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Police Reform Act 2002

CHAPTER 30

POLICE REFORM ACT 2002

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POWERS OF THE SECRETARY OF STATE

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- 13 Handling of complaints, conduct matters and DSI matters etc.
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- 17 Provision of information to the Director General
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- 2A Terms of appointment etc: employee members
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- 3A Director General: vacancy or incapacity
 - 4 Remuneration, pensions etc. of members
 - 5 The Chief Executive
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- 6A Delegation of functions
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- 7A Liability for acts of the Director General
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Duties to preserve evidence relating to complaints

- 1 (1) Where a complaint is made about the conduct of...

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Initial handling and recording of complaints

2 (1) Where a complaint is made to the Director General...

...

3 (1) This paragraph applies where anything which is or purports...

Reference of complaints to the Director General

4 (1) It shall be the duty of the appropriate authority...

Power of Director General to treat complaint as having been referred

4A (1) The Director General may treat a complaint that comes...

Duties of Director General on references under paragraph 4

5 (1) It shall be the duty of the Director General...

Handling of complaints by the appropriate authority

6 (1) This paragraph applies where a complaint has been recorded...

Reviews relating to complaints dealt with other than by investigation

6A (1) This paragraph applies where a complaint is handled by...

...

7 (1) If, in a case in which paragraph (6) applies,...

...

8 (1) The arrangements made by the appropriate authority for subjecting...

...

8A (1) The complainant shall have a right of appeal to...

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Conduct matters arising in civil proceedings

10 (1) This paragraph applies where— (a) a local policing body...

Recording etc. of conduct matters in other cases

11 (1) This paragraph applies where— (a) a conduct matter comes...

Duties to preserve evidence relating to conduct matters

12 (1) Where a recordable conduct matter that relates to the...

Reference of conduct matters to the Director General

13 (1) It shall be the duty of a local policing...

Power of Director General to treat conduct matter as having been referred

13A (1) The Director General may treat a conduct matter that...

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Duties of Director General on references under paragraph 13

- 14 (1) It shall be the duty of the Director General,...
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- 14A (1) Where a DSI matter comes to the attention of...

Duty to preserve evidence relating to DSI matters

- 14B (1) Where— (a) a DSI matter comes to the attention...

Reference of DSI matters to the Director General

- 14C (1) It shall be the duty of the appropriate authority...

Power of Director General to treat DSI matter as having been referred

- 14CA (1) The Director General may treat a DSI matter that...

Duties of Director General on references under paragraph 14C

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- Part 3 — INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS

Power of the Director General to determine the form of an investigation

- 15 (1) This paragraph applies where— (a) a complaint, recordable...

Investigations by the appropriate authority on its own behalf

- 16 (A1) This paragraph applies if the appropriate authority, acting in...

...

- 17 (1) This paragraph applies where the Commission has determined that...

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- 18 (1) This paragraph applies where the Director General has determined...

Investigations by the Director General ...

- 19 (1) This paragraph applies where the Director General has determined...

Investigations by the Director General: power to serve information notice

- 19ZA (1) The Director General may serve upon any person an...

Failure to comply with information notice

- 19ZB (1) If a person who has received an information notice—...

Appeals against information notices

- 19ZC (1) A person on whom an information notice is served...

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Sensitive information: restriction on further disclosure

19ZD

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19ZE (1) The powers conferred by this paragraph are exercisable by...

Further provision about seizure under paragraph 19ZE

19ZF (1) This paragraph applies where a designated person seizes anything...

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19ZG (1) This paragraph applies to anything which, for the purposes...

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Special procedure where investigation relates to police officer or special constable

19A (1) This paragraph applies to an investigation where condition A,...

Assessment of seriousness of conduct under investigation

19B (1) If, during the course of an investigation of a...

Duty to consider submissions from person whose conduct is being investigated

19C (1) This paragraph applies to— (a) an investigation of a...

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19D (1) The Secretary of State may by regulations make provision...

Duty to provide certain information to appropriate authority

19E (1) This paragraph applies during the course of an investigation...

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19F (1) This paragraph applies to an investigation of a complaint,...

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20 (1) No criminal or disciplinary proceedings shall be brought in...

Accelerated procedure in special cases

20A (1) This paragraph applies where— (a) at any time before...

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

20B (1) This paragraph applies where — (a) a statement and...

Investigations managed or carried out by Commission: action by Commission

20C (1) On receipt of a notification under paragraph 20B(6), the...

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Investigations managed or carried out by Commission: action by Commission

20D (1) On receipt of a memorandum under paragraph 20B(7), the...

Other investigations: action by appropriate authority

20E (1) This paragraph applies where— (a) a statement and a...

Other investigations: action by appropriate authority

20F (1) If the appropriate authority certifies a case under paragraph...

.....

20G

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20H (1) Where the appropriate authority has submitted, or is required...

Special cases: recommendation or direction of Commission

20I (1) Where— (a) the Commission makes a recommendation under paragraph...

