence at a place within the relevant police area.
- (2) Those powers are the following powers so far as exercisable in respect of a relevant offence—
- (a) the power of a constable in uniform to give a person a fixed penalty notice under section 54 of the Road Traffic Offenders Act 1988 (c. 53) (fixed penalty notices) in respect of an offence under section 72 of the Highway Act 1835 (c. 50) (riding on a footway) committed by cycling;
  - (b) the power of an authorised officer of a local authority to give a notice under section 4 of the Dogs (Fouling of Land) Act 1996 (c. 20) (fixed penalty notices in respect of dog fouling);<sup>F36</sup> . . .
  - (c) the power of an authorised officer of a litter authority to give a notice under section 88 of the Environmental Protection Act 1990 (c. 43) (fixed penalty notices in respect of litter).
- (3) In this paragraph “relevant fixed penalty offence”, in relation to an accredited person, means an offence which—
- (a) is an offence by reference to which a notice may be given to a person in exercise of any of the powers mentioned in sub-paragraph (2)(a) to (c); and
  - (b) is specified or described in that person’s accreditation as an offence he has been accredited to enforce.

#### **Textual Amendments**

**F36** Word in Sch. 5 para. 1(2)(b) repealed (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 46(2)(a), 92, 93, Sch. 3; S.I. 2003/3300, art. 2(g)(ii)(f)

VALID FROM 27/01/2010

<sup>F37</sup>1A (1) This paragraph applies to an accredited person whose accreditation specifies that it applies to him.

- (2) The accreditation may specify that, in relation to that person, the application of sub-paragraph (3) is confined to one or more only (and not all) relevant byelaws, being in each case specified in the accreditation.

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) Where that person has reason to believe that an individual has committed an offence against a relevant byelaw at a place within the relevant police area, he may exercise the power of an authorised officer of an authority to give a notice under section 237A of the Local Government Act 1972 (fixed penalty notices in relation to offences against certain byelaws).
- (4) In this paragraph “relevant byelaw”, in relation to an accredited person, means a byelaw which—
  - (a) falls within sub-paragraph (5); and
  - (b) is specified or described in that person's accreditation as a byelaw he has been accredited to enforce under this paragraph.
- (5) A byelaw falls within this sub-paragraph if—
  - (a) it is a byelaw to which section 237A of the Local Government Act 1972 applies (fixed penalty notices in relation to offences against certain byelaws); and
  - (b) the chief officer of the police force for the relevant police area and the authority who made the byelaw have agreed to include it in a list of byelaws for the purposes of this sub-paragraph.
- (6) A list under sub-paragraph (5)(b) must be published by the chief officer in such a way as to bring it to the attention of members of the public in localities where the byelaws in the list apply.
- (7) The list may be amended from time to time by agreement between the chief officer and the authority, by adding byelaws to it or removing byelaws from it, and the amended list shall also be published by the chief officer as mentioned in sub-paragraph (6).]

#### Textual Amendments

**F37** Sch. 5 para. 1A inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 133(3)(b), 245; S.I. 2010/112, art. 2(e)

#### *Power to require giving of name and address*

- 2 (1) Where an accredited person whose accreditation specifies that this paragraph applies to him has reason to believe that another person has committed a relevant offence in the relevant police area, he may require that other person to give him his name and address.
- (2) A person who fails to comply with a requirement under sub-paragraph (1) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (3) In this paragraph “relevant offence”, in relation to any accredited person, means any offence which is—
  - (a) a relevant fixed penalty offence for the purposes of any powers exercisable by the accredited person by virtue of paragraph 1; or
  - (b) an offence the commission of which appears to the accredited person to have caused—
    - (i) injury, alarm or distress to any other person; or

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(ii) the loss of, or any damage to, any other person's property;  
but the accreditation of an accredited person may provide that an offence is not to be treated as a relevant offence by virtue of paragraph (b) unless it satisfies such other conditions as may be specified in the accreditation.

*Power to require name and address of person acting in an anti-social manner*

3 An accredited person whose accreditation specifies that this paragraph applies to him shall, in the relevant police area, have the powers of a constable in uniform under section 50 to require a person whom he has reason to believe to have been acting, or to be acting, in an anti-social manner (within the meaning of section 1 of the Crime and Disorder Act 1998 (c. 37) (anti-social behaviour orders)) to give his name and address.

VALID FROM 01/07/2005

*Power to require name and address: road traffic offences*

[<sup>F38</sup>3A (1) An accredited person whose accreditation specifies that this paragraph applies to him shall, in the relevant police area, have the powers of a constable—

- (a) under subsection (1) of section 165 of the Road Traffic Act 1988 to require a person mentioned in paragraph (c) of that subsection who he has reasonable cause to believe has committed, in the relevant police area, an offence under subsection (1) or (2) of section 35 of that Act (including that section as extended by paragraphs 8B(4) and 9(2) of this Schedule) to give his name and address; and
- (b) under section 169 of that Act to require a person committing an offence under section 37 of that Act (including that section as extended by paragraphs 8B(4) and 9(2) of this Schedule) to give his name and address.

