
STATUTORY INSTRUMENTS

2004 No. 643

The Police (Complaints and Misconduct) Regulations 2004

Recording and reference of conduct matters

5.—(1) For the purposes of paragraph 11(2)(c) of Schedule 3 to the 2002 Act (recording etc. of conduct matters), the following descriptions of conduct are hereby specified—

- (a) a serious assault, as defined in guidance issued by the Commission;
- (b) a serious sexual offence, as defined in guidance issued by the Commission;
- (c) serious corruption, as defined in guidance issued by the Commission;
- (d) a criminal offence or behaviour which is liable to lead to a disciplinary sanction and which in either case was aggravated by discriminatory behaviour on the grounds of a person's race, sex, religion, or other status identified in guidance by the Commission;
- (e) a serious arrestable offence, within the meaning of section 116 of the Police and Criminal Evidence Act 1984;
- (f) conduct whose gravity or other exceptional circumstances make it appropriate to record the matter in which the conduct is involved; or
- (g) conduct which is alleged to have taken place in the same incident as one in which conduct within sub-paragraphs (a) to (e) is alleged.

(2) For the purposes of paragraph 13(1)(b) of Schedule 3 to the 2002 Act (reference of recordable conduct matters to the Commission) any matter which relates to conduct falling within paragraph (1) (a) to (e) or (g) of this regulation is hereby specified.

(3) Any conduct matter which is required to be referred to the Commission shall be referred in such manner as the Commission specifies and—

- (a) if the matter falls within sub-paragraph (1)(a) or (b) of paragraph 13 of Schedule 3 to the 2002 Act, not later than the end of the working day following the day on which it first becomes clear to the appropriate authority that the conduct matter is one to which that sub-paragraph applies, and
- (b) if the matter falls within sub-paragraph (1)(c) of that paragraph, not later than the end of the working day following the day on which the Commission notifies the appropriate authority that the conduct matter is to be referred.