...

21 (1) The Commission may by order require the discontinuance of...

Procedure where conduct matter is revealed during investigation of DSI matter

21A (1) If during the course of an investigation of a...

Final reports on investigations: complaints, conduct matters and certain DSI matters

22 (1) This paragraph applies on the completion of an investigation...

Action by the Director General in relation to an investigation report under paragraph 22

23 (1) This paragraph applies where— (a) a report on an...

Action by the appropriate authority in response to an investigation report under paragraph 22

24 (1) This paragraph applies where— (a) a report of an...

Final reports on investigations: other DSI matters

24A (1) This paragraph applies on the completion of an investigation...

Action by the Director General in relation to an investigation report under paragraph 24A

24B (1) If the Director General determines under paragraph 24A(4) that...

24C (1) This paragraph applies where the Director General determines under...

Reviews ... with respect to an investigation

25 (1) This paragraph applies where a complaint has been subjected...

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Information for complainant about disciplinary recommendations

25A (1) This paragraph applies where, on the review of the...

Re-investigations following a review

26 (1) On a review under paragraph 25(8)(a) of the findings...

Duties with respect to disciplinary proceedings etc

27 (1) This paragraph applies where, in the case of any...

Information for complainant about disciplinary recommendations

28

Recommendations by the Director General or a local policing body

28ZA (1) A recommendation under this paragraph (for the purposes of...

Recommendations by the Director General

28A (1) This paragraph applies where the Director General has received...

Response to recommendation

28B (1) A person to whom a recommendation under paragraph 28A...

Minor definitions

29 In this Part of this Schedule— ... “ gross misconduct...

Reviews: the relevant review body

30 (1) The relevant review body in relation to a review...

31 (1) This paragraph applies in a case where—

32 (1) This paragraph applies in a case where—

SCHEDULE 3A — Whistle-blowing investigations: procedure

Designation of persons to take part in investigation

1 (1) Paragraph 19(1), (2) , (2A) and (4) to (8)...

Protection of anonymity

2 (1) The person in charge of an investigation under section...

Powers to obtain information etc

3 Paragraphs 19ZA to 19ZC of Schedule 3 apply in relation...

Procedure where conduct matter is revealed during investigation

4 (1) If, during the course of an investigation under section...

Procedure where DSI matter is revealed during investigation

5 (1) If, during the course of an investigation under section...

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Conclusion of investigation

- 6 (1) When an investigation under section 29D(1) is concluded, the...

Power of Director General to make recommendations

- 7 (1) On receipt of a report under paragraph 6 (1)...

SCHEDULE 3B — Designations under section 38

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- 1 Any power or duty of a constable to make an...
 2 Any power or duty of a constable to stop and...
 3 The power of a constable, under section 36(4) of the...
 3A The power of a constable, under section 55(6) of the...
 4 Any power that is exercisable only by a constable of...
 5 Any power of a constable under— (a) the Terrorism Act...
 6 Any power of a constable under the Official Secrets Acts...
 7 The power of a constable to make an application on...

Part 2 — APPLICATION OF LEGISLATION

- 8 (1) Where a power or duty of a constable is...

SCHEDULE 3C — Designations under section 38: additional powers and duties

Introduction

- 1 (1) The designation of a person under section 38 as...

Powers to issue fixed penalty notices

- 2 (1) A CSO or CSV has the power of an...

Powers to require names and addresses

- 3 (1) A CSO or CSV may require a person to...

Powers to search for and seize alcohol and tobacco

- 4 (1) A CSO or CSV may search a person for...

Powers to seize and detain: controlled drugs

- 5 (1) A CSO or CSV may exercise the powers conferred...

Powers to seize and detain: psychoactive substances

- 6 (1) A CSO or CSV may exercise the powers conferred...

Powers to detain pending arrival of a constable etc

- 7 (1) A CSO or CSV may require a person to...

Powers to search etc individuals detained under paragraph 7

- 8 (1) A CSO or CSV may exercise the powers set...

Persons detained under paragraph 7: park trading offences

- 9 (1) If a CSO or CSV reasonably suspects that a...