(2) The reference in section 169 of the Road Traffic Act 1988 to section 37 of that Act is to be taken to include a reference to that section as extended by paragraphs 8B(4) and 9(2) of this Schedule.]

**Textual Amendments**

**F38** Sch. 5 para. 3A inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 19](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)

*Alcohol consumption in designated public places*

4 An accredited person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the powers of a constable under section 12 of the Criminal Justice and Police Act 2001 (c. 16) (alcohol consumption in public places)—

- (a) to impose a requirement under subsection (2) of that section; and
- (b) to dispose under subsection (3) of that section of anything surrendered to him;

*Status: Point in time view as at 20/01/2004.*

*Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 29 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

and that section shall have effect in relation to the exercise of those powers by that person as if the references to a constable in subsections (1) and (5) were references to the accredited person.

#### *Confiscation of alcohol*

5 An accredited person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the powers of a constable under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (c. 33) (confiscation of intoxicating liquor)—

- (a) to impose a requirement under subsection (1) of that section; and
- (b) to dispose under subsection (2) of that section of anything surrendered to him;

and that section shall have effect in relation to the exercise of those powers by that person as if the references to a constable in subsections (1) and (4) (but not the reference in subsection (5) (arrest)) were references to the accredited person.

#### *Confiscation of tobacco etc.*

6 (1) An accredited person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have—

- (a) the power to seize anything that a constable in uniform has a duty to seize under subsection (3) of section 7 of the Children and Young Persons Act 1933 (c. 12) (seizure of tobacco etc. from young persons); and
- (b) the power to dispose of anything that a constable may dispose of under that subsection;

and the power to dispose of anything shall be a power to dispose of it in such manner as the relevant employer of the accredited person may direct.

(2) In this paragraph “relevant employer”, in relation to an accredited person, means the person with whom the chief officer of police for the relevant police area has entered into arrangements under section 40.

#### *Abandoned vehicles*

7 An accredited person whose accreditation specifies that this paragraph applies to him shall have all such powers in the relevant police area as are conferred on accredited persons by regulations under section 99 of the Road Traffic Regulation Act 1984 (c. 27) (removal of abandoned vehicles).

#### *Power to stop vehicle for testing*

8 A person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the power of a constable in uniform to stop a vehicle under subsection (3) of section 67 of the Road Traffic Act 1988 (c. 52) for the purposes of a test under subsection (1) of that section.

#### *Power to stop cycles*

<sup>F39</sup>8A(1) Subject to sub-paragraph (2), a person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the power of

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a constable in uniform under section 163(2) of the Road Traffic Act 1988 to stop a cycle.

- (2) The power mentioned in sub-paragraph (1) may only be exercised by that person in relation to a person who he has reason to believe has committed an offence under section 72 of the Highway Act 1835 (riding on a footway) by cycling.]

#### Textual Amendments

**F39** Sch. 5 para. 8A inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 89(6), 93; S.I. 2003/3300, art. 2(f)(iv)

VALID FROM 01/07/2005

*Power to control traffic for purposes other than escorting a load of exceptional dimensions*

[<sup>F40</sup>8B (1) A person whose accreditation specifies that this paragraph applies to him shall have, in the relevant police area—

- (a) the power of a constable engaged in the regulation of traffic in a road to direct a person driving or propelling a vehicle to stop the vehicle or to make it proceed in, or keep to, a particular line of traffic;
- (b) the power of a constable in uniform engaged in the regulation of vehicular traffic in a road to direct a person on foot to stop proceeding along or across the carriageway.

(2) The purposes for which those powers may be exercised do not include the purpose mentioned in paragraph 9(1).

(3) A person whose accreditation specifies that this paragraph applies to him shall also have, in the relevant police area, the power of a constable, for the purposes of a traffic survey, to direct a person driving or propelling a vehicle to stop the vehicle, to make it proceed in, or keep to, a particular line of traffic, or to proceed to a particular point on or near the road.

(4) Sections 35 and 37 of the Road Traffic Act 1988 (offences of failing to comply with directions of constable engaged in regulation of traffic in a road) shall have effect in relation to the exercise of the powers mentioned in sub-paragraphs (1) and (3), for the purposes for which they may be exercised and by a person whose accreditation specifies that this paragraph applies to him, as if the references to a constable were references to him.

(5) A person's accreditation may not specify that this paragraph applies to him unless it also specifies that paragraph 3A applies to him.]

