

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3 **U.K.**

Section 13

HANDLING OF COMPLAINTS AND CONDUCT MATTERS ETC.

Modifications etc. (not altering text)

- C1** Sch. 3 modified (15.12.2017) by S.I. 2012/1204, **Sch. Pt. 1** (as inserted by **The Police (Conduct, Complaints and Misconduct and Appeal Tribunal) (Amendment) Regulations 2017** (S.I. 2017/1134), reg. 1(1), **Sch. 2** (with reg. 2))
- C2** Sch. 3 applied (with modifications) by 1984 c. 55, **ss. 56A-56C** (as inserted (6.4.2023 for specified purposes) by **Building Safety Act 2022** (c. 30), **ss. 53(1)**, 170(4)(c); S.I. 2023/362, **reg. 3(1)(v)**)

PART 1 **E+W**

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 [^{F1}local policing body] 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 [^{F2}Director General] or to a [^{F3}local policing body],
- 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.

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- (5) It shall be the duty of a [^{F4}local policing body] to comply with all such directions as may be given to it by the [^{F2}Director General] 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 ^{F5}... the subject-matter of a complaint as he may be directed to take for the purposes of this paragraph by the [^{F6}local policing body] maintaining his force or by the [^{F2}Director General].

Textual Amendments

- F1** Words in Sch. 3 para. 1(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(2\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F2** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 56\(2\)](#) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F3** Words in Sch. 3 para. 1(2)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(2\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F4** Words in Sch. 3 para. 1(5) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(2\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F5** Words in Sch. 3 para. 1(6) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 4 para. 7\(2\)](#); S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F6** Words in Sch. 3 para. 1(6) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 300\(2\)\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

- C3** 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

- I1** 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\(d\)](#)

Initial handling and recording of complaints

- 2 [^{F7}(1) Where a complaint is made to the [^{F2}Director General], [^{F8}the Director General] shall give notification of the complaint to the appropriate authority.
- (1A) But the [^{F2}Director General] need not give that notification if the [^{F2}Director General] considers that there are exceptional circumstances that justify its not being given.]
- (2) Where a complaint is made to a [^{F9}local policing body], 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

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- (b) if he determines that he is not, give notification of the complaint to the person who is.

^{F10}(4)

- (5) Where the [^{F2}Director General], a [^{F11}local policing body] or a chief officer gives notification of a complaint under any of sub-paragraphs (1) to (3) ^{F12}..., the person who gave the notification ^{F13}... shall notify the complainant—

- (a) that the notification has been given and of what it contained; or

^{F14}(b)

- (6) Where—

- (a) a [^{F15}local policing body] determines, in the case of any complaint made to [^{F16}the body], 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 [^{F17}local policing body] or chief officer under this paragraph,

[^{F18}the body] or chief officer shall [^{F19}contact the complainant and seek the complainant's views on how the complaint should be handled].

- ^{F20}(6A) A local policing body or chief officer that is subject to the duty in sub-paragraph (6) in relation to a complaint must record the complaint if—

- (a) at any time the complainant indicates a wish for the complaint to be recorded, or
- (b) the local policing body or chief officer determines that the complaint is to be handled in accordance with this Schedule.

- (6B) The local policing body or chief officer must determine that a complaint is to be handled in accordance with this Schedule if—

- (a) the complaint is one alleging that the conduct or other matter complained of has resulted in death or serious injury,
- (b) the complaint is one alleging that there has been conduct by a person serving with the police which (if proved) might constitute the commission of a criminal offence or justify the bringing of disciplinary proceedings,
- (c) the conduct or other matter complained of (if proved) might have involved the infringement of a person's rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998), or
- (d) the complaint is of a description specified for the purposes of paragraph 4(1) (b) in regulations made by the Secretary of State.

- (6C) Where a local policing body or chief officer determines (for the purposes of sub-paragraph (6A)) that a complaint is to be handled otherwise than in accordance with this Schedule, the local policing body or chief officer must handle the complaint in such other manner as the local policing body or chief officer considers appropriate with a view to resolving the complaint to the complainant's satisfaction.

(The duty in this sub-paragraph ceases to apply if the complaint is recorded in accordance with sub-paragraph (6A)(a).)

- (6D) Where a local policing body or chief officer records a complaint under sub-paragraph (6A), or determines that a complaint is to be handled otherwise than in

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accordance with this Schedule, the local policing body or chief officer must notify the complainant of the recording of the complaint or (as the case may be) of the determination.]

[^{F21}(7) Nothing in this paragraph shall require the taking of any action in relation to a complaint if the complaint has been withdrawn.]

^{F22}(8)

[^{F23}(9) If a local policing body or chief officer decides that it or (as the case may be) he is not required to comply with any of sub-paragraphs (2), (3) and (6) to (6C) on the basis of a determination that what purports to be a complaint is not a complaint, the local policing body or chief officer must notify the complainant of the determination and the grounds on which it was made.

(10) If a local policing body or chief officer determines that part of what has been received (whether directly or by virtue of a notification under this paragraph) is a complaint and part is not, the local policing body or chief officer must proceed under this paragraph as if those two parts had been separately received.]

Textual Amendments

- F2** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(2\)](#) (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F7** [Sch. 3 para. 2\(1\) \(1A\)](#) substituted for [Sch. 3 para. 2\(1\)](#) (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 14 para. 8\(2\)](#); S.I. 2011/3019, [art. 3](#), [Sch. 1](#); S.I. 2012/2892, [art. 2\(g\)](#) (with [art. 6](#))
- F8** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(4\)](#) (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))
- F9** Words in [Sch. 3 para. 2\(2\)](#) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 300\(3\)\(a\)](#); S.I. 2011/3019, [art. 3](#), [Sch. 1](#)
- F10** [Sch. 3 para. 2\(4\)](#) omitted (16.1.2012 for specified purposes, 22.11.2012 in so far as not already in force) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 14 para. 8\(3\)](#); S.I. 2011/3019, [art. 3](#), [Sch. 1](#); S.I. 2012/2892, [art. 2\(g\)](#) (with [art. 6](#))
- F11** Words in [Sch. 3 para. 2\(5\)](#) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 300\(3\)\(a\)](#); S.I. 2011/3019, [art. 3](#), [Sch. 1](#)
- F12** Words in [Sch. 3 para. 2\(5\)](#) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 14 para. 8\(4\)\(a\)\(i\)](#); S.I. 2012/2892, [art. 2\(g\)](#) (with [art. 6](#))
- F13** Words in [Sch. 3 para. 2\(5\)](#) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 14 para. 8\(4\)\(a\)\(ii\)](#); S.I. 2012/2892, [art. 2\(g\)](#) (with [art. 6](#))
- F14** [Sch. 3 para. 2\(5\)\(b\)](#) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 14 para. 8\(4\)\(b\)](#); S.I. 2012/2892, [art. 2\(g\)](#) (with [art. 6](#))
- F15** Words in [Sch. 3 para. 2\(6\)\(a\)](#) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 300\(3\)\(b\)\(i\)](#); S.I. 2011/3019, [art. 3](#), [Sch. 1](#)
- F16** Words in [Sch. 3 para. 2\(6\)\(a\)](#) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 300\(3\)\(b\)\(ii\)](#); S.I. 2011/3019, [art. 3](#), [Sch. 1](#)
- F17** Words in [Sch. 3 para. 2\(6\)\(c\)](#) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 300\(3\)\(c\)](#); S.I. 2011/3019, [art. 3](#), [Sch. 1](#)
- F18** Words in [Sch. 3 para. 2\(6\)](#) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 300\(3\)\(d\)](#); S.I. 2011/3019, [art. 3](#), [Sch. 1](#)

Status: Point in time view as at 06/04/2023.

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- F19** Words in Sch. 3 para. 2(6) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 2(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F20** Sch. 3 para. 2(6A)-(6D) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 2(3)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F21** Sch. 3 para. 2(7) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 2(4)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F22** Sch. 3 para. 2(8) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 2(5)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F23** Sch. 3 para. 2(9)(10) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 2(6)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

- C4** 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

- I2** 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)**

F24 ...

Textual Amendments

- F24** Sch. 3 para. 3 and cross-heading omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 3**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

F24³

Reference of complaints to the [F2]Director General]

- 4 (1) It shall be the duty of the appropriate authority to refer a complaint to the [F2]Director General] if—
- (a) the complaint is one alleging that the conduct [F25]or other matter] complained of has resulted in death or serious injury;
 - (b) the complaint is of a description specified for the purposes of this subparagraph in regulations made by the Secretary of State; or
 - (c) the [F2]Director General] notifies the appropriate authority that [F8]the Director General] requires the complaint in question to be referred to the [F2]Director General] for [F26]the Director General's] consideration.

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- (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 [F²Director General] 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 [F²⁷local policing body] may refer a complaint to the [F²Director General] if—
- (a) it is one in relation to which the chief officer of police of the police force maintained by [F²⁸that body] is the appropriate authority; and
 - (b) the [F²⁷local policing body] considers that it would be appropriate to do so by 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 [F²Director General], 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 [F²Director General] by virtue of sub-paragraph (1)(c) to require a complaint to be referred to [F⁸the Director General], and
 - (b) the power of a [F²⁹local policing body] or chief officer to refer a complaint to the [F²Director General] 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 [F²Director General].
- [F³⁰(5A) The power of an appropriate authority to refer a complaint to the [F²Director General] under sub-paragraph (2) is also exercisable after a complaint has been handled in accordance with this Schedule if a recommendation is made under paragraph 6A(6) (a) or 25(4E)(b) (recommendation on a review).]
- (6) A [F³¹local policing body] or chief officer which refers a complaint to the [F²Director General] 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 [F³²that body] or chief officer that to do so might prejudice [F³³an investigation of the complaint (whether an existing investigation or a possible future one)], to the person complained against [F³⁴(if any)].
- [F³⁵(6A) A local policing body which refers a complaint to the [F²Director General] under sub-paragraph (3) shall also give a notification of the making of the reference to the appropriate authority.]
- (7) A complaint that has already been referred to the [F³⁶Director General] under this paragraph on a previous occasion [F³⁷, or that has been treated as having been so referred by virtue of paragraph 4A]—

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- (a) shall not be required to be referred again under this paragraph unless the [F2Director General] so directs; and
- (b) shall not be referred in exercise of any power conferred by this paragraph unless the [F2Director General] consents.

F38(8)

[F39(9) The appropriate authority must record any complaint that is referred to the [F2Director General] under this paragraph that has not already been recorded.]

Textual Amendments

- F8** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F25** Words in Sch. 3 para. 4(1)(a) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 7(3)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F26** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(5)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F27** Words in Sch. 3 para. 4(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(5)(a)(i)**; S.I. 2011/3019, art. 3, Sch. 1
- F28** Words in Sch. 3 para. 4(3)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(5)(a)(ii)**; S.I. 2011/3019, art. 3, Sch. 1
- F29** Words in Sch. 3 para. 4(5)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(5)(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F30** Sch. 3 para. 4(5A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 30**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F31** Words in Sch. 3 para. 4(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(5)(c)(i)**; S.I. 2011/3019, art. 3, Sch. 1
- F32** Words in Sch. 3 para. 4(6)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(5)(c)(ii)**; S.I. 2011/3019, art. 3, Sch. 1
- F33** Words in Sch. 3 para. 4(6)(b) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 4(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F34** Words in Sch. 3 para. 4(6)(b) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 7(4)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F35** Sch. 3 para. 4(6A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 4(3)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F36** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(3)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F37** Words in Sch. 3 para. 4(7) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 17(2)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(e) (with art. 3(1)(2)(4))
- F38** Sch. 3 para. 4(8) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 4(4)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

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F39 Sch. 3 para. 4(9) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 4(5)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

C5 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

I3 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)**

[^{F40}Power of [^{F2}Director General] to treat complaint as having been referred

Textual Amendments

F40 Sch. 3 para. 4A and cross-heading inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 17(3)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(e) (with art. 3(1)(2)(4))

- 4A (1) The [^{F2}Director General] may treat a complaint that comes to [^{F26}the Director General's] attention otherwise than by having been referred to [^{F8}the Director General] under paragraph 4 as having been so referred.
- (2) Where the [^{F2}Director General] treats a complaint as having been referred to [^{F8}the Director General]—
- (a) paragraphs 2 and 4 do not apply, or cease to apply, in relation to the complaint except to the extent provided for by paragraph 4(7), and
 - (b) paragraphs 5, 6, 6A, 15 and 25 apply in relation to the complaint as if it had been referred to the [^{F2}Director General] by the appropriate authority under paragraph 4.
- (3) The [^{F2}Director General] must notify the following that [^{F8}the Director General] is treating a complaint as having been referred to [^{F8}the Director General]—
- (a) the appropriate authority;
 - (b) the complainant;
 - (c) except in a case where it appears to the [^{F2}Director General] that to do so might prejudice an investigation of the complaint (whether an existing investigation or a possible future one), the person complained against (if any).
- (4) Where an appropriate authority receives a notification under sub-paragraph (3) in respect of a complaint and the complaint has not yet been recorded, the appropriate authority must record the complaint.]