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Road traffic

10 A CSO or CSV has in the relevant police area...

Power to use reasonable force

11 A CSO or CSV has power to use reasonable force—...

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- 1 Powers to issue fixed penalty notices
- 1ZA
- 1ZB Power to issue community protection notices
 - 1A Power to require name and address
 - 2 Power to detain etc.
 - 2A Powers to search individuals and to seize and retain items
 - 2B General power of seizure
 - 3 Power to require name and address of person acting in an anti-social manner
 - 3A Power to require name and address: road traffic offences
 - 3B Power to require name and address etc: charity collectors
 - 4 Power to use reasonable force to detain person
 - 4ZA
 - 4ZB
 - 4A Power to disperse groups and remove young persons to their place of residence
 - 4AB
 - 4B Power to disperse groups and remove young persons to their place of residence
 - 4C Power to remove truants and excluded pupils to designated premises etc.
 - 5 Alcohol consumption in restricted areas
 - 5A Power to serve closure notice for licensed premises persistently selling to children
 - 6 Confiscation of alcohol
 - 7 Confiscation of tobacco etc.
 - 7A Search and seizure powers: alcohol and tobacco
 - 7B Powers to seize and detain: controlled drugs
 - 7C Powers to seize and detain: controlled drugs
 - 7D Park Trading offences
 - 7E Powers to seize and detain: psychoactive substances
 - 7F
 - 8 Entry to save life or limb or prevent serious damage to property
 - 8A Entry to investigate licensing offences
 - 9 Seizure of vehicles used to cause alarm etc.
 - 10 Abandoned vehicles
 - 11 Power to stop vehicle for testing
 - 11A Power to stop cycles
 - 11B Power to control traffic for purposes other than escorting a load of exceptional dimensions
 - 12 Power to control traffic for purposes of escorting a load of exceptional dimensions
 - 13 Carrying out of road checks
 - 13A Power to place traffic signs
 - 14 Cordoned areas

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- 15 Power to stop and search vehicles etc. in authorised areas
 - 15ZA Photographing of persons arrested, detained or given fixed penalty notices
 - 15A Power to modify paragraph 1(2A)
 - Part 2 — INVESTIGATING OFFICERS
 - 16 Search warrants
 - 16A
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 - 17 Access to excluded and special procedure material
 - 18 Entry and search after arrest
 - 18A Entry and search for evidence of nationality after arrest
 - 19 General power of seizure
 - 20 Access and copying in the case of things seized by constables
 - 21 Arrest at a police station for another offence
 - 22 Power to transfer persons into custody of investigating officers
 - 22A Powers in respect of detained persons
 - 23 Power to require arrested person to account for certain matters
 - 24 Extended powers of seizure
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 - 30 Warnings about intimate samples
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 - 33 Photographing persons in police detention
 - 33A Taking of impressions of footwear
 - 33B Powers in respect of detained persons
 - 33C Where a designation applies this paragraph to any person, he...
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 - Part 4 — ESCORT OFFICERS
 - 34 Power to take an arrested person to a police station
 - 35 Escort of persons in police detention
 - Part 4A
 - 35A Exercise of functions of custody officers
 - 35B Powers in respect of detained persons
 - 35C Where a designation applies this paragraph to any person, he...
 - Part 5 — INTERPRETATION OF SCHEDULE
 - 36 (1) In this Schedule “the relevant police area”—
- SCHEDULE 5 — Powers exercisable by accredited persons
- 1 Power to issue fixed penalty notices
 - 1A (1) This paragraph applies to an accredited person whose accreditation...
 - 2 Power to require giving of name and address
 - 3 Power to require name and address of person engaging in anti-social behaviour
 - 3A Power to require name and address: road traffic offences
 - 4 Alcohol consumption in designated public places
 - 5 Confiscation of alcohol

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- 6 Confiscation of tobacco etc.
- 7 Abandoned vehicles
- 8 Power to stop vehicle for testing
- 8A Power to stop cycles
- 8B Power to control traffic for purposes other than escorting a load of exceptional dimensions
- 9 Power to control traffic for purposes of escorting a load of exceptional dimensions
- 9ZA Photographing of persons given fixed penalty notices
- 9A Power to modify paragraph 1(2A)
- 10 Meaning of “relevant police area”

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- 1 *Power to issue fixed penalty notices*
- 2 *Power to require giving of name and address*
- 3 *Photographing of persons given fixed penalty notices*
- 4 *Interpretation*

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- 1 *Police (Scotland) Act 1967*
- 2 *Superannuation Act 1972*
- 3 *Juries Act 1974*
- 4 *Rehabilitation of Offenders Act 1974*
- 5 *House of Commons Disqualification Act 1975*
- 6 *Northern Ireland Assembly Disqualification Act 1975*
- 7 *The Police Pensions Act 1976*
- 8 *Rehabilitation of Offenders (Northern Ireland) Order 1978*
- 9 *The 1984 Act*
- 10 *Prosecution of Offences Act 1985*
- 11 *Road Traffic Act 1988*
- 12 In section 183(1) of the Road Traffic Act 1988 (application...
- 13 *Aviation and Maritime Security Act 1990*
- 14 *The 1996 Act*
- 15 In section 54 of the 1996 Act (appointment and functions...
- 16 (1) Section 62 of that Act (consultation on terms and...
- 17 In section 63(3) of that Act (consultation with Police Advisory...
- 18 In section 87 of that Act (guidance concerning disciplinary proceedings),...
- 19 (1) In subsection (1) of section 97 of that Act...
- 20 *Justices of the Peace Act 1997*
- 21 *The 1997 Act*
- 22 *Police (Northern Ireland) Act 1998*
- 23 *Freedom of Information Act 2000*
- 24 *Criminal Justice and Police Act 2001*

SCHEDULE 8 — Repeals

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