#### Textual Amendments

**F40** Sch. 5 para. 8B inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, Sch. 8 para. 20; S.I. 2005/1521, art. 3(1)(h)(i)

*Status: Point in time view as at 20/01/2004.*

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*Power to control traffic for purposes of escorting a load of exceptional dimensions*

- 9 (1) A person whose accreditation specifies that this paragraph applies to him shall have, for the purpose of escorting a vehicle or trailer carrying a load of exceptional dimensions either to or from the relevant police area, the power of a constable engaged in the regulation of traffic in a road—
- (a) to direct a vehicle to stop;
  - (b) to make a vehicle proceed in, or keep to, a particular line of traffic; and
  - (c) to direct pedestrians to stop.
- (2) Sections 35 and 37 of the Road Traffic Act 1988 (offences of failing to comply with directions of constable engaged in regulation of traffic in a road) shall have effect in relation to the exercise of those powers for the purpose mentioned in sub-paragraph (1) by a person whose accreditation specifies that this paragraph applies to him as if the references to a constable engaged in regulation of traffic in a road were references to that person.
- (3) The powers conferred by virtue of this paragraph may be exercised in any police area in England and Wales.
- (4) In this paragraph “vehicle or trailer carrying a load of exceptional dimensions” means a vehicle or trailer the use of which is authorised by an order made by the Secretary of State under section 44(1)(d) of the Road Traffic Act 1988.

VALID FROM 01/01/2006

*Photographing of persons given fixed penalty notices*

[<sup>F41</sup>9ZA An accredited person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the power of a constable under section 64A(1A) of the 1984 Act (photographing of suspects etc.) to take a photograph, elsewhere than at a police station, of a person to whom the accredited person has given a penalty notice (or as the case may be a fixed penalty notice) in exercise of any power mentioned in paragraph 1(2).]

**Textual Amendments**

**F41** Sch. 5 para. 9ZA inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 21](#); [S.I. 2005/3495](#), [art. 2\(1\)\(q\)\(r\)](#)

*Power to modify paragraph 1(2)(aa)*

- [<sup>F42</sup>9A (1) The Secretary of State may by order provide that paragraph 1(2)(aa) is to have effect as if the reference to the powers there mentioned did not include those powers so far as they relate to an offence under any provision for the time being mentioned in the first column of the Table in section 1(1) of the Criminal Justice and Police Act 2001 which is specified in the order.
- (2) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by this paragraph unless a draft of that order has been laid before Parliament and approved by a resolution of each House.]

*Status: Point in time view as at 20/01/2004.*

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#### **Textual Amendments**

**F42** Sch. 5 para. 9A inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 89(7), 93; S.I. 2003/3300, art. 2(f)(iv)

#### *Meaning of “relevant police area”*

- 10 In this Schedule “the relevant police area”, in relation to an accredited person, means the police area for which the police force whose chief officer granted his accreditation is maintained.

VALID FROM 01/04/2007

### [<sup>F43</sup>SCHEDULE 5A

#### POWERS EXERCISABLE BY ACCREDITED INSPECTORS

#### **Textual Amendments**

**F43** Sch. 5A inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 15(2), 53, Sch. 7; S.I. 2007/709, art. 3(k) (subject to arts. 6, 7)

## SCHEDULE 6

Section 48

### SPECIFIC OFFENCES WHICH ARE ARRESTABLE OFFENCES

The following is the Schedule inserted in the 1984 Act after Schedule 1—

#### “SCHEDULE 1A

### SPECIFIC OFFENCES WHICH ARE ARRESTABLE OFFENCES

#### ***Customs and Excise Acts***

- 1 An offence for which a person may be arrested under the customs and excise Acts (within the meaning of the Customs and Excise Management Act 1979 (c. 2)).

#### ***Official Secrets Act 1920***

- 2 An offence under the Official Secrets Act 1920 (c. 75) which is not an arrestable offence by virtue of the term of imprisonment for which a person may be sentenced in respect of them.



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### ***Prevention of Crime Act 1953***

- 3 An offence under section 1(1) of the Prevention of Crime Act 1953 (c. 14) (prohibition of carrying offensive weapons without lawful authority or excuse).

### ***Sexual Offences Act 1956***

- 4 An offence under—
- (a) section 22 of the Sexual Offences Act 1956 (c. 69) (causing prostitution of women; or
  - (b) section 23 of that Act (procurement of girl under 21).

### ***Obscene Publications Act 1959***

- 5 An offence under section 2 of the Obscene Publications Act 1959 (c. 66) (publication of obscene matter).

### ***Theft Act 1968***

- 6 An offence under—
- (a) section 12(1) of the Theft Act 1968 (c. 60) (taking motor vehicle or other conveyance without authority etc.); or
  - (b) section 25(1) of that Act (going equipped for stealing etc.).

### ***Theft Act 1978***

- 7 An offence under section 3 of the Theft Act 1978 (c. 31) (making off without payment).

### ***Protection of Children Act 1978***

- 8 An offence under section 1 of the Protection of Children Act 1978 (c. 37) (indecent photographs and pseudo-photographs of children).

