



Police and Magistrates' Courts Act 1994

1994 CHAPTER 29

PART I

POLICE

CHAPTER II

OTHER PROVISIONS ABOUT THE POLICE

Complaints against and conduct of police officers

34 Reference of matters other than complaints to Complaints Authority

In section 88 of the Police and Criminal Evidence Act 1984 (references of matters other than complaints to the Complaints Authority), in paragraph (a) for the words “an offence against discipline” there shall be substituted the words “behaved in a manner which would justify disciplinary proceedings”.

35 Steps to be taken after investigation of complaint

- (1) Section 90 of the Police and Criminal Evidence Act 1984 (steps to be taken after investigation: general) shall be amended as follows.
- (2) In subsection (3), paragraph (ii) and the word “and” immediately preceding it shall be omitted.
- (3) In subsection (4), paragraph (b) and the word “and” immediately preceding it shall be omitted.
- (4) In subsection (5)—
 - (a) for the words “Subject to section 91(1) below” there shall be substituted the words “In such cases as may be prescribed by regulations made by the Secretary of State”, and

Status: This is the original version (as it was originally enacted).

- (b) for the words “preferred disciplinary charges” onwards there shall be substituted the words “brought (or proposes to bring) disciplinary proceedings in respect of the conduct which was the subject of the investigation and, if not, giving his reasons”.
- (5) Subsection (6) shall be omitted.
- (6) In subsection (7)—
 - (a) for the words “Subject to section 91(1) below” there shall be substituted the words “In such cases as may be prescribed by regulations made by the Secretary of State”, and
 - (b) for the words “preferred disciplinary charges” onwards there shall be substituted the words “brought (or proposes to bring) disciplinary proceedings in respect of the conduct which was the subject of the investigation and, if not, giving his reasons”.
- (7) Subsection (8) shall be omitted.
- (8) In subsection (9) for the words “the chief officer” onwards there shall be substituted the words “then, if the chief officer is required by virtue of regulations under subsection (5) or (7) above to send the Authority a memorandum, he shall at the same time send them a copy of the complaint, or of the record of the complaint, and a copy of the report of the investigation”.
- (9) In subsection (10)—
 - (a) in paragraph (a) for the words “prefer disciplinary charges” onwards there shall be substituted the words “bring disciplinary proceedings, it shall be his duty to bring and proceed with them; and”, and
 - (b) in paragraph (b) for the words “preferred such charges” there shall be substituted the words “brought such proceedings”.

36 Powers of Complaints Authority as to disciplinary proceedings

- (1) Section 93 of the Police and Criminal Evidence Act 1984 (powers of Complaints Authority as to disciplinary charges) shall be amended as follows.
- (2) In subsection (1) for the words “preferred disciplinary charges” onwards there shall be substituted the words “brought disciplinary proceedings or does not propose to do so, the Authority may recommend him to bring such proceedings”.
- (3) In subsection (2) for the words “withdraw charges which he has preferred” there shall be substituted the words “discontinue disciplinary proceedings that he has brought”.
- (4) In subsection (3) for the words “prefer such charges” onwards there shall be substituted the words “bring disciplinary proceedings, they may direct him to do so”.
- (5) In subsection (5) for the words “prefer and proceed with charges specified in” there shall be substituted the words “comply with”.
- (6) For subsection (6) there shall be substituted—
 - “(6) The Authority may withdraw a direction given under this section.”
- (7) For subsections (7) and (8) there shall be substituted—
 - “(7) A chief officer shall—

- (a) advise the Authority of what action he has taken in response to a recommendation or direction under this section, and
- (b) furnish the Authority with such other information as they may reasonably require for the purpose of discharging their functions under this section.”

37 Repeal of certain provisions about discipline

The following provisions of the Police and Criminal Evidence Act 1984 shall cease to have effect—

- (a) section 67(8) (failure to comply with a code of practice is a disciplinary offence);
- (b) section 92 (powers of Complaints Authority to direct reference of reports etc. to Director of Public Prosecutions);
- (c) section 94 (disciplinary tribunals);
- (d) section 97(4) (review of complaints procedure and reports by Complaints Authority);
- (e) section 101 (discipline regulations);
- (f) in section 104, subsections (1) and (2) (which prevent a police officer convicted or acquitted of a criminal offence being charged with an equivalent disciplinary offence).

38 Saving for certain complaints procedures

The amendment, by any provision of this Act, of Part IX of the Police and Criminal Evidence Act 1984 shall not affect any procedures established by virtue of section 96 of that Act (constabularies maintained by authorities other than police authorities) before the amendment comes into force.