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

Textual Amendments

- F8** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(4) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F26** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(5) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

Duties of [F2]Director General] on references under paragraph 4

- 5 (1) It shall be the duty of the [F2]Director General] in the case of every complaint referred to [F8]the Director General] by a [F41]local policing body] or chief officer, to determine whether or not it is necessary for the complaint to be investigated.
- [F42](1A) The Secretary of State may by regulations provide that the [F2]Director General] must determine that it is necessary for complaints referred to [F8]the Director General] that relate to the conduct of a chief officer or the Deputy Commissioner of Police of the Metropolis to be investigated.
- (1B) Regulations under sub-paragraph (1A) may provide that the duty on the [F2]Director General] applies only in relation to complaints relating to the conduct of a chief officer or the Deputy Commissioner of Police of the Metropolis that are of a description specified in the regulations.
- (1C) Regulations under sub-paragraph (1A) may also provide that, where the [F2]Director General] is required by the regulations to determine that it is necessary for a complaint to be investigated, paragraph 15 is to apply in relation to the complaint as if sub-paragraphs (4)(a), (4A) and (5A)(b) were omitted.]
- (2) Where the [F2]Director General] determines under this paragraph that it is not necessary for a complaint to be investigated [F43]—
- (a) in a case where the complaint is already being investigated by the appropriate authority on its own behalf (and notwithstanding the [F36]Director General's] determination), the [F2]Director General] must refer the complaint back to the appropriate authority for the investigation to be completed, and
 - (b) in any other case, the [F2]Director General] may, if [F8]the Director General] 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 [F2]Director General] refers a complaint back under sub-paragraph (2), [F8]the Director General] 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 [F2]Director General] that to do so might prejudice [F44]an investigation of the complaint (whether an existing investigation or a possible future one)], to the person complained against [F45](if any)].

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

Textual Amendments

- F8** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F36** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(3)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F41** Words in Sch. 3 para. 5(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 300(6)**; S.I. 2011/3019, art. 3, Sch. 1
- F42** Sch. 3 para. 5(1A)-(1C) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 10(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F43** Words in Sch. 3 para. 5(2) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 10(3)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F44** Words in Sch. 3 para. 5(3)(b) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 10(4)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F45** Words in Sch. 3 para. 5(3)(b) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 7(5)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

- C6** 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

- I4** 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

- [^{F46} (1) This paragraph applies where a complaint has been recorded by the appropriate authority.
- (2) But this paragraph does not apply to a complaint if it is one that has been, or must be, referred to the [^{F2}Director General] under paragraph 4, unless the complaint is for the time being—
- (a) referred back to the authority under paragraph [^{F47}5(2)(b)], ^{F48} ...
- ^{F49}(b)
- [^{F50}(2A) The appropriate authority must handle the complaint in such reasonable and proportionate manner as the authority determines.
- (2B) An appropriate authority may handle a complaint in accordance with subparagraph (2A) by (amongst other things)—
- (a) making arrangements for the complaint to be investigated by the authority on its own behalf;

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- (b) notifying the complainant that no further action is to be taken in relation to the complaint.
- (2C) The appropriate authority must comply with its duty under sub-paragraph (2A) by making arrangements for the complaint to be investigated by the authority on its own behalf if at any time it appears to the authority from the complaint, or from the authority's handling of the complaint to that point, that there is an indication that—
- (a) a person serving with the police may have committed a criminal offence or behaved in a manner that would justify the bringing of disciplinary proceedings, or
 - (b) there may have been the infringement of a person's rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998).
- (2D) The Secretary of State may by regulations provide for the duty in sub-paragraph (2C) to be subject to exceptions.
- (2E) A statement made by any person for the purposes of the handling of any complaint in accordance with sub-paragraph (2A) otherwise than by the appropriate authority making arrangements for the complaint to be investigated by the authority on its own behalf is not admissible in any subsequent criminal, civil or disciplinary proceedings except to the extent that it consists of an admission relating to a matter that has not been subjected to such handling.]

- F51(3)
- F51(4)
- F51(5)
- F51(6)
- F51(7)
- F51(8)
- F51(9)
- F51(10)
- F51(11)]

Textual Amendments

- F2** Words in **Sch. 3** substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by **Policing and Crime Act 2017** (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with **Sch. 9 para. 56(6)**); S.I. 2017/1249, reg. 2 (with reg. 3)
- F46** **Sch. 3 para. 6** substituted (22.11.2012) by **Police Reform and Social Responsibility Act 2011** (c. 13), s. 157(1), **Sch. 14 para. 9(1)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F47** Words in **Sch. 3 para. 6(2)(a)** substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by **Policing and Crime Act 2017** (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 11**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F48** Word in **Sch. 3 para. 6(2)(a)** omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of **Policing and Crime Act 2017** (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 6(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- F49** Sch. 3 para. 6(2)(b) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 6(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F50** Sch. 3 para. 6(2A)-(2E) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 6(3)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F51** Sch. 3 para. 6(3)-(11) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 6(4)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

^{F52}Reviews relating to complaints dealt with other than by investigation

Textual Amendments

- F52** Sch. 3 para. 6A and cross-heading inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 31**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

- 6A (1) This paragraph applies where a complaint is handled by the appropriate authority in accordance with paragraph 6(2A) otherwise than by the authority making arrangements for the complaint to be investigated by the authority on its own behalf.
- (2) The complainant has the right to apply to the relevant review body for a review of the outcome of the complaint.
- (3) The relevant review body must notify the following of an application for a review under sub-paragraph (2)—
- (a) the appropriate authority,
 - (b) every person entitled to be kept properly informed in relation to the complaint under section 21, and
 - (c) the person complained against (if any).
- (4) On a review applied for under sub-paragraph (2), the relevant review body must determine whether the outcome is a reasonable and proportionate outcome.
- (5) Where the [^{F2}Director General] is the relevant review body and the [^{F2}Director General] finds that the outcome is not a reasonable and proportionate outcome, the [^{F2}Director General] may—
- (a) determine that it is necessary for the complaint to be investigated;
 - (b) make a recommendation under paragraph 28ZA.
- (6) Where a local policing body is the relevant review body and the local policing body finds that the outcome is not a reasonable and proportionate outcome, the local policing body may—
- (a) where the complaint has not previously been referred to the [^{F2}Director General] under paragraph 4, make a recommendation to the appropriate authority that it refer the complaint to the [^{F2}Director General] under sub-paragraph (2) of that paragraph;
 - (b) make a recommendation to the appropriate authority that it make arrangements for the complaint to be investigated by the authority on its own behalf;

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- (c) make a recommendation under paragraph 28ZA.
- (7) The Secretary of State may by regulations make further provision about recommendations under sub-paragraph (6)(a) or (b).
- (8) The regulations may (amongst other things) authorise the local policing body making the recommendation to require a response to the recommendation.
- (9) The relevant review body must give notification of the outcome of a review under this paragraph and of its reasons for the determination made under sub-paragraph (4)—
 - (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 relevant review body that to do so might prejudice any investigation of the complaint, to the person complained against (if any).
- (10) In this paragraph references to the outcome of a complaint do not include the outcome of any criminal or disciplinary proceedings brought in relation to any matter which was the subject of the complaint.]

Textual Amendments

F2 Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(2\)](#) (with [Sch. 9 para. 56\(6\)](#)); [S.I. 2017/1249](#), reg. 2 (with reg. 3)

F53 ...

Textual Amendments

F53 [Sch. 3 para. 7](#) and cross-heading omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 7](#); [S.I. 2020/5](#), reg. 2(n) (with art. 3(1)(2)(4))

F537

F54 ...

Textual Amendments

F54 [Sch. 3 para. 8](#) and cross-heading omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 8](#); [S.I. 2020/5](#), reg. 2(n) (with art. 3(1)(2)(4))

F548

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

F55
...

Textual Amendments

F55 Sch. 3 para. 8A and cross-heading omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 32; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

^{F55}8A

PART 2 E+W

HANDLING OF CONDUCT MATTERS

Conduct matters arising in civil proceedings

- 10 (1) This paragraph applies where—
- (a) a [^{F56}local policing body] 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 [^{F57}that body] or chief officer, or it otherwise appears to a [^{F56}local policing body] or chief officer that such proceedings are likely to be so brought; and
 - (b) it appears to [^{F57}that body] 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) [^{F58}The authority] or chief officer—
- (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 [^{F59}local policing body] 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 [^{F60}determine whether the matter is one which it or he is required to refer to the [^{F2}Director General] under paragraph 13 or is one which it would be appropriate to so refer].
- [^{F61}(4) In a case where the appropriate authority determines that the matter is one which it or he is required to refer to the [^{F2}Director General] under paragraph 13, or is one which it would be appropriate to so refer, it or he shall record the matter.
- (4A) In any other case, the appropriate authority shall determine whether the matter falls within a description of matters specified in regulations made by the Secretary of State for the purposes of this sub-paragraph.
- (4B) In a case where the appropriate authority determines that the matter does not fall within such a description, it or he shall record the matter.
- (4C) In any other case, the appropriate authority may (but need not) record the matter.

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- (4D) In a case where the appropriate authority—
- (a) records a matter under this paragraph, and
 - (b) is not required to refer the matter to the [^{F2}Director General] under paragraph 13 and does not do so,
- the appropriate authority may deal with the matter in such other manner (if any) as it or he may determine.]
- (5) Nothing in [^{F62}sub-paragraph (4) or (4B)] 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.

Textual Amendments

- F2** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F56** Words in Sch. 3 para. 10(1)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(2)(a)(i)**; S.I. 2011/3019, art. 3, Sch. 1
- F57** Words in Sch. 3 para. 10(1)(a)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(2)(a)(ii)**; S.I. 2011/3019, art. 3, Sch. 1
- F58** Words in Sch. 3 para. 10(2) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(2)(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F59** Words in Sch. 3 para. 10(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(2)(c)**; S.I. 2011/3019, art. 3, Sch. 1
- F60** Words in Sch. 3 para. 10(3) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 11(2)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F61** Sch. 3 para. 10(4)-(4D) substituted for Sch. 3 para. 10(4) (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 11(3)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F62** Words in Sch. 3 para. 10(5) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 11(4)**; S.I. 2012/2892, art. 2(g) (with art. 6)

Modifications etc. (not altering text)

- C7** 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)**)
- C8** 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

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

Commencement Information

I5 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) ^{F63}This paragraph applies where—
- (a) a conduct matter comes (otherwise than as mentioned in paragraph 10) to the attention of the ^{F64}local policing body] or chief officer who is the appropriate authority in relation to that matter, and
 - (b) it appears to the appropriate authority that the conduct involved in that matter falls within sub-paragraph (2),

^{F65}

- (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.

^{F66}(3) The appropriate authority must determine whether the matter is one which it or he is required to refer to the ^{F2}Director General] under paragraph 13, or is one which it would be appropriate to so refer.

(3A) In a case where the appropriate authority determines that the matter is one which it or he is required to refer to the ^{F2}Director General] under paragraph 13, or is one which it would be appropriate to so refer, it or he shall record the matter.

(3B) In any other case, the appropriate authority shall determine whether the matter falls within a description of matters specified in regulations made by the Secretary of State for the purposes of this sub-paragraph.

(3C) In a case where the appropriate authority determines that the matter does not fall within such a description, it or he shall record the matter.

(3D) In any other case, the appropriate authority may (but need not) record the matter.

(3E) In a case where the appropriate authority—

- (a) records a matter under this paragraph, and
- (b) is not required to refer the matter to the ^{F2}Director General] under paragraph 13 and does not do so,

the appropriate authority may deal with the matter in such other manner (if any) as it or he may determine.]

(4) Nothing in ^{F67}sub-paragraph (3A) or (3C)] 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.

^{F68}(5)

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

Textual Amendments

- F2** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F63** Words in Sch. 3 para. 11(1) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 12(2)(a)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F64** Words in Sch. 3 para. 11(1)(a) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(3)**; S.I. 2011/3019, art. 3, Sch. 1
- F65** Words in Sch. 3 para. 11(1)(b) omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 12(2)(b)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F66** Sch. 3 para. 11(3)-(3E) substituted for Sch. 3 para. 11(3) (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 12(3)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F67** Words in Sch. 3 para. 11(4) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 12(4)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F68** Sch. 3 para. 11(5) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), **ss. 17(4)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(e) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

- C9** 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)**)
- C10** 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

- I6** 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 [^{F69}local policing body] maintaining his force, it shall be the duty of [^{F70}that body] 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 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.