### ***Wildlife and Countryside Act 1981***

- 9 An offence under section 1(1) or (2) or 6 of the Wildlife and Countryside Act 1981 (c. 69) (taking, possessing, selling etc. of wild birds) in respect of a bird included in Schedule 1 to that Act or any part of, or anything derived from, such a bird.
- 10 An offence under—
- (a) section 1(5) of the Wildlife and Countryside Act 1981 (disturbance of wild birds);
  - (b) section 9 or 13(1)(a) or (2) of that Act (taking, possessing, selling etc. of wild animals or plants); or
  - (c) section 14 of that Act (introduction of new species etc.).

### ***Civil Aviation Act 1982***

- 11 An offence under section 39(1) of the Civil Aviation Act 1982 (c. 16) (trespass on aerodrome).

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### ***Aviation Security Act 1982***

- 12 An offence under section 21C(1) or 21D(1) of the Aviation Security Act 1982 (c. 36) (unauthorised presence in a restricted zone or on an aircraft).

### ***Sexual Offences Act 1985***

- 13 An offence under section 1 of the Sexual Offences Act 1985 (c. 44) (kerb-crawling).

### ***Public Order Act 1986***

- 14 An offence under section 19 of the Public Order Act 1986 (c. 64) (publishing etc. material likely to stir up racial or religious hatred).

### ***Criminal Justice Act 1988***

- 15 An offence under—
- (a) section 139(1) of the Criminal Justice Act 1988 (c. 33) (offence of having article with a blade or point in public place); or
  - (b) section 139A(1) or (2) of that Act (offence of having article with a blade or point or offensive weapon on school premises).

### ***Road Traffic Act 1988***

- 16 An offence under section 103(1)(b) of the Road Traffic Act 1988 (c. 52) (driving while disqualified).
- 17 An offence under subsection (4) of section 170 of the Road Traffic Act 1988 (failure to stop and report an accident) in respect of an accident to which that section applies by virtue of subsection (1)(a) of that section (accidents causing personal injury).

### ***Official Secrets Act 1989***

- 18 An offence under any provision of the Official Secrets Act 1989 (c. 6) other than subsection (1), (4) or (5) of section 8 of that Act.

### ***Football Spectators Act 1989***

- 19 An offence under section 14J or 21C of the Football Spectators Act 1989 (c. 37) (failing to comply with requirements imposed by or under a banning order or a notice under section 21B).

### ***Football (Offences) Act 1991***

- 20 An offence under any provision of the Football (Offences) Act 1991 (c. 19).

### ***Criminal Justice and Public Order Act 1994***

- 21 An offence under—
- (a) section 60AA(7) of the Criminal Justice and Public Order Act 1994 (c. 33) (failing to comply with requirement to remove disguise);
  - (b) section 166 of that Act (sale of tickets by unauthorised persons); or
  - (c) section 167 of that Act (touting for car hire services).

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### **Police Act 1996**

- 22 An offence under section 89(1) of the Police Act 1996 (c. 16) (assaulting a police officer in the execution of his duty or a person assisting such an officer).

### **Protection from Harassment Act 1997**

- 23 An offence under section 2 of the Protection from Harassment Act 1997 (c. 40) (harassment).

### **Crime and Disorder Act 1998**

- 24 An offence falling within section 32(1)(a) of the Crime and Disorder Act 1998 (c. 37) (racially or religiously aggravated harassment).

### **Criminal Justice and Police Act 2001**

- 25 An offence under—
- (a) section 12(4) of the Criminal Justice and Police Act 2001 (c. 16) (failure to comply with requirements imposed by constable in relation to consumption of alcohol in public place); or
  - (b) section 46 of that Act (placing of advertisements in relation to prostitution).”

## SCHEDULE 7

Section 107

### MINOR AND CONSEQUENTIAL AMENDMENTS

VALID FROM 01/04/2004

#### *Police (Scotland) Act 1967*

- 1 (1) In subsection (1) of section 38A of the Police (Scotland) Act 1967 (c. 77) (police officers engaged on service outside their force), after paragraph (aa) there shall be inserted—
- “(ab) temporary service on which a person is engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 (c. 30) (service with the Independent Police Complaints Commission);”.
- (2) In subsection (6)(a) of that section, after “paragraph (a),” there shall be inserted “(aa),”.

*Status: Point in time view as at 20/01/2004.*

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VALID FROM 01/04/2004

*Superannuation Act 1972*

- 2 (1) In Schedule 1 to the Superannuation Act 1972 (c. 11) (kinds of employment to which that Act applies), at the appropriate place in the entries under the heading “Royal Commissions and other Commissions”, there shall be inserted—
- “Independent Police Complaints Commission.”
- (2) In that Schedule, in the entries under the heading “Other bodies”, the words “Police Complaints Authority.” shall be omitted.

VALID FROM 01/04/2004

*Juries Act 1974*

- 3 In Part 1 of Schedule 1 to the Juries Act 1974 (c. 23) (ineligibility for jury service), in Group B, after the entry relating to the Criminal Cases Review Commission there shall be inserted—
- “Chairman and members of the Independent Police Complaints Commission and any member of its staff who is not otherwise ineligible.”

*Rehabilitation of Offenders Act 1974*

- 4 In section 7(2)(bb) of the Rehabilitation of Offenders Act 1974 (c. 53) (limitations on rehabilitations under Act etc.), for “a sex offender order under section 2 or, as the case may be, 20” there shall be substituted “an order under section 2, 2A or 20”.

VALID FROM 01/04/2004

*House of Commons Disqualification Act 1975*

- 5 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified)—
- (a) at the appropriate place, there shall be inserted—
- “The Independent Police Complaints Commission.
- ;
- and”
- (b) the words “The Police Complaints Authority.” shall be omitted.

*Status: Point in time view as at 20/01/2004.*

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VALID FROM 01/04/2004

*Northern Ireland Assembly Disqualification Act 1975*

- 6 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified)—
- (a) at the appropriate place, there shall be inserted—
- “The Independent Police Complaints Commission.
- ;
- and”
- (b) the words “The Police Complaints Authority.” shall be omitted.

*The Police Pensions Act 1976*

- 7 (1) Section 11 of the Police Pensions Act 1976 (c. 35) (interpretation) shall be amended as follows.
- (2) In subsection (2) (meaning of “police authority” in relation to pensions)—
- (a) in paragraph (b), for “(c)”, in the second place where it occurs, there shall be substituted “(ba)”;
- (b) after paragraph (b) there shall be inserted—
- “(ba) in relation to service of the kind described in section 97(1)(aa) of the Police Act 1996 (c. 16) or section 38A(1)(aa) of the Police (Scotland) Act 1967 (c. 77), it means the Independent Police Complaints Commission;”
- (c) in paragraph (c), for “subsection (ba) or (bc) above” there shall be substituted “paragraph (ba) or (bc) of subsection (1)”;
- (d) in paragraph (d), for “subsection (bb) or (bd) above” there shall be substituted “paragraph (bb) or (bd) of subsection (1)”;
- (e) in paragraph (da), for “subsection (be)” there shall be substituted “subsection (1)(be)”.
- (3) In subsection (5) of that section, in the definition of “central service”, in each of paragraphs (a) and (b), after “paragraph” there shall be inserted “(aa),”.
- (4) After that subsection, there shall be inserted—
- “(6) References in this Act to the Director General of the National Criminal Intelligence Service and to his service have effect only in relation to cases in which the person in question was a serving police officer for the purposes of section 6 of the Police Act 1997 (c. 50) immediately before his appointment to that office took effect.”

**Commencement Information**

**I34** Sch. 7 para. 7 wholly in force at 1.4.2004; Sch. 7 para. 7 not in force at Royal Assent, see s. 108(2); Sch. 7 para. 7(4) in force at 1.10.2002 by S.I. 2002/2306, art. 2(g)(ii); Sch. 7 para. 7(1)-(3) in force at 1.4.2004 by S.I. 2004/913, art. 2(e)

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### *Rehabilitation of Offenders (Northern Ireland) Order 1978*

- 8 In Article 8(2) of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/ 1908 (N.I. 27)) (limitations on rehabilitation under Order etc.), after subparagraph (b) there shall be inserted—
- “(bb) in any proceedings on an application for an order under Article 6 or 6A of the Criminal Justice (Northern Ireland) Order 1998 (S.I. 1998/ 2839 (N.I. 20)) or in any appeal against the making of such an order;”.

### *The 1984 Act*

- 9 (1) In section 18(5) of the 1984 Act (power of constable to conduct search of an arrested person’s premises before taking him to a police station), for “taking the person” there shall be substituted “ the person is taken ”.
- (2) In section 54A(6) of that Act (persons entitled to carry out search or examination or to take photographs), for paragraphs (a) and (b) and the words after paragraph (b) there shall be substituted “ constables ”.
- (3) In section 61 of that Act (fingerprinting), before subsection (9) there shall be inserted—
- “(8B) The power to take the fingerprints of a person detained at a police station without the appropriate consent shall be exercisable by any constable.”
- (4) In section 63 of that Act (non-intimate samples), after subsection (9) there shall be inserted—
- “(9ZA) The power to take a non-intimate sample from a person without the appropriate consent shall be exercisable by any constable.”
- (5) In section 64A(3) of that Act (persons entitled to photograph detainees), for paragraphs (a) and (b) and the words after paragraph (b) there shall be substituted “ constables ”.
- (6) In subsection (7B) of section 67 of that Act (limited effect of modification of code of practice), in paragraph (c) for “order” there shall be substituted “ code ”.
- (7) After subsection (9) of that section there shall be inserted—
- “(9A) Persons on whom powers are conferred by—
- (a) any designation under section 38 or 39 of the Police Reform Act 2002 (c. 30) (police powers for police authority employees), or
- (b) any accreditation under section 41 of that Act (accreditation under community safety accreditation schemes),
- shall have regard to any relevant provision of a code of practice to which this section applies in the exercise or performance of the powers and duties conferred or imposed on them by that designation or accreditation.”
- (8) In subsection (10) of that section (failure to comply with codes not to render a person liable to civil or criminal proceedings), after paragraph (b) there shall be inserted “, or
- (c) of a person designated under section 38 or 39 or accredited under section 41 of the Police Reform Act 2002 (c. 30) to have regard to any relevant provision of such a code in the exercise or performance

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of the powers and duties conferred or imposed on him by that designation or accreditation.”.