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- (5) It shall be the duty of a [^{F71}local policing body] to comply with all such directions as may be given to it by the [^{F2}Director General] 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 [^{F72}local policing body] maintaining his force or by the [^{F2}Director General].

Textual Amendments

- F2** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F69** Words in Sch. 3 para. 12(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(4)(a)(i)**; S.I. 2011/3019, art. 3, Sch. 1
- F70** Words in Sch. 3 para. 12(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(4)(a)(ii)**; S.I. 2011/3019, art. 3, Sch. 1
- F71** Words in Sch. 3 para. 12(5) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(4)(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F72** Words in Sch. 3 para. 12(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(4)(c)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

- C11** 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

- I7** 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 [^{F2}Director General]

- 13 (1) It shall be the duty of a [^{F73}local policing body] or a chief officer to refer a recordable conduct matter to the [^{F2}Director General] if, in a case (whether or not falling within paragraph 10) in which [^{F74}the body] 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 [^{F2}Director General] notifies the appropriate authority that [^{F8}the Director General] requires that matter to be referred to the [^{F2}Director General] for [^{F26}the Director General's] 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 [^{F2}Director General] if that authority considers that it would be appropriate to do so by reason of—

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Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- (a) the gravity of the matter; 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 [^{F75}local policing body] maintaining any police force may refer any recordable conduct matter to the [^{F2}Director General] if—
- (a) it is one in relation to which the chief officer of police of that force is the appropriate authority; and
 - (b) the [^{F76}local policing body] 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 [^{F2}Director General], 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 [^{F2}Director General] by virtue of sub-paragraph (1)(c) to require a matter to be referred to [^{F8}the Director General], and
 - (b) the power of a [^{F77}local policing body] or chief officer to refer any matter to the [^{F2}Director General] 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 [^{F2}Director General].
- (6) Where—
- (a) a [^{F78}local policing body] or chief officer refers a matter to the [^{F2}Director General] under this paragraph, and
 - (b) [^{F79}that body] or chief officer does not consider that to do so might prejudice [^{F80}an investigation of that matter (whether an existing investigation or a possible future one)],
- [^{F79}that body] 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 [^{F2}Director General] under this paragraph on a previous occasion [^{F81}, or that has been treated as having been so referred by virtue of paragraph 13A]—
- (a) shall not be required to be referred again under this paragraph unless the [^{F2}Director General] so directs; and
 - (b) shall not be referred in exercise of any power conferred by this paragraph unless the [^{F2}Director General] consents.

Textual Amendments

- F8** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(4) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- F26** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(5)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F73** Words in Sch. 3 para. 13(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(5)(a)(i)**; S.I. 2011/3019, art. 3, Sch. 1
- F74** Words in Sch. 3 para. 13(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(5)(a)(ii)**; S.I. 2011/3019, art. 3, Sch. 1
- F75** Words in Sch. 3 para. 13(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(5)(b)(i)**; S.I. 2011/3019, art. 3, Sch. 1
- F76** Words in Sch. 3 para. 13(3)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(5)(b)(ii)**; S.I. 2011/3019, art. 3, Sch. 1
- F77** Words in Sch. 3 para. 13(5)(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(5)(c)**; S.I. 2011/3019, art. 3, Sch. 1
- F78** Words in Sch. 3 para. 13(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(5)(d)(i)**; S.I. 2011/3019, art. 3, Sch. 1
- F79** Words in Sch. 3 para. 13(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(5)(d)(ii)**; S.I. 2011/3019, art. 3, Sch. 1
- F80** Words in Sch. 3 para. 13(6)(b) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 12**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F81** Words in Sch. 3 para. 13(7) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 17(5)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(e) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

- C12** 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

- I8** 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)**

[^{F82}Power of [^{F2}Director General] to treat conduct matter as having been referred

Textual Amendments

- F82** Sch. 3 para. 13A and cross-heading inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 17(6)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(e) (with art. 3(1)(2)(4))

- 13A (1) The [^{F2}Director General] may treat a conduct matter that comes to [^{F26}the Director General's] attention otherwise than by having been referred to [^{F8}the Director General] under paragraph 13 as having been so referred.
- (2) Where the [^{F2}Director General] treats a conduct matter as having been referred to [^{F8}the Director General]—
- (a) paragraphs 10, 11 and 13 do not apply, or cease to apply, in relation to the matter except to the extent provided for by paragraph 13(7), and

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- (b) paragraphs 14 and 15 apply in relation to the matter as if it had been referred to the [F2Director General] by the appropriate authority under paragraph 13.
- (3) The [F2Director General] must notify the following that [F8the Director General] is treating a conduct matter as having been referred to [F8the Director General]—
 - (a) the appropriate authority;
 - (b) except in a case where it appears to the [F2Director General] that to do so might prejudice an investigation of the matter (whether an existing investigation or a possible future one), the person to whose conduct the matter relates.
- (4) Where an appropriate authority receives a notification under sub-paragraph (3) in respect of a conduct matter and the matter has not yet been recorded, the appropriate authority must record the matter.]

Textual Amendments

- F8** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(4) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F26** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(5) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

Duties of [F2Director General] on references under paragraph 13

- 14 (1) It shall be the duty of the [F2Director General], in the case of every recordable conduct matter referred to [F8the Director General] by a [F83local policing body] or chief officer under paragraph 13, to determine whether or not it is necessary for the matter to be investigated.
- [F84(1A) The Secretary of State may by regulations provide that the [F2Director General] must determine that it is necessary for recordable conduct matters referred to [F8the Director General] that relate to the conduct of a chief officer or the Deputy Commissioner of Police of the Metropolis to be investigated.
- (1B) Regulations under sub-paragraph (1A) may provide that the duty on the [F2Director General] applies only in relation to recordable conduct matters relating to the conduct of a chief officer or the Deputy Commissioner of Police of the Metropolis that are of a description specified in the regulations.
- (1C) Regulations under sub-paragraph (1A) may also provide that, where the [F2Director General] is required by the regulations to determine that it is necessary for a recordable conduct matter to be investigated, paragraph 15 is to apply in relation to the matter as if sub-paragraphs (4)(a), (4A) and (5A)(b) were omitted.]
- (2) Where the [F2Director General] determines under this paragraph that it is not necessary for a recordable conduct matter to be investigated [F85—
 - (a) in a case where the recordable conduct matter is already being investigated by the appropriate authority on its own behalf (and notwithstanding the [F36Director General's] determination), the [F2 Director General] must refer

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

the matter back to the appropriate authority for the investigation to be completed, and

- (b) in any other case, the [F2Director General] may, if [F8the Director General] 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 [F2Director General] refers a matter back to the appropriate authority under this paragraph, and
- (b) the [F2Director General] does not consider that to do so might prejudice [F86an investigation of that matter (whether an existing investigation or a possible future one)],

the [F2Director General] shall give a notification of the making of the reference to the person to whose conduct that matter relates.

Textual Amendments

- F8** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F36** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(3)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F83** Words in Sch. 3 para. 14(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(6)**; S.I. 2011/3019, art. 3, Sch. 1
- F84** Sch. 3 para. 14(1A)-(1C) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 13(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F85** Words in Sch. 3 para. 14(2) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 13(3)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F86** Words in Sch. 3 para. 14(3)(b) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 13(4)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

- C13** 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

- I9** 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)**

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

[^{F87}PART 2A E+W

HANDLING OF DEATH AND SERIOUS INJURY (DSI) MATTERS

Textual Amendments

F87 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 [^{F88}local policing body] 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.

^{F89}(2)

Textual Amendments

F88 Words in Sch. 3 para. 14A(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), s. 157(1), **Sch. 16 para. 302(2)**; S.I. 2011/3019, art. 3, Sch. 1

F89 Sch. 3 para. 14A(2) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017](#) (c. 3), ss. 17(7), 183(1)(5)(e); S.I. 2020/5, reg. 2(e) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

C14 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 [^{F90}local policing body] , and
(b) the relevant officer in relation to that matter is the chief officer of the force maintained by [^{F91}that body],

it shall be the duty of [^{F91}that body] 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.

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- (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 [^{F92}local policing body] to comply with all such directions as may be given to it by the [^{F2}Director General] 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 [^{F93}local policing body] maintaining his force or by the [^{F2}Director General].

Textual Amendments

- F2** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F90** Words in Sch. 3 para. 14B(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 302(3)(a)(i)**; S.I. 2011/3019, art. 3, Sch. 1
- F91** Words in Sch. 3 para. 14B(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 302(3)(a)(ii)**; S.I. 2011/3019, art. 3, Sch. 1
- F92** Words in Sch. 3 para. 14B(5) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 302(3)(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F93** Words in Sch. 3 para. 14B(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 302(3)(c)**; S.I. 2011/3019, art. 3, Sch. 1

Modifications etc. (not altering text)

- C15** 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

Reference of DSI matters to the [^{F2}Director General]

- 14C (1) It shall be the duty of the appropriate authority to refer a DSI matter to the [^{F2}Director General].
- (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 [^{F2}Director General] under this paragraph on a previous occasion [^{F94}, or that has been treated as having been so referred by virtue of paragraph 14CA,] shall not be required to be referred again under this paragraph unless the [^{F2}Director General] so directs.

Textual Amendments

- F94** Words in Sch. 3 para. 14C(3) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 17(8)**, s. 183(1)(5)(e); S.I. 2020/5, reg. 2(e) (with art. 3(1)(2)(4))

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

Modifications etc. (not altering text)

- C16** 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

[^{F95}Power of [^{F2}Director General] to treat DSI matter as having been referred

Textual Amendments

- F95** Sch. 3 para. 14CA and cross-heading inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 17\(9\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2020/5](#), [reg. 2\(e\)](#) (with [art. 3\(1\)\(2\)\(4\)](#))

- 14CA (1) The [^{F2}Director General] may treat a DSI matter that comes to [^{F26}the Director General's] attention otherwise than by having been referred to [^{F8}the Director General] under paragraph 14C as having been so referred.
- (2) Where the [^{F2}Director General] treats a DSI matter as having been referred to [^{F8}the Director General]—
- paragraphs 14A and 14C do not apply, or cease to apply, in relation to the matter except to the extent provided for by paragraph 14C(3), and
 - paragraphs 14D and 15 apply in relation to the matter as if it had been referred to the [^{F2}Director General] by the appropriate authority under paragraph 14C.
- (3) The [^{F2}Director General] must notify the appropriate authority that [^{F8}the Director General] is treating a DSI matter as having been referred to [^{F8}the Director General].
- (4) Where an appropriate authority receives a notification under sub-paragraph (3) in respect of a DSI matter and the matter has not yet been recorded, the appropriate authority must record the matter.]

Textual Amendments

- F8** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 56\(4\)](#) (with [Sch. 9 para. 56\(6\)](#)); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))
- F26** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 56\(5\)](#) (with [Sch. 9 para. 56\(6\)](#)); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

Duties of [^{F2}Director General] on references under paragraph 14C

- 14D (1) It shall be the duty of the [^{F2}Director General], in the case of every DSI matter referred to [^{F8}the Director General] by a [^{F96}local policing body] or a chief officer, to determine whether or not it is necessary for the matter to be investigated.

[The Secretary of State may by regulations provide that the [^{F2}Director General] must ^{F97}(1A) determine that it is necessary for DSI matters referred to [^{F8}the Director General] in

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

relation to which the relevant officer is a chief officer or the Deputy Commissioner of Police of the Metropolis to be investigated.

- (1B) Regulations under sub-paragraph (1A) may provide that the duty on the [F²Director General] applies only in relation to DSI matters in relation to which the relevant officer is a chief officer or the Deputy Commissioner of Police of the Metropolis that are of a description specified in the regulations.
- (1C) Regulations under sub-paragraph (1A) may also provide that, where the [F²Director General] is required by the regulations to determine that it is necessary for a DSI matter to be investigated, paragraph 15 is to apply in relation to the matter as if sub-paragraphs (4)(a), (4A) and (5A)(b) were omitted.]
- (2) Where the [F²Director General] determines under this paragraph that it is not necessary for a DSI matter to be investigated [F⁹⁸—
- (a) in a case where the DSI matter is already being investigated by the appropriate authority on its own behalf (and notwithstanding the [F³⁶Director General's] determination), the [F²Director General] must refer the matter back to the appropriate authority for the investigation to be completed, and
 - (b) in any other case, the [F²Director General] may, if [F⁸the Director General] 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.]]

Textual Amendments

- F8** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F36** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(3)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F96** Words in Sch. 3 para. 14D(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 302(4)**; S.I. 2011/3019, art. 3, Sch. 1
- F97** Sch. 3 para. 14D(1A)-(1C) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 14(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F98** Words in Sch. 3 para. 14D(2) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 14(3)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

- C17** 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

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

PART 3 U.K.

INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS

Power of the [F²Director General] to determine the form of an investigation

- 15 (1) This paragraph applies where—
- (a) a complaint [F⁹⁹, recordable conduct matter or DSI matter] is referred to the [F²Director General]; and
 - (b) the [F²Director General] determines [F¹⁰⁰under paragraph 5(1), 14(1) or 14D(1)] that it is necessary for the complaint or matter to be investigated.
- [F¹⁰¹(1A) This paragraph also applies where the [F²Director General] determines under paragraph 6A(5)(a) that it is necessary for a complaint to be investigated.]
- (2) It shall be the duty of the [F²Director General] to determine the form which the investigation should take.
- [F¹⁰²(3)
- (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;
 - [F¹⁰³(b)
 - (c) an investigation by that authority under the [F¹⁰⁴direction] of the [F²Director General];
 - (d) an investigation by the [F²Director General].
- [F¹⁰⁵(4A) In making a determination under sub-paragraph (2) the [F²Director General] must first determine whether, having regard to the seriousness of the case and the public interest, it is appropriate for the investigation to take the form of an investigation by the appropriate authority on its own behalf and if it is the [F²Director General] must determine that the investigation is to take that form.
- (4B) Where, in accordance with sub-paragraph (4A), the [F²Director General] determines that it is not appropriate for the investigation to take the form of an investigation by the appropriate authority on its own behalf, the [F²Director General] must determine that the investigation is to take the form of an investigation by the [F²Director General] unless sub-paragraph (4C) applies.
- (4C) This sub-paragraph applies where the [F²Director General] determines that it would be more appropriate for the investigation to take the form of an investigation by the appropriate authority under the direction of the [F²Director General], in which case the [F²Director General] must determine that the investigation is to take that form.]
- [F¹⁰⁶(5) Where the [F²Director General] determines under sub-paragraph (4C) or (5B) that an investigation is to take the form of an investigation by the appropriate authority under the direction of the [F²Director General], the [F²Director General] must keep under review whether that form of investigation continues to be the most appropriate form of investigation.
- (5A) If, on such a review, the [F²Director General] determines that—

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- (a) it would be more appropriate for the investigation to take the form of an investigation by the [F²Director General], the [F²Director General] must make a further determination under this paragraph (to replace the earlier one) that the investigation is instead to take that form;
 - (b) having regard to the seriousness of the case and the public interest, it would be more appropriate for the investigation to take the form of an investigation by the appropriate authority on its own behalf, the [F²Director General] may make a further determination under this paragraph (to replace the earlier one) that the investigation is instead to take that form.
- (5B) Subject to sub-paragraph (5A), if at any time the [F²Director General] determines that, were [F⁸the Director General] to apply sub-paragraphs (4A) to (4C) again, the form of the investigation would be different, the [F²Director General] may make a further determination under this paragraph (to replace the earlier one) such that the investigation takes that different form.]
- (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 [F²Director General] may give—
- (a) the appropriate authority, and
 - (b) any person previously appointed to carry out the investigation,
- such directions as [F⁸the Director General] 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 [F²Director General] shall notify the appropriate authority of any determination that [F⁸the Director General] makes under this paragraph in relation to a particular complaint [F⁹⁹, recordable conduct matter or DSI matter][F¹⁰⁷ and of [F²⁶the Director General's] reasons for making the determination].
- [F¹⁰⁸(9) The [F²Director General] shall also notify the following of any determination that [F⁸the Director General] makes under this paragraph in relation to a particular complaint, recordable conduct matter or DSI matter and of [F²⁶the Director General's] reasons for making the determination—
- (a) every person entitled to be kept properly informed in relation to the complaint or matter under section 21;
 - (b) where the determination is made in relation to a complaint, the complainant;
 - (c) the person to whose conduct the investigation will relate.
- (10) The duty imposed by sub-paragraph (9) on the [F²Director General] in relation to a complaint, recordable conduct matter or DSI matter shall have effect subject to such exceptions as may be provided for by regulations made by the Secretary of State.
- (11) Subsections (6) to (8) of section 20 apply for the purposes of sub-paragraph (10) as they apply for the purposes of that section.]

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

Textual Amendments

- F8** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F26** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(5)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F99** Words in Sch. 3 para. 15(1)(a)(8) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 13**; S.I. 2005/1521, **art. 3(1)(w)**
- F100** Words in Sch. 3 para. 15(1)(b) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 15(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F101** Sch. 3 para. 15(1A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 15(3)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F102** Sch. 3 para. 15(3) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 15(4)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F103** Sch. 3 para. 15(4)(b) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 15(5)(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F104** Word in Sch. 3 para. 15(4)(c) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 15(5)(b)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F105** Sch. 3 para. 15(4A)-(4C) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 15(6)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F106** Sch. 3 para. 15(5)-(5B) substituted for Sch. 3 para. 15(5) (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 15(7)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F107** Words in Sch. 3 para. 15(8) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 15(8)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F108** Sch. 3 para. 15(9)-(11) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 15(9)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

- C18** Sch. 3 para. 15 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

- I10** 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

1⁶¹⁰⁹(A1) This paragraph applies if the appropriate authority, acting in accordance with paragraph 6(2A) or in response to a recommendation under paragraph 6A(6)(b), is

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

to make arrangements for a complaint to be investigated by the appropriate authority on its own behalf.]

- (1) This paragraph [^{F110}also] applies if the appropriate authority is required by virtue of—
- ^{F111}(a)
- (b) any determination made by the [^{F2}Director General] under paragraph 15, to make arrangements for a complaint^{F112}, recordable conduct matter or DSI 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 [^{F113}10(4D)], or [^{F114}11(3E)] or 14(2) in relation to any recordable conduct matter [^{F115}or under paragraph 14D(2) in relation to any DSI 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) [^{F116}or (5)], it shall be the duty of the appropriate authority to 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
- ^{F117}(d) a National Crime Agency officer,]
- to investigate the complaint or matter.
- (4) The person appointed under this paragraph to investigate any complaint or [^{F118}conduct 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.
- ^{F119}(5) The person appointed under this paragraph to investigate any DSI matter—
- (a) in relation to which the relevant officer is a chief officer, must not be a person under that chief officer's direction and control;
- (b) in relation to which the relevant officer is the Commissioner of Police of the Metropolis or the Deputy Commissioner of Police of the Metropolis, must be the person nominated by the Secretary of State for appointment under this paragraph.]

Textual Amendments

F2 Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

F109 Sch. 3 para. 16(A1) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 16(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- F110** Word in **Sch. 3 para. 16(1)** inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 5 para. 16(3)(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F111** **Sch. 3 para. 16(1)(a)** omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 5 para. 16(3)(b)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F112** Words in **Sch. 3 para. 16(1)** substituted (1.7.2005) by **Serious Organised Crime and Police Act 2005 (c. 15)**, ss. 160, 178, **Sch. 12 para. 14(2)**; S.I. 2005/1521, **art. 3(1)(w)**
- F113** Words in **Sch. 3 para. 16(2)(a)** substituted (22.11.2012) by **Police Reform and Social Responsibility Act 2011 (c. 13)**, s. 157(1), **Sch. 14 para. 11(5)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F114** Words in **Sch. 3 para. 16(2)(a)** substituted (22.11.2012) by **Police Reform and Social Responsibility Act 2011 (c. 13)**, s. 157(1), **Sch. 14 para. 12(5)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F115** Words in **Sch. 3 para. 16(2)(a)** inserted (1.7.2005) by **Serious Organised Crime and Police Act 2005 (c. 15)**, ss. 160, 178, **Sch. 12 para. 14(3)**; S.I. 2005/1521, **art. 3(1)(w)**
- F116** Words in **Sch. 3 para. 16(3)** inserted (1.7.2005) by **Serious Organised Crime and Police Act 2005 (c. 15)**, ss. 160, 178, **Sch. 12 para. 14(4)**; S.I. 2005/1521, **art. 3(1)(w)**
- F117** **Sch. 3 para. 16(3)(d)** substituted for **Sch. 3 para. 16(3)(b)(c)** **Sch. 3 (7.10.2013)** by **Crime and Courts Act 2013 (c. 22)**, s. 61(2), **Sch. 6 para. 17(2)**; S.I. 2013/1682, art. 3(q)
- F118** Words in **Sch. 3 para. 16(4)** substituted (1.7.2005) by **Serious Organised Crime and Police Act 2005 (c. 15)**, ss. 160, 178, **Sch. 12 para. 14(5)**; S.I. 2005/1521, **art. 3(1)(w)**
- F119** **Sch. 3 para. 16(5)** added (1.7.2005) by **Serious Organised Crime and Police Act 2005 (c. 15)**, ss. 160, 178, **Sch. 12 para. 14(6)**; S.I. 2005/1521, **art. 3(1)(w)**

Modifications etc. (not altering text)

- C19** **Sch. 3 para. 16** applied (with modifications) (E.W.) (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. 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)**

F120
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Textual Amendments

- F120** **Sch. 3 para. 17** and cross-heading omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 5 para. 17**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

F120 17

Investigations [^{F121}directed] by the [^{F2}Director General]

Textual Amendments

- F121** Word in **Sch. 3 para. 18** cross-heading substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 5 para. 18**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- 18 (1) This paragraph applies where the [F²Director General] has determined that [F⁸the Director General] should [F¹²²direct] the investigation by the appropriate authority of any complaint [F¹²³, recordable conduct matter or DSI matter].
- [F¹²⁴(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 National Crime Agency officer,
- to investigate the complaint or matter.
- (2A) The [F²Director General] may require that no appointment is made under sub-paragraph (2) unless [F⁸the Director General] has given notice to the appropriate authority that [F⁸the Director General] approves the person whom that authority proposes to appoint.
- (2B) Where at any time the [F²Director General] is not satisfied with the person investigating, the [F²Director General] 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 [F²Director General] of the person selected.
- (2C) Sub-paragraph (2B) applies whether the person investigating was appointed—
- (a) before the appropriate authority was given notice of the [F³⁶Director General's] determination that [F⁸the Director General] should direct the investigation by the appropriate authority,
 - (b) under sub-paragraph (2) (including where the appointment was approved by the [F²Director General] in accordance with sub-paragraph (2A)), or
 - (c) under sub-paragraph (2D)(a).
- (2D) Where a selection made in pursuance of a requirement under sub-paragraph (2B) has been notified to the [F²Director General]—
- (a) the appropriate authority shall appoint that person to investigate the complaint or matter if, but only if, the [F²Director General] notifies the authority that [F⁸the Director General] approves the appointment of that person;
 - (b) if the [F²Director General] notifies the authority that [F⁸the Director General] does not approve the appointment of that person, the appropriate authority must make another selection in accordance with sub-paragraph (2B).
- (2E) A person appointed under this paragraph to investigate any complaint or conduct 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 a person nominated by the Secretary of State

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

for appointment under this paragraph (and approved for appointment in accordance with sub-paragraph (2A) (if required) or (2D)(a)).

- (2F) A person appointed under this paragraph to investigate any DSI matter—
- (a) in relation to which the relevant officer is a chief officer, must not be a person under that chief officer's direction and control, and
 - (b) in relation to which the relevant officer is the Commissioner of Police of the Metropolis or the Deputy Commissioner of Police of the Metropolis, must be a person nominated by the Secretary of State for appointment under this paragraph (and approved for appointment in accordance with sub-paragraph (2A) (if required) or (2D)(a).]
- (3) The person appointed to investigate the complaint or matter shall, in relation to that investigation, be under the direction and control of the [F²Director General].
- [F¹²⁵(4) The person appointed to investigate the complaint or matter shall keep the [F²Director General] informed of the progress of the investigation.]

Textual Amendments

- F8** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(4) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F36** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(3) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F122** Word in Sch. 3 para. 18(1) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 19(2); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F123** Words in Sch. 3 para. 18(1) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, Sch. 12 para. 16(2); S.I. 2005/1521, art. 3(1)(w)
- F124** Sch. 3 para. 18(2)-(2F) substituted for Sch. 3 para. 18(2) (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 19(3); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F125** Sch. 3 para. 18(4) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 19(4); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

- C20** Sch. 3 para. 18 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. 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)

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

Investigations by the [F²Director General]^{F126}...