- (9) In section 118, at the beginning of subsection (2) (meaning of persons in police detention) there shall be inserted “ Subject to subsection (2A) ”; and after that subsection there shall be inserted—

“(2A) Where a person is in another’s lawful custody by virtue of paragraph 22, 34(1) or 35(3) of Schedule 4 to the Police Reform Act 2002, he shall be treated as in police detention.”

VALID FROM 01/04/2004

*Prosecution of Offences Act 1985*

- 10 In section 3(2) of the Prosecution of Offences Act 1985 (c. 23) (functions of the Director of Public Prosecutions), after paragraph (b) there shall be inserted—
- “(ba) to institute and have the conduct of any criminal proceedings in any case where the proceedings relate to the subject-matter of a report a copy of which has been sent to him under paragraph 23 or 24 of Schedule 3 to the Police Reform Act 2002 (c. 30) (reports on investigations into conduct of persons serving with the police);”.

*Road Traffic Act 1988*

- 11 (1) Section 103 of the Road Traffic Act 1988 (c. 52) (obtaining licence, or driving, while disqualified) shall be amended as follows.
- (2) Subsection (3) shall cease to have effect.
- (3) In subsection (4), for “Subsections (1) and (3) above do” there shall be substituted “ Subsection (1) above does ”.
- (4) In subsection (5), for “Subsections (1)(b) and (3) above do” there shall be substituted “ Subsection (1)(b) above does ”.
- (5) In subsection (6), for “subsections (1) and (3)” there shall be substituted “ subsection (1) ”.
- 12 In section 183(1) of the Road Traffic Act 1988 (application to the Crown), in paragraph (c), the words “, except section 103(3)” shall be omitted.

VALID FROM 01/04/2004

*Aviation and Maritime Security Act 1990*

- 13 In section 22(4) of the Aviation and Maritime Security Act 1990 (c. 31) (persons entitled to exercise certain powers in relation to private dwelling), in paragraph (b) (i), for the words from “Police Complaints Authority” to the end of the subparagraph there shall be substituted “ Independent Police Complaints Commission under section 26 of the Police Reform Act 2002 (c. 30); or ”.

*Status: Point in time view as at 20/01/2004.*

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*The 1996 Act*

14 In section 8 of the 1996 Act (local policing plans), after subsection (4) there shall be inserted—

“(4A) It shall be the duty of a police authority and of a chief constable, in preparing, issuing or submitting any plan or draft plan under this section, to have regard to any general guidance given by the Secretary of State with respect to local policing plans and the drafts of such plans.

(4B) Before giving any guidance under subsection (4A), the Secretary of State shall consult with—

- (a) persons whom he considers to represent the interests of police authorities;
- (b) persons whom he considers to represent the interests of chief officers of police; and
- (c) such other persons as he thinks fit.”

VALID FROM 01/04/2004

15 In section 54 of the 1996 Act (appointment and functions of inspectors of constabulary), before subsection (3) there shall be inserted—

“(2D) It shall be the duty of the chief inspector of constabulary—

- (a) to enter into arrangements with the Independent Police Complaints Commission for the purpose of securing cooperation, in the carrying out of their respective functions, between the inspectors of constabulary and that Commission; and
- (b) to ensure that inspectors of constabulary provide that Commission with all such assistance and co-operation as may be required by those arrangements or as otherwise appears to the chief inspector to be appropriate for facilitating the carrying out by that Commission of its functions.”

16 (1) Section 62 of that Act (consultation on terms and conditions for certain appointments) shall be amended as follows.

(2) In subsection (1B), the words “6 or” shall be omitted.

(3) After that subsection, there shall be inserted—

“(1C) Before determining the terms and conditions on which the Director General of the National Criminal Intelligence Service is to be appointed, the Secretary of State shall—

- (a) consult the Police Negotiating Board for the United Kingdom about any term or condition which would, if the person appointed were to be a serving police officer, relate to any of the matters mentioned in section 61(1) (other than pensions), and
- (b) take into consideration any recommendations made by the Board; and in this subsection “serving police officer” has the same meaning as in section 6 of the Police Act 1997 (c. 50).”



*Status: Point in time view as at 20/01/2004.*

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- 17 In section 63(3) of that Act (consultation with Police Advisory Board for England and Wales before exercise of certain powers), after paragraph (c) there shall be inserted “, or  
(d) regulations under Part 2 of the Police Reform Act 2002 (c. 30) ;”.