Textual Amendments

F126 Word in [Sch. 3 para. 19 heading](#) omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(7\)\(a\)](#); [S.I. 2017/1249, reg. 2](#) (with [reg. 3](#))

- 19 (1) This paragraph applies where the [F²Director General] has determined that [F⁸the Director General] should ^{F127}... carry out the investigation of a complaint [F¹²⁸, recordable conduct matter or DSI matter].
- [F¹²⁹(2) The Director General must designate both—
- (a) a person to take charge of the investigation, and
 - (b) such members of the Office's staff as are required by the Director General to assist the person designated to take charge of the investigation.
- (2A) The person designated under sub-paragraph (2) to take charge of an investigation must be—
- (a) the Director General acting personally, or
 - (b) a person who is authorised to exercise the function of taking charge of the investigation on behalf of the Director General by virtue of paragraph 6A of Schedule 2 (delegation of Director General's functions).]

(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 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.

[F¹³⁰(3A) The person designated under sub-paragraph (2) to be the person to take charge of an investigation of a DSI matter in relation to which the relevant officer is the Commissioner of Police of the Metropolis or 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 [F¹³¹person] 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 [F¹³²person designated under sub-paragraph (2)] 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).

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- ^{F133}(6) The Secretary of State may by order [^{F134}provide that—
- (a) such provisions of the 1984 Act relating to investigations of offences conducted by police officers as may be specified in the order, and
 - (b) such provisions of a code of practice under section 60, 60A or 66 of that Act as may be so specified,
- shall apply.]

[^{F135}(6A) An order under sub-paragraph (6) may, in particular, provide that where a provision applied by the order allows a power to be exercised only if an authorisation is given by a police officer of or above a particular rank, the authorisation may be given by a [^{F136}the Director General or a member of the Office's staff] of or above a specified grade.]

- (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
 - ^{F137}(aa)
 - (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.

Textual Amendments

- F8** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(4\)](#) (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F127** Word in [Sch. 3 para. 19\(1\)](#) omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(7\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F128** Words in [Sch. 3 para. 19\(1\)](#) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 17\(2\)](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)
- F129** [Sch. 3 para. 19\(2\)\(2A\)](#) substituted for [Sch. 3 para. 19\(2\)](#) (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(7\)\(c\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F130** [Sch. 3 para. 19\(3A\)](#) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 17\(3\)](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)
- F131** Word in [Sch. 3 para. 19\(4\)](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(7\)\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F132** Words in [Sch. 3 para. 19\(5\)](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(7\)\(e\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F133** Word in [Sch. 3 para. 19\(6\)](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(7\)\(f\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F134** Words in [Sch. 3 para. 19\(6\)](#) substituted (1.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), ss. 136(2), 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(a)

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- F135** Sch. 3 para. 19(6A) inserted (1.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), ss. 136\(3\), 185\(1\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(a)
- F136** Words in Sch. 3 para. 19(6A) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 9 para. 56\(7\)\(g\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F137** Sch. 3 para. 19(7)(aa) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\), s. 183\(1\)\(5\)\(e\), Sch. 5 para. 20](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

- C21** Sch. 3 para. 19 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
- C22** Sch. 3 para. 19(4)(5)(7)(8) applied (with modifications) (16.1.2012) by [The Elected Local Policing Bodies \(Complaints and Misconduct\) Regulations 2012 \(S.I. 2012/62\), regs. 1, 20\(3\)](#) (with reg. 3(6))

Commencement Information

- I13** 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\(d\)](#)

[^{F138}Investigations by the [^{F2}Director General]: power to serve information notice

Textual Amendments

- F138** Sch. 3 paras. 19ZA-19ZD and cross-headings inserted (8.4.2015) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\), ss. 137, 185\(1\)](#) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2015/373, art. 5(b)

19ZA (1) The [^{F2}Director General] may serve upon any person an information notice requiring the person to provide [^{F8}the Director General] with information that [^{F8}the Director General] reasonably requires for the purposes of an investigation in accordance with paragraph 19.

- (2) But an information notice must not require a person—
- (a) to provide information that might incriminate the person;
 - (b) to provide an item subject to legal privilege within the meaning of the Police and Criminal Evidence Act 1984 (see section 10 of that Act);
 - (c) to make a disclosure that would be prohibited by [^{F139}any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016];
 - (d) to provide information that was provided to the person by, or by an agency of, the government of a country or territory outside the United Kingdom where that government does not consent to the disclosure of the information.

(3) Neither must an information notice require a postal or telecommunications operator ^{F140}... to provide communications data ^{F141}....

[In sub-paragraph (3) “communications data”, “postal operator” and ^{F142}(3A) “telecommunications operator” have the same meanings as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act).]

(4) An information notice must—

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- (a) specify or describe the information that is required by the [F²Director General] and the form in which it must be provided;
 - (b) specify the period within which the information must be provided;
 - (c) give details of the right of appeal against the information notice under paragraph 19ZC.
- (5) The period specified under sub-paragraph (4)(b) must not end before the end of the period within which an appeal can be brought against the notice and, if such an appeal is brought, the information need not be provided pending the determination or withdrawal of the appeal.
- (6) The [F²Director General] may cancel an information notice by written notice to the person on whom it was served.]

Textual Amendments

- F8** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F139** Words in Sch. 3 para. 19ZA(2)(c) substituted (27.6.2018) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 para. 13** (with Sch. 9 paras. 7, 8, 10); S.I. 2018/652, reg. 12(g)(iii)
- F140** Words in Sch. 3 para. 19ZA(3) omitted (5.2.2019) by virtue of Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 para. 61(2)(a)** (with Sch. 9 paras. 7, 8, 10); S.I. 2019/174, reg. 2(p)(iv)
- F141** Words in Sch. 3 para. 19ZA(3) omitted (5.2.2019) by virtue of Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 para. 61(2)(b)** (with Sch. 9 paras. 7, 8, 10); S.I. 2019/174, reg. 2(p)(iv)
- F142** Sch. 3 para. 19ZA(3A) inserted (5.2.2019) by Investigatory Powers Act 2016 (c. 25), s. 272(1), **Sch. 10 para. 61(3)** (with Sch. 9 paras. 7, 8, 10); S.I. 2019/174, reg. 2(p)(iv)

[F¹³⁸ Failure to comply with information notice

- 19ZB (1) If a person who has received an information notice—
- (a) fails or refuses to provide the information required by the notice, or
 - (b) knowingly or recklessly provides information in response to the notice that is false in a material respect,
- the [F²Director General] may certify in writing to the High Court that the person has failed to comply with the information notice.
- (2) The High Court may then inquire into the matter and, after hearing any witness who may be produced against or on behalf of the person, and after hearing any statement offered in defence, deal with the person as if the person had committed a contempt of court.]

Textual Amendments

- F2** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

[^{F138}Appeals against information notices

- 19ZC (1) A person on whom an information notice is served may appeal against the notice to the First-tier Tribunal on the ground that the notice is not in accordance with the law.
- (2) If the Tribunal considers that the notice is not in accordance with the law—
- (a) it must quash the notice, and
 - (b) it may give directions to the [^{F2}Director General] in relation to the service of a further information notice.]

Textual Amendments

F2 Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(2\)](#) (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))

[^{F138}Sensitive information: restriction on further disclosure]

^{F143}19ZD

Textual Amendments

F143 [Sch. 3 para. 19ZD](#) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 19\(3\)\(a\)](#), 183(1)(5)(e); S.I. 2020/5, [reg. 2\(g\)](#) (with [art. 3\(1\)\(2\)\(4\)](#))

[^{F144}Investigations by the [^{F2}Director General]: power of seizure

Textual Amendments

F144 [Sch. 3 paras. 19ZE-19ZH](#) and cross-headings inserted (31.1.2017 for specified purposes) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss.20\(1\)](#), 183(1)(5)(e)

- 19ZE (1) The powers conferred by this paragraph are exercisable by a person—
- (a) who is designated under paragraph 19(2) in relation to an investigation (the “designated person”), and
 - (b) who is lawfully on any premises for the purposes of the investigation.
- (2) The designated person may seize anything which is on the premises if the designated person has reasonable grounds for believing—
- (a) that it is evidence relating to the conduct or other matter to which the investigation relates, and
 - (b) that it is necessary to seize it in order to prevent the evidence being concealed, lost, altered or destroyed.
- (3) The designated person may require any information which is stored in any electronic form and is accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible, or from which it can readily be produced in a visible and legible form, if the designated person has reasonable grounds for believing—

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- (a) that it is evidence relating to the conduct or other matter to which the investigation relates, and
 - (b) that it is necessary to do so in order to prevent the evidence being concealed, lost, tampered with or destroyed.
- (4) The powers conferred by this paragraph do not authorise the seizure of an item which the designated person exercising the power has reasonable grounds for believing to be an item subject to legal privilege within the meaning of the 1984 Act (see section 10 of that Act).
- (5) Where a designated person has the power to seize a thing or require information to be produced under this paragraph and under section 19 of the 1984 Act (by virtue of section 97(8) of the 1996 Act or paragraph 19(4)), the designated person is to be treated for all purposes as acting in exercise of the power conferred by section 19 of the 1984 Act.
- (6) In this paragraph “premises” has the same meaning as in the 1984 Act (see section 23 of that Act).

Further provision about seizure under paragraph 19ZE

- 19ZF (1) This paragraph applies where a designated person seizes anything under paragraph 19ZE(2).
- (2) The designated person must provide a notice in relation to the thing seized if requested to do so by a person showing himself—
- (a) to be the occupier of the premises on which it was seized, or
 - (b) to have had custody or control of it immediately before the seizure.
- (3) The notice must state what has been seized and the reason for its seizure.
- (4) The notice must be provided within a reasonable time from the making of the request for it.
- (5) In this paragraph “designated person” has the same meaning as in paragraph 19ZE.

Investigations by the [F²Director General]: power of retention

- 19ZG (1) This paragraph applies to anything which, for the purposes of an investigation in accordance with paragraph 19—
- (a) has been seized under paragraph 19ZE(2) or taken away following a requirement imposed under paragraph 19ZE(3), or
 - (b) is otherwise lawfully in the possession of the [F²Director General].
- (2) Anything to which this paragraph applies may be retained by the [F²Director General] for as long as is necessary in all the circumstances, including (amongst other things) so that it may be used as evidence in criminal or disciplinary proceedings or in an inquest held under Part 1 of the Coroners and Justice Act 2009.
- (3) For the purposes of sub-paragraph (2), the retention of anything to which this paragraph applies is not necessary if having a photograph or copy of the thing would suffice (and the [F²Director General] may arrange for the thing to be photographed or copied before it ceases to be retained).

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

Further provision about things retained under paragraph 19ZG

- 19ZH (1) This paragraph applies to anything which—
- (a) has been seized (whether under paragraph 19ZE(2) or otherwise), and
 - (b) is being retained by the [F2Director General] under paragraph 19ZG.
- (2) If a request for permission to be granted access to a thing to which this paragraph applies is made to the [F2Director General] by—
- (a) a person who had custody or control of the thing immediately before it was seized, or
 - (b) someone acting on behalf of such a person,
- the [F2Director General] must allow the person who made the request access to it under the supervision of a member of the [F145Office's] staff.
- (3) Sub-paragraph (4) applies if a request for a photograph or copy of a thing to which this paragraph applies is made to the [F2Director General] by—
- (a) a person who had custody or control of the thing immediately before it was seized, or
 - (b) someone acting on behalf of such a person.
- (4) The [F2Director General] must either—
- (a) allow the person who made the request access to the thing under the supervision of a member of the [F146Office's] staff for the purpose of photographing or copying it, or
 - (b) arrange for the thing to be photographed or copied.
- (5) If the [F2Director General] acts under sub-paragraph (4)(b), the [F2Director General] must supply the photograph or copy to the person who made the request within a reasonable time from the making of the request.
- (6) The [F2Director General] is not obliged to do anything in response to a request under sub-paragraph (2) or (3) if the [F2Director General] has reasonable grounds for believing that to do so would prejudice—
- (a) any investigation being carried out in accordance with this Schedule, or
 - (b) any criminal or disciplinary proceedings or any inquest held under Part 1 of the Coroners and Justice Act 2009.]