VALID FROM 01/04/2004

- 18 In section 87 of that Act (guidance concerning disciplinary proceedings), for subsection (2) there shall be substituted—
- “(1A) The Secretary of State may also issue guidance to the Independent Police Complaints Commission concerning the discharge of its functions under any regulations under section 50 in relation to disciplinary proceedings.
- (2) Nothing in this section shall authorise the issuing of any guidance about a particular case.
- (3) It shall be the duty of every person to whom any guidance under this section is issued to have regard to that guidance in discharging the functions to which the guidance relates.
- (4) A failure by a person to whom guidance under this section is issued to have regard to the guidance shall be admissible in evidence in any disciplinary proceedings or on any appeal from a decision taken in any such proceedings.
- (5) In this section “disciplinary proceedings” means any proceedings under any regulations under section 50 that are identified as disciplinary proceedings by those regulations.”

VALID FROM 01/04/2004

- 19 (1) In subsection (1) of section 97 of that Act (police officers engaged on service outside their force), after paragraph (a) there shall be inserted—
- “(aa) temporary service on which a person is engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 (c. 30) ;”.
- (2) In subsection (6)(a) of that section, after “paragraph (a),” there shall be inserted “(aa),”.
- (3) In subsection (8) of that section, after “paragraph” there shall be inserted “(aa),”.

VALID FROM 01/04/2004

*Justices of the Peace Act 1997*

- 20 After section 64 of the Justices of the Peace Act 1997 (c. 25) there shall be inserted—

*Status: Point in time view as at 20/01/2004.*

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#### **“64A Disqualifying offices**

The person who is the chairman of the Independent Police Complaints Commission or any person who is otherwise a member of that Commission or a member of its staff is disqualified for being appointed or acting as a justice of the peace.”

#### *The 1997 Act*

- 21 (1) In section 46 of the 1997 Act (interpretation of Part 1), before the definition of “financial year” there shall be inserted—

““British Transport Police Force” means the force of constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);”.

- (2) In section 52 of the 1997 Act (appointment of Director General of NCS), after subsection (5) there shall be inserted—

“(5A) The Director General shall not be attested as a constable under subsection (5) if he had already been attested as a constable in England and Wales, and still held that office, immediately before his appointment took effect.”

- (3) In section 90 of the 1997 Act (interpretation of Part 2), before the definition of “financial year” there shall be inserted—

““British Transport Police Force” means the force of constables appointed under section 53 of the British Transport Commission Act 1949;”.

#### **Commencement Information**

**I35** Sch. 7 para. 21 wholly in force at 23.12.2004; Sch. 7 para. 21 not in force at Royal Assent, see s. 108(2); Sch. 7 para. 21(1)(2) in force at 1.10.2002 by S.I. 2002/2306, art. 2(g)(ii); Sch. 7 in force in so far as not already in force at 23.12.2004 by S.I. 2004/3338, art. 3(b)

VALID FROM 01/04/2004

#### *Police (Northern Ireland) Act 1998*

- 22 (1) In subsection (1) of section 27 of the Police (Northern Ireland) Act 1998 (c. 32) (police officers engaged on service outside the Police Service of Northern Ireland), after paragraph (a) there shall be inserted—

“(aa) temporary service on which a member of the police force is engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 (c. 30);”.

- (2) In subsection (5)(b) of that section, for “subsection (1)(b)” there shall be substituted “subsection (1)(aa), (b) ”.

*Status: Point in time view as at 20/01/2004.*

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VALID FROM 01/04/2004

*Freedom of Information Act 2000*

- 23 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public bodies for the purposes of that Act)—
- (a) at the appropriate place, there shall be inserted—
- “The Independent Police Complaints Commission.
- ;
- and”
- (b) the words “The Police Complaints Authority.” shall be omitted.

VALID FROM 01/04/2004

*Criminal Justice and Police Act 2001*

- 24 In section 88(7) of the Criminal Justice and Police Act 2001 (c. 16) (power of the Central Police Training and Development Authority to provide training for persons other than persons serving or employed for policing purposes in England and Wales), after paragraph (a) there shall be inserted—
- “(aa) members of the staff of the Independent Police Complaints Commission;”.

SCHEDULE 8

Section 107

REPEALS

**Commencement Information**

- I36** Sch. 8 partly in force; Sch. 8 in force for certain purposes at Royal Assent, see s. 108(2)(3); Sch. 8 in force for certain purposes at 1.10.2002 by S.I. 2002/2306, art. 2(g)(iii); Sch. 8 in force for certain other purposes at 2.12.2002 by S.I. 2002/2750, art. 2(b)(iii); Sch. 8 in force for certain purposes at 1.4.2003 by S.I. 2003/808, art. 2(i); Sch. 8 in force for certain purposes at 1.4.2004 by S.I. 2004/913, art. 2(f); Sch. 8 in force for certain purposes for E. at 30.4.2004 by S.I. 2004/913, art. 3(c); Sch. 8 in force for certain purposes at 1.6.2004 by S.I. 2004/1319, art. 2(f); Sch. 8 in force for certain purposes at 23.12.2004 by S.I. 2004/3338, art. 3(c)

**Short title and chapter**

Superannuation Act 1972 (c. 11)

**Extent of repeal**

In Schedule 1, in the entries under the heading “Other bodies”, the words “Police Complaints Authority.”

*Status: Point in time view as at 20/01/2004.*

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|   |  |
|---|--|
| House of Commons Disqualification Act 1975 (c. 24)          | In Part 2 of Schedule 1, the words “Police Complaints Authority.”  |
| Northern Ireland Assembly Disqualification Act 1975 (c. 25) | In Part 2 of Schedule 1, the words “The Police Complaints Authority.”  |
| Road Traffic Regulation Act 1984 (c. 27)                    | In section 96(3)—<br>(a) in the words before paragraph (a), the words “163”; and<br>(b) paragraph (c) and the word “or” immediately preceding it.  |
| Police and Criminal Evidence Act 1984 (c. 60)               | In section 67(10), the word “or” after paragraph (a).  |
| Housing Act 1985 (c. 68)                                    | In section 4(e), the words “the Metropolitan Police Authority”.  |
| Housing Act 1988 (c. 50)                                    | In paragraph 12(2)(g) of Schedule 1, the words “and the Metropolitan Police Authority”.  |
| Road Traffic Act 1988 (c. 52)                               | Section 103(3).<br>In section 183(1)(c), the words “, except section 103(3)”.  |
| Road Traffic Offenders Act 1988 (c. 53)                     | In section 34(3), the word “and” after paragraph (a).  |
| Official Secrets Act 1989 (c. 6)                            | Section 11(1).   |
| Criminal Justice and Public Order Act 1994 (c. 33)          | Section 54(5).   |
| Police Act 1996 (c. 16)                                     | Section 42(5).<br>In section 62(1B), the words “6 or”.<br>Section 63(3)(b).<br>Chapter 1 of Part 4.<br>Section 86.<br>In section 105(2), the words from “paragraph 8” to “that paragraph);”.<br>In Schedule 2, paragraph 25.<br>In Schedule 2A, paragraph 20.<br>Schedule 5. |
| Employment Rights Act 1996 (c. 18)                          | In section 200(1), the words “Part IVA,” and “47B”.  |
| Protection from Harassment Act 1997 (c. 40)                 | Section 2(3).  |
| Police (Health and Safety) Act 1997 (c. 42)                 | Section 5.   |
| Police Act 1997 (c. 50)                                     | Section 6(3).<br>In section 9, in subsection (2)(b), the words from “to which” to “applies”.<br>Section 9A(2).<br>Section 39(3).<br>Section 42(6)(a).<br>In section 55, in subsection (2)(b), the words from “to which” to “applies”.  |

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|  | Section 55A(2).  |
| Public Interest Disclosure Act 1998 (c. 23)          | Section 13.  |
| Police (Northern Ireland) Act 1998 (c. 32)           | In Schedule 4, sub-paragraphs (2) to (4) of paragraph 22, and sub-paragraph (9) of that paragraph, the words “and 55(3)(c)”.   |
| Crime and Disorder Act 1998 (c. 37)                  | In section 1—<br>(a) the words after paragraph (b) of subsection (1); and<br>(b) subsection (2).<br>In section 5(1), the word “and” at the end of paragraph (a).<br>Section 32(2).<br>Section 84(2). |
| Football (Offences and Disorder) Act 1999 (c. 21)    | Section 1(2)(f).<br>Section 8(3) and (4).  |
| Local Government Act 1999 (c. 27)                    | Section 24(3).   |
| Greater London Authority Act 1999 (c. 29)            | In Schedule 27, paragraphs 51, 59, 90 and 97 to 99.  |
| Police (Northern Ireland) Act 2000 (c. 32)           | In Schedule 6, paragraph 20(4).  |
| Freedom of Information Act 2000 (c. 36)              | In Part 6 of Schedule 1, the words “The Police Complaints Authority”.  |
| Countryside and Rights of Way Act 2000 (c. 37)       | In Schedule 12, paragraph 13.  |
| Criminal Justice and Court Services Act 2000 (c. 43) | In Schedule 7, in paragraph 151, the words “5(2)(b)”.  |
| Criminal Justice and Police Act 2001 (c. 16)         | Section 12(6).<br>Section 46(6).<br>Section 71.<br>Section 80(2).<br>Section 122(3).<br>Section 123(3).<br>Section 125(4)(b).<br>In Schedule 6, paragraph 74.  |
| Anti-Terrorism, Crime and Security Act 2001 (c. 24)  | Section 82(1).<br>Section 94(3).   |

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**Status:**

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