Textual Amendments

- F2** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(2) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F145** Word in Sch. 3 para. 19ZH(2) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(8)(a); S.I. 2017/1249, reg. 2 (with reg. 3)
- F146** Word in Sch. 3 para. 19ZH(4)(a) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(8)(b); S.I. 2017/1249, reg. 2 (with reg. 3)

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

[^{F147}Special procedure where investigation relates to police officer or special constable

Textual Amendments

F147 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)

- [^{F148}19A] This paragraph applies to an investigation where condition A, B or C is satisfied.
- (2) Condition A is that—
 - (a) the investigation is an investigation of a complaint, and
 - (b) during the course of the investigation it appears to the person investigating [^{F149}or, in the case of an investigation by a designated person under paragraph 19, the Director General,] that there is an indication that a member of a police force, or a special constable, to whose conduct the investigation relates may have committed a criminal offence or behaved in a manner which would justify the bringing of disciplinary proceedings.
 - (3) Condition B is that—
 - (a) the investigation is an investigation of a complaint being carried out by a person appointed under paragraph 18, and
 - (b) during the course of the investigation the [^{F2}Director General] determines that there is an indication that a member of a police force, or a special constable, to whose conduct the investigation relates may have committed a criminal offence or behaved in a manner which would justify the bringing of disciplinary proceedings.
 - (4) Condition C is that—
 - (a) the investigation is an investigation of a recordable conduct matter, and
 - (b) the investigation relates to the conduct of a member of a police force or a special constable.
 - (5) Where this paragraph applies to an investigation the person investigating must proceed with the investigation in accordance with regulations made by the Secretary of State under this sub-paragraph.
 - (6) Regulations under sub-paragraph (5) may (amongst other things) make provision—
 - (a) as to the procedure to be followed in connection with any interview of the person concerned, including provision requiring the person concerned to attend an interview;
 - (b) requiring the person investigating to supply information to the appropriate authority.
 - (7) In this paragraph “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 [^{F150}or, in the case of an investigation by a designated person under paragraph 19, the Director General,] that there is the indication mentioned in sub-paragraph (2)(b) or (as the case may be) the person in respect of whom the [^{F2}Director General] determines that there is the indication mentioned in sub-paragraph (3)(b);

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

(b) in relation to an investigation of a recordable conduct matter, means the person to whose conduct the investigation relates.]

Textual Amendments

- F2** Words in **Sch. 3** substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with **Sch. 9 para. 56(6)**); S.I. 2017/1249, reg. 2 (with reg. 3)
- F148** **Sch. 3 para. 19A** substituted for **Sch. 3 paras. 19A-19E** (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 5 para. 21**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F149** Words in **Sch. 3 para. 19A(2)(b)** inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 9 para. 56(9)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F150** Words in **Sch. 3 para. 19A(7)(a)** inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 9 para. 56(9)**; S.I. 2017/1249, reg. 2 (with reg. 3)

Assessment of seriousness of conduct under investigation

F14819B

Textual Amendments

- F148** **Sch. 3 para. 19A** substituted for **Sch. 3 paras. 19A-19E** (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 5 para. 21**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Duty to consider submissions from person whose conduct is being investigated

F14819C

Textual Amendments

- F148** **Sch. 3 para. 19A** substituted for **Sch. 3 paras. 19A-19E** (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 5 para. 21**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Interview of person whose conduct is being investigated

F14819D

Textual Amendments

- F148** **Sch. 3 para. 19A** substituted for **Sch. 3 paras. 19A-19E** (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by **Policing and Crime Act 2017 (c. 3)**, s. 183(1)(5)(e), **Sch. 5 para. 21**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

Duty to provide certain information to appropriate authority

^{F148}19E]

Textual Amendments

F148 Sch. 3 para. 19A substituted for Sch. 3 paras. 19A-19E (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 21; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

[^{F151}Interview of persons serving with the police etc during certain investigations

Textual Amendments

F151 Sch. 3 para. 19F and cross-heading inserted (19.12.2012) by Police (Complaints and Conduct) Act 2012 (c. 22), ss. 1(2), 3(3)

19F (1) This paragraph applies to an investigation of a complaint, recordable conduct matter or DSI matter which—

- (a) is carried out by the appropriate authority under the [^{F152}direction] of the [^{F2}Director General], or
- (b) is carried out by [^{F153}a person designated under paragraph 19 (investigations by Director General)].

(2) The Secretary of State may by regulations make provision as to the procedure to be followed in connection with an interview which—

- (a) is held with a serving officer during the course of the investigation by the person investigating the complaint or matter [^{F154}other than, in the case of an investigation to which paragraph 19A applies, a serving officer who is the person concerned in relation to the investigation (within the meaning of paragraph 19A).]

^{F155}(b)

(3) Regulations under sub-paragraph (2) may in particular make provision—

- (a) requiring a serving officer to attend an interview,
- (b) for determining how the time at which an interview is to be held is to be agreed or decided,
- (c) about the information that must be provided to a serving officer being interviewed,
- (d) for enabling a serving officer to be accompanied at the interview by a person of a prescribed description.

(4) “Serving officer” means a person who—

- (a) is serving with the police, or
- (b) is serving with an additional police body.

(5) A person is serving with an additional police body if the person is a member of, or is employed or otherwise engaged for the purposes of, that body (subject to sub-paragraph (6)).

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- (6) The Secretary of State may by regulations provide, in relation to an additional police body, that a person is serving with that body only if the person—
- (a) is a member of, or is employed or otherwise engaged for the purposes of, that body, and
 - (b) is of a prescribed description.
- (7) An “additional police body” means—
- (a) a body of constables which is maintained by an authority other than a local policing body and is prescribed in regulations made by the Secretary of State under this sub-paragraph, ^{F156}...
 - [a body required by section 26BA to enter into an agreement with the ^{F157}(aa) [^{F2}Director General], or]
 - [^{F158}(b) the National Crime Agency.]
- (8) The Secretary of State must obtain the consent of the Northern Ireland Assembly before making provision in regulations under this paragraph which would be within the legislative competence of the Northern Ireland Assembly.
- (9) But consent under sub-paragraph (8) is not required in relation to a provision if—
- (a) a Bill for an Act of the Northern Ireland Assembly containing the provision would require the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998, and
 - (b) the provision does not affect, other than incidentally, a transferred matter (within the meaning of that Act).
- (10) Nothing in this paragraph prevents or restricts the holding of interviews to which regulations under this paragraph do not apply during the course of any investigation under this Schedule.]

Textual Amendments

- F2** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F152** Word in Sch. 3 para. 19F(1)(a) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(i)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F153** Words in Sch. 3 para. 19F(1)(b) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(10)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F154** Words in Sch. 3 para. 19F(2)(a) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 22(2)(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F155** Sch. 3 para. 19F(2)(b) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 22(2)(b)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F156** Word in Sch. 3 para. 19F(7)(a) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 22(3)(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F157** Sch. 3 para. 19F(7)(aa) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 22(3)(b)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

F158 Sch. 3 para. 19F(7)(b) substituted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 8 para. 153(2)**; S.I. 2013/1682, art. 3(v)

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 ^{F159} until—
- ^{F160}(a) the conduct to which the investigation relates has been certified in accordance with regulations under paragraph 20A, or]]
 - ^{F161}(b)] a report on that investigation has been submitted to the ^{F2}Director General] or to the appropriate authority under paragraph 22 ^{F162} or 24A]]^{F163} or, where under paragraph 19 the Director General has personally carried out the investigation, a report has been completed by the Director General].
- ^{F164}(2)
- (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.

Textual Amendments

- F2** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F159** Words in [Sch. 3 para. 20\(1\)](#) substituted for word (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 159, 178, **Sch. 11 para. 2(a)**; S.I. 2005/1521, **art. 3(1)(v)**
- F160** [Sch. 3 para. 20\(1\)\(a\)](#) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(ii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F161** Words in [Sch. 3 para. 20\(1\)](#) renumbered (1.7.2005) as [Sch. 3 para. 20\(1\)\(b\)](#) by virtue of [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 159, 178, **Sch. 11 para. 2(b)**; S.I. 2005/1521, **art. 3(1)(v)**
- F162** Words in [Sch. 3 para. 20\(1\)](#) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, **Sch. 12 para. 18**; S.I. 2005/1521, **art. 3(1)(w)**
- F163** Words in [Sch. 3 para. 20\(1\)\(b\)](#) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 9 para. 56(11)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F164** [Sch. 3 para. 20\(2\)](#) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(iii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

- C23** [Sch. 3 para. 20](#) 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](#)
- C24** [Sch. 3 para. 20](#) applied (with modifications) (16.1.2012) by [The Elected Local Policing Bodies \(Complaints and Misconduct\) Regulations 2012 \(S.I. 2012/62\)](#), regs. 1, **23** (with reg. 3(6))

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

Commencement Information

- I14** 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)**

[^{F165}Accelerated procedure in special cases

Textual Amendments

- F165** 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)**

^{F166}20A) This paragraph applies where—

- (a) at any time before the completion of an investigation of a complaint or recordable conduct matter, the person investigating [^{F167}or, in the case of an investigation by a designated person under paragraph 19, the Director General,] believes that the appropriate authority would, on consideration of the matter, be likely to consider that the conditions in sub-paragraph (2) are satisfied, or
 - (b) at any time before the completion of an investigation of a complaint or recordable conduct matter being carried out by a person appointed under paragraph 18, the [^{F2}Director General] determines that the appropriate authority would, on consideration of the matter, be likely to consider that the conditions in sub-paragraph (2) are satisfied.
- (2) The conditions in this sub-paragraph are that—
- (a) there is sufficient evidence, in the form of written statements or other documents, to establish on the balance of probabilities that conduct to which the investigation relates constitutes gross misconduct, and
 - (b) it is in the public interest for the person whose conduct it is to cease to be a member of a police force, or to be a special constable, without delay.
- (3) Where this paragraph applies the person investigating, the appropriate authority and [^{F168}(where the person investigating is not also the Director General carrying out an investigation under paragraph 19 personally)] the [^{F2}Director General] must proceed in accordance with regulations made by the Secretary of State.
- (4) Regulations under sub-paragraph (3) may (amongst other things) make provision—
- (a) for the person investigating to continue the investigation (whether to its full extent or to such lesser extent as is provided) or to stop investigating;
 - (b) for the person investigating to submit a report on the investigation [^{F169}or, where the investigation is carried out under paragraph 19 by the Director General personally, finalise one,] to a point before its completion (not being a report under paragraph 22);
 - (c) for the conduct to which the investigation relates to be certified for the purposes of paragraph 20(1)(a).]

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

Textual Amendments

- F2** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(2\)](#) (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F166** [Sch. 3 para. 20A](#) substituted for [Sch. 3 paras. 20A-20I](#) (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 23](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F167** Words in [Sch. 3 para. 20A\(1\)\(a\)](#) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(12\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F168** Words in [Sch. 3 para. 20A\(3\)](#) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(12\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F169** Words in [Sch. 3 para. 20A\(4\)\(b\)](#) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(12\)\(c\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

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

F16620B

Textual Amendments

- F166** [Sch. 3 para. 20A](#) substituted for [Sch. 3 paras. 20A-20I](#) (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 23](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Investigations managed or carried out by Commission: action by Commission

F16620C

Textual Amendments

- F166** [Sch. 3 para. 20A](#) substituted for [Sch. 3 paras. 20A-20I](#) (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 23](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Investigations managed or carried out by Commission: action by Commission

F16620D

Textual Amendments

- F166** [Sch. 3 para. 20A](#) substituted for [Sch. 3 paras. 20A-20I](#) (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 23](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

Other investigations: action by appropriate authority

F166 20E

Textual Amendments

F166 Sch. 3 para. 20A substituted for Sch. 3 paras. 20A-20I (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 23**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Other investigations: action by appropriate authority

F166 20F

Textual Amendments

F166 Sch. 3 para. 20A substituted for Sch. 3 paras. 20A-20I (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 23**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

20G F170

Textual Amendments

F170 Sch. 3 para. 20G and preceding cross-heading repealed (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 149, 153, Sch. 23 para. 10, **Sch. 28 Pt. 8** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(k)(ii)** (subject to art. 3)

Special cases: recommendation or direction of Commission

F166 20H

Textual Amendments

F166 Sch. 3 para. 20A substituted for Sch. 3 paras. 20A-20I (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 23**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Special cases: recommendation or direction of Commission

F166 20I]

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

Textual Amendments

F166 Sch. 3 para. 20A substituted for Sch. 3 paras. 20A-20I (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 23; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

F171 ...

Textual Amendments

F171 Sch. 3 para. 21 and cross-heading omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 24; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

F171²¹

[^{F172}Procedure where conduct matter is revealed during investigation of DSI matter

Textual Amendments

F172 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)

- 21A (1) If during the course of an investigation of a DSI matter it appears to a person appointed under paragraph 18 ^{F173}... 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 [^{F2}Director General].
- (2) If, after considering a submission under sub-paragraph (1), the [^{F2}Director General] determines that there is such an indication, [^{F8}the Director General] 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 [^{F26}the Director General's] determination; and
 - (b) send to it (or each of them) a copy of the submission under sub-paragraph (1).
- [If during the course of an investigation of a DSI matter being carried out by a person ^{F174}(2A) appointed under paragraph 18 the [^{F2}Director General] determines (without there having been a submission under sub-paragraph (1)) 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,

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

[^{F18}the Director General] shall 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 [^{F26}the Director General's] determination.]

[If during the course of an investigation of a DSI matter being carried out by a ^{F175}(2B) person designated under paragraph 19 the Director General determines 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,

the Director General must proceed under sub-paragraph (2C).

(2C) The Director General must—

- (a) prepare a record of the determination,
- (b) 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 the determination, and
- (c) send to it (or each of them) a copy of the record of the determination prepared under paragraph (a).]

(3) If during the course of an investigation of a DSI matter it appears to a person appointed under paragraph 16 ^{F176}... 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 [^{F2}Director General] 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 [^{F2}Director General] under sub-paragraph (2) [^{F177}or (2A)],

[is notified of a determination by the Director General under sub-^{F178}(aa) paragraph (2C),]

- (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
- (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),

^{F179} it shall record the matter under paragraph 11 as a conduct matter . . .

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

[Where a DSI matter is recorded under paragraph 11 as a conduct matter by virtue of sub-paragraph (5)—

- (a) the person investigating the DSI matter shall (subject to any determination made by the [F²Director General] under paragraph [F¹⁸¹15(5A) or (5B)]) continue the investigation as if appointed or designated to investigate the conduct matter, and
- (b) the other provisions of this Schedule shall apply in relation to that matter accordingly.]]

Textual Amendments

- F2** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F8** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F26** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(5)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F173** Words in Sch. 3 para. 21A(1) omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(13)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F174** Sch. 3 para. 21A(2A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 25(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F175** Sch. 3 para. 21A(2B)(2C) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(13)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F176** Words in Sch. 3 para. 21A(3) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(iv)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F177** Words in Sch. 3 para. 21A(5)(a) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 25(3)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F178** Sch. 3 para. 21A(5)(aa) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(13)(c)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F179** Words in Sch. 3 para. 21A(5) repealed (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 149, 153, Sch. 23 para. 11(2), **Sch. 28 Pt. 8** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(k)(ii)** (subject to art. 3)
- F180** Sch. 3 para. 21A(6) inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 11(3)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)
- F181** Word in Sch. 3 para. 21A(6)(a) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(v)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

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

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

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

- [^{F182}22(1) This paragraph applies on the completion of an investigation of—
- (a) a complaint, [^{F183} or]
 - (b) a conduct matter, or
 - (c) ^{F184}
- (2) A person appointed under paragraph 16 shall submit a report on his investigation to the appropriate authority.
- (3) A person appointed under paragraph ^{F185}... 18 shall—
- (a) submit a report on his investigation to the [^{F2}Director General]; and
 - (b) send a copy of that report to the appropriate authority.
- (4) In relation to [^{F186}a matter that was formerly a DSI matter but has been recorded as a conduct matter in pursuance of paragraph 21A(5)], the references in sub-paragraphs (2) and (3) of this paragraph to the appropriate authority are references to—
- (a) the appropriate authority in relation to the DSI matter; and
 - (b) (where different) the appropriate authority in relation to the person whose conduct is in question.
- [^{F187}(5) A person designated under paragraph 19 as the person in charge of an investigation must—
- (a) submit a report on the investigation to the Director General, or
 - (b) where the person in charge of the investigation is the Director General acting personally, complete a report on the investigation.]
- (6) A person submitting [^{F188}or, in the case of an investigation under paragraph 19 by the Director General personally, completing] 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.
- [^{F189}(6A) Where a person would contravene section 21A by submitting, or (as the case may be) sending a copy of, a report in its entirety to the appropriate authority under sub-paragraph (2) or (3)(b), the person must instead submit, or send a copy of, the report after having removed or obscured the information which by virtue of section 21A the person must not disclose.]
- [^{F190}(7) The Secretary of State may by regulations make provision requiring a report on an investigation [^{F191}to which paragraph 19A applies]—
- (a) to include such matters as are specified in the regulations;
 - (b) to be accompanied by such documents or other items as are so specified.
- (8) A person who has submitted [^{F192}or, in the case of an investigation under paragraph 19 by the Director General personally, completed] a report under this paragraph on an investigation [^{F191}to which paragraph 19A applies] must supply the appropriate authority with such copies of further documents or other items in that person's possession as the authority may request [^{F193}except so far as the person is prevented from doing so by section 21A].
- (9) The appropriate authority may only make a request under sub-paragraph (8) in respect of a copy of a document or other item if the authority—
- (a) considers that the document or item is of relevance to the investigation, and

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- (b) requires a copy of the document or the item for either or both of the purposes mentioned in sub-paragraph (10).
- (10) Those purposes are—
- (a) complying with any obligation under regulations under section 50(3) or 51(2A) of the 1996 Act which the authority has in relation to any person to whose conduct the investigation related;
 - (b) ensuring that any such person receives a fair hearing at any disciplinary proceedings in respect of any such conduct of his.]]

Textual Amendments

- F2** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(2\)](#) (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F182** [Sch. 3 para. 22](#) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 21](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)
- F183** Word in [Sch. 3 para. 22\(1\)\(a\)](#) inserted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 153, [Sch. 23 para. 12\(2\)\(a\)](#) (with s. 14(1)); S.I. 2008/2993, [art. 2\(1\)\(i\)\(i\)](#) (subject to art. 3)
- F184** [Sch. 3 para. 22\(1\)\(c\)](#) repealed (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 149, 153, [Sch. 23 para. 12\(2\)\(b\)](#), [Sch. 28 Pt. 8](#) (with s. 14(1)); S.I. 2008/2993, [art. 2\(1\)\(k\)\(ii\)](#) (subject to art. 3)
- F185** Words in [Sch. 3 para. 22\(3\)](#) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(h\)\(vi\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F186** Words in [Sch. 3 para. 22\(4\)](#) substituted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 153, [Sch. 23 para. 12\(3\)](#) (with s. 14(1)); S.I. 2008/2993, [art. 2\(1\)\(i\)\(ii\)](#) (subject to art. 3)
- F187** [Sch. 3 para. 22\(5\)](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(14\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F188** Words in [Sch. 3 para. 22\(6\)](#) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(14\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F189** [Sch. 3 para. 22\(6A\)](#) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 19\(3\)\(b\)\(i\)](#), 183(1)(5)(e); S.I. 2020/5, reg. 2(g) (with art. 3(1)(2)(4))
- F190** [Sch. 3 para. 22\(7\)-\(10\)](#) 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. 12\(4\)](#) (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)
- F191** Words in [Sch. 3 para. 22\(7\)\(8\)](#) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(h\)\(vii\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F192** Words in [Sch. 3 para. 22\(8\)](#) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(14\)\(c\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F193** Words in [Sch. 3 para. 22\(8\)](#) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 19\(3\)\(b\)\(ii\)](#), 183(1)(5)(e); S.I. 2020/5, reg. 2(g) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

- C26** [Sch. 3 para. 22](#) 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 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

Commencement Information

- I15** 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 [F²Director General] in [F¹⁹⁴relation]
 to an investigation report [F¹⁹⁵under paragraph 22]*

Textual Amendments

- F194** Word in Sch. 3 para. 23 cross-heading substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(15); S.I. 2017/1249, reg. 2 (with reg. 3)
- F195** Words in Sch. 3 para. 23 heading inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, Sch. 12 para. 22(1); S.I. 2005/1521, art. 3(1)(w)

- 23 (1) This paragraph applies where—
- (a) a report on an investigation carried out under the [F¹⁹⁶direction] of the [F²Director General] is submitted to [F⁸the Director General] under sub-paragraph [F¹⁹⁷(3)] of paragraph 22; or
 - (b) a report on an investigation carried out by a person designated by the [F²Director General] is submitted to [F⁸the Director General][F¹⁹⁸, or is otherwise completed,] under sub-paragraph [F¹⁹⁹(5)] of that paragraph.
- [F²⁰⁰(1A) But if, following the submission [F²⁰¹or completion] of such a report, the [F²Director General] determines under section 13B that the complaint or recordable conduct matter is to be re-investigated the provisions of this paragraph other than sub-paragraph (2)(a) [F²⁰²(read with sub-paragraph (2ZA))] do not apply, or cease to apply, in relation to that report.]
- (2) On receipt of the report [F²⁰³(or on its completion by the Director General)], the [F²Director General]—
- (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;
 - [F²⁰⁴(b) shall determine whether the conditions set out in sub-paragraphs (2A) and (2B) are satisfied in respect of the report;]
 - (c) if [F⁸the Director General] determines that [F²⁰⁵those conditions are so satisfied], 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 [F²⁰⁶and the persons mentioned in sub-paragraph (5)] of [F²⁰⁶the Director General's] determination under paragraph (b) and of any action taken by [F⁸the Director General] under paragraph (c).
- [F²⁰⁷(2ZA) Where the [F²Director General] would contravene section 21A by sending a copy of a report in its entirety to the appropriate authority under sub-paragraph (2)(a) or to the Director of Public Prosecutions under sub-paragraph (2)(c), the [F²Director General] must instead send a copy of the report after having removed or obscured

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

the information which by virtue of section 21A the [F²Director General] must not disclose.]

[F²⁰⁸(2A) The first condition is that the report indicates that a criminal offence may have been committed by a person [F²⁰⁹(if any)] to whose conduct the investigation related.

(2B) The second condition is that—

- (a) the circumstances are such that, in the opinion of the [F²Director General], it is appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions, or
- (b) any matters dealt with in the report fall within any prescribed category of matters.]

(3) The Director of Public Prosecutions shall notify the [F²Director General] 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).

[F²¹⁰(4)

(5) [F²¹¹The] 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.

[F²¹²(5A) On receipt of the report [F²¹³(or on its completion by the Director General)], the [F²Director General] shall also—

- (a) seek the views of the appropriate authority on—
 - (i) whether any person to whose conduct the investigation related has a case to answer in respect of misconduct or gross misconduct or has no case to answer,
 - (ii) whether or not any such person's performance is unsatisfactory, and
 - (iii) the other matters (if any) dealt with in the report (but not on whether the conditions in sub-paragraphs (2A) and (2B) are satisfied in respect of the report),
- (b) having considered the views (if any) of the appropriate authority, make a determination as to—
 - (i) the matters described in paragraph (a)(i) and (ii), and
 - (ii) whether or not disciplinary proceedings should be brought against any person to whose conduct the investigation related and, if so, what form the disciplinary proceedings should take,
- (c) having considered the views (if any) of the appropriate authority and if the [F²Director General] considers it appropriate to do so, make a determination as to any matter dealt with in the report, being a determination other than one that [F⁸the Director General] is required to make under sub-paragraph (2)(b) or paragraph (b) of this sub-paragraph,
- (d) notify the appropriate authority of [F²⁶the Director General's] determination under paragraph (b) and any determination under paragraph (c),
- (e) where the [F²Director General] determines that disciplinary proceedings of a form specified in the determination should be brought against a person, direct the appropriate authority to bring those proceedings, and

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- (f) direct the appropriate authority to determine what action (if any) the appropriate authority will in its discretion take, not being action involving the bringing of disciplinary proceedings, in respect of the matters dealt with in the report and having regard to the [F36Director General's] determination under paragraph (b) and any determination under paragraph (c).
- (5B) The appropriate authority must comply with a direction given under sub-paragraph (5A)(e) and must secure that the proceedings, once brought, are proceeded with to a proper conclusion.
- (5C) The [F2Director General] may at any time withdraw a direction given under sub-paragraph (5A)(e); and sub-paragraph (5B) shall not impose any obligation in relation to any time after the withdrawal of the direction.
- (5D) The appropriate authority must keep the [F2Director General] informed of the action it takes in response to a direction given under sub-paragraph (5A)(e).
- (5E) The appropriate authority must comply with the direction given under sub-paragraph (5A)(f) and must notify the [F2Director General] of the determination it makes.
- (5F) On receipt of the report [F214(or on its completion by the Director General)], where it is a report of an investigation of a complaint, the [F2Director General] may also make a recommendation under paragraph 28ZA.]

- F215(6)
- F215(7)
- F215(8)
- F216(9)
- F216(10)
- F216(11)
- F216(12)

[F217(13) In relation to a DSI matter in respect of which a determination has been made under paragraph 21A(2) [F218, (2A)][F219, (2B)] or (4), the references in this paragraph to the appropriate authority are references to the appropriate authority in relation to the person whose conduct is in question.]

Textual Amendments

F8 Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(4) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

F26 Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(5) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

F36 Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(3) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- F196** Word in Sch. 3 para. 23(1)(a) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(viii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F197** Word in Sch. 3 para. 23(1)(a) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 22(2)(a)**; S.I. 2005/1521, **art. 3(1)(w)**
- F198** Words in Sch. 3 para. 23(1)(b) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(16)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F199** Word in Sch. 3 para. 23(1)(b) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 22(2)(b)**; S.I. 2005/1521, **art. 3(1)(w)**
- F200** Sch. 3 para. 23(1A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 18(3)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(f) (with art. 3(4))
- F201** Words in Sch. 3 para. 23(1A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(16)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F202** Words in Sch. 3 para. 23(1A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 19(3)(c)(i)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(g) (with art. 3(1)(2)(4))
- F203** Words in Sch. 3 para. 23(2) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(16)(c)(i)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F204** Sch. 3 para. 23(2)(b) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 13(2)(a)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)
- F205** Words in Sch. 3 para. 23(2)(c) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 13(2)(b)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)
- F206** Words in Sch. 3 para. 23(2)(d) inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 13(2)(c)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)
- F207** Sch. 3 para. 23(2ZA) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 19(3)(c)(ii)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(g) (with art. 3(1)(2)(4))
- F208** Sch. 3 para. 23(2A)(2B) inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 13(3)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)
- F209** Words in Sch. 3 para. 23(2A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 8(2)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F210** Sch. 3 para. 23(4) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), **ss. 15(9)(a)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(c) (with art. 3(1)(2)(4))
- F211** Word in Sch. 3 para. 23(5) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 13(4)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)
- F212** Sch. 3 para. 23(5A)-(5F) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 26(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F213** Words in Sch. 3 para. 23(5A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(16)(c)(ii)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F214** Words in Sch. 3 para. 23(5F) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(16)(c)(iii)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F215** Sch. 3 para. 23(6)-(8) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 26(3)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- F216** Sch. 3 para. 23(9)-(12) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), ss. 15(9)(a), 183(1)(5)(e); S.I. 2020/5, reg. 2(c) (with art. 3(1)(2)(4))
- F217** Sch. 3 para. 23(13) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, Sch. 12 para. 22(3); S.I. 2005/1521, art. 3(1)(w)
- F218** Word in Sch. 3 para. 23(13) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 47(h)(ix); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F219** Words in Sch. 3 para. 23(13) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(16)(c)(iv); S.I. 2017/1249, reg. 2 (with reg. 3)

Modifications etc. (not altering text)

- C27** Sch. 3 para. 23 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

- I16** 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 [F220 under paragraph 22]*

Textual Amendments

- F220** Words in Sch. 3 para. 24 heading inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, Sch. 12 para. 23(1); S.I. 2005/1521, art. 3(1)(w)

- 24 (1) This paragraph applies where—
- (a) a report of an investigation is submitted to the appropriate authority in accordance with paragraph [F221 22(2)]; F222 ...
 - F223 (b)
- (2) On receipt of the report F224 ..., the appropriate authority—
- [F225 (a) shall determine whether the conditions set out in sub-paragraphs (2A) and (2B) are satisfied in respect of the report;]
 - (b) if it determines that [F226 those conditions are so satisfied], shall notify the Director of Public Prosecutions of the determination and send him a copy of the report [F227 and
 - (c) shall notify the persons mentioned in sub-paragraph (5) of its determination under paragraph (a) and of any action taken by it under paragraph (b).]
- [F228 (2A) The first condition is that the report indicates that a criminal offence may have been committed by a person [F229 (if any)] to whose conduct the investigation related.
- (2B) The second condition is that—
- (a) the circumstances are such that, in the opinion of the appropriate authority, it is appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions, or

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

(b) any matters dealt with in the report fall within any prescribed category of matters.]

(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).

^{F230}(4)

(5) [^{F231}The] 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.

^{F232}(5A)

^{F232}(5B)

^{F232}(5C)

[^{F233}(6) ^{F234}On receipt of the report ..., the appropriate authority shall also—

- (a) in accordance with regulations under section 50 or 51 of the 1996 Act, determine—
 - (i) whether any person to whose conduct the investigation related has a case to answer in respect of misconduct or gross misconduct or has no case to answer, and
 - [^{F235}(ia) whether or not any such person's performance is unsatisfactory, and]
 - (ii) what action (if any) the authority is required to, or will in its discretion, take in respect of the matters dealt with in the report, and

[^{F236}(aa) if it considers it appropriate to do so, make a determination as to any matter dealt with in the report, being a determination other than one that it is required to make by sub-paragraph (2)(a) or paragraph (a) of this sub-paragraph, and]

[^{F237}(b) determine what action (if any), in addition to the action mentioned in paragraph (a)(ii), the authority will in its discretion take in respect of the matters dealt with in the report.]]

[^{F238}(6A) Where the report is a report of an investigation of a complaint and the appropriate authority is a local policing body, the appropriate authority may also, on receipt of the report, make a recommendation under paragraph 28ZA.]

[^{F239}(6B) It shall be the duty of the appropriate authority—

- (a) to take the action which it determines under sub-paragraph (6) that it is required to, or will in its discretion, take, 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.]

^{F240}(7)

^{F240}(8)

^{F240}(9)

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

^{F240}(10)

[^{F241}(11) In relation to a DSI matter in respect of which a determination has been made under paragraph 21A(2) [^{F242}, (2A)] [^{F243}, (2B)] or (4), the references in this paragraph to the appropriate authority are references to the appropriate authority in relation to the person whose conduct is in question.]

Textual Amendments

- F221** Words in Sch. 3 para. 24(1)(a) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, **Sch. 12 para. 23(2)(a)**; S.I. 2005/1521, **art. 3(1)(w)**
- F222** Word in Sch. 3 para. 24(1)(a) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(x)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F223** Sch. 3 para. 24(1)(b) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(x)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F224** Words in Sch. 3 para. 24(2) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xi)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F225** Sch. 3 para. 24(2)(a) substituted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 153, **Sch. 23 para. 14(2)(a)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)
- F226** Words in Sch. 3 para. 24(2)(b) substituted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 153, **Sch. 23 para. 14(2)(b)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)
- F227** Sch. 3 para. 24(2)(c) and word inserted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 153, **Sch. 23 para. 14(2)(c)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)
- F228** Sch. 3 para. 24(2A)(2B) inserted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 153, **Sch. 23 para. 14(3)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)
- F229** Words in Sch. 3 para. 24(2A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 4 para. 8(3)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F230** Sch. 3 para. 24(4) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), ss. 15(9)(b), 183(1)(5)(e); S.I. 2020/5, reg. 2(c) (with art. 3(1)(2)(4))
- F231** Word in Sch. 3 para. 24(5) substituted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 153, **Sch. 23 para. 14(4)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)
- F232** Sch. 3 para. 24(5A)-(5C) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F233** Sch. 3 para. 24(6) substituted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 127, 153, **Sch. 23 para. 14(6)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)
- F234** Words in Sch. 3 para. 24(6) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xiii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F235** Sch. 3 para. 24(6)(a)(ia) inserted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 14 para. 14(3)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F236** Sch. 3 para. 24(6)(aa) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 5 para. 27(2)(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F237** Sch. 3 para. 24(6)(b) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 5 para. 27(2)(b)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- F238** Sch. 3 para. 24(6A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 27(3)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F239** Sch. 3 para. 24(6B) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 15(10)(a)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(c) (with art. 3(1)(2)(4))
- F240** Sch. 3 para. 24(7)-(10) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), **ss. 15(9)(b)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(c) (with art. 3(1)(2)(4))
- F241** Sch. 3 para. 24(11) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 23(3)**; S.I. 2005/1521, **art. 3(1)(w)**
- F242** Word in Sch. 3 para. 24(11) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xiv)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F243** Word in Sch. 3 para. 24(11) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(17)**; S.I. 2017/1249, reg. 2 (with reg. 3)

Modifications etc. (not altering text)

- C28** Sch. 3 para. 24 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

- I17** 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)**

[^{F244}Final reports on investigations: other DSI matters

Textual Amendments

- F244** 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)**

- 24A (1) This paragraph applies on the completion of an investigation of a DSI matter in respect of which neither the [^{F2}Director General] nor the appropriate authority has made a determination under paragraph 21A(2) [^{F245}, (2A)][^{F246}, (2B)] or (4).
- (2) [^{F247}The person investigating] shall—
- (a) submit a report on the investigation to the [^{F2}Director General]; and
- (b) send a copy of that report to the appropriate authority.
- [Sub-paragraph (2)(a) does not apply where the person investigating is the Director
- ^{F248}(2A) General carrying out an investigation personally under paragraph 19, but the Director General must complete a report on the investigation.]
- (3) A person submitting a report [^{F249}to the [^{F2}Director General]] under [^{F250}sub-paragraph (2) or completing one under sub-paragraph (2A)] 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.

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

[Where a person would contravene section 21A by sending a copy of a report in
^{F251}(3A) its entirety to the appropriate authority under sub-paragraph (2)(b), the person must instead send a copy of the report after having removed or obscured the information which by virtue of section 21A the person must not disclose.]

- (4) On receipt of the report [^{F252}(or on its completion by the Director General)], the [^{F2}Director General] 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.

[On receipt of the report [^{F254}(or on its completion by the Director General)], the
^{F253}(5) [^{F2}Director General] shall also, if [^{F8}the Director General] considers it appropriate to do so, make a determination as to any matter dealt with in the report, being a determination other than one that [^{F8}the Director General] is required to make under sub-paragraph (4) or that the appropriate authority may be required to make by virtue of paragraph 24C(3).]

[But sub-paragraphs (4) and (5) and paragraphs 24B and 24C do not apply, or cease
^{F255}(6) to apply, in relation to a report submitted under sub-paragraph (2) [^{F256}or completed under sub-paragraph (2A)] if, following the submission [^{F257}or completion] of the report, the [^{F2}Director General] determines under section 13B that the DSI matter is to be re-investigated.]

Textual Amendments

- F2** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(2) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F8** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(4) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F245** Word in Sch. 3 para. 24A(1) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 47(h)(xv); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F246** Word in Sch. 3 para. 24A(1) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(18)(a); S.I. 2017/1249, reg. 2 (with reg. 3)
- F247** Words in Sch. 3 para. 24A(2) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, Sch. 23 para. 15 (with s. 14(1)); S.I. 2008/2993, art. 2(1)(i)(i) (subject to art. 3)
- F248** Sch. 3 para. 24A(2A) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(18)(b); S.I. 2017/1249, reg. 2 (with reg. 3)
- F249** Words in Sch. 3 para. 24A(3) inserted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), Sch. 11 para. 95(7) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(c)(iii)
- F250** Words in Sch. 3 para. 24A(3) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(18)(c); S.I. 2017/1249, reg. 2 (with reg. 3)

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- F251** Sch. 3 para. 24A(3A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 19(3)(d)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(g) (with art. 3(1)(2)(4))
- F252** Words in Sch. 3 para. 24A(4) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(18)(d)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F253** Sch. 3 para. 24A(5) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 28**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F254** Words in Sch. 3 para. 24A(5) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(18)(e)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F255** Sch. 3 para. 24A(6) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 18(4)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(f) (with art. 3(4))
- F256** Words in Sch. 3 para. 24A(6) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(18)(f)(i)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F257** Words in Sch. 3 para. 24A(6) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(18)(f)(ii)**; S.I. 2017/1249, reg. 2 (with reg. 3)

*Action by the [F2]Director General] in [F258]relation]
to an investigation report under paragraph 24A*

Textual Amendments

- F258** Word in Sch. 3 para. 24B cross-heading substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(19)**; S.I. 2017/1249, reg. 2 (with reg. 3)

24B (1) If the [F2]Director General] 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,

[F8]the Director General] shall notify the appropriate authority in relation to the person whose conduct is in question of [F26]the Director General's] 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.

[Sub-paragraph (3A) of paragraph 24A applies for the purposes of sub-paragraph (1) F259(1A) of this paragraph as it applies for the purposes of sub-paragraph (2)(b) of that paragraph.]

(2) Where the appropriate authority in relation to the person whose conduct is in question is notified of a determination by the [F2]Director General] under sub-paragraph (1), it shall record the matter under paragraph 11 as a conduct matter F260

[Where a DSI matter is recorded under paragraph 11 as a conduct matter by virtue F261(3) of sub-paragraph (2)—

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- (a) the person investigating the DSI matter shall (subject to any determination made by the [F2Director General] under paragraph [F26215(5A) or (5B)]) investigate the conduct matter as if appointed or designated to do so, and
- (b) the other provisions of this Schedule shall apply in relation to that matter accordingly.]

Textual Amendments

- F8** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F26** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(5)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F259** Sch. 3 para. 24B(1A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 19(3)(e), 183(1)(5)(e)**; S.I. 2020/5, reg. 2(g) (with art. 3(1)(2)(4))
- F260** Words in Sch. 3 para. 24B(2) repealed (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 149, 153, Sch. 23 para. 16(2), **Sch. 28 Pt. 8** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(k)(ii)** (subject to art. 3)
- F261** Sch. 3 para. 24B(3) inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 16(3)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)
- F262** Words in Sch. 3 para. 24B(3)(a) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xvi)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

24C (1) [F263This paragraph applies where] the [F2Director General] 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,

F264 ...

F265(2)

[The [F2Director General] may notify the appropriate authority that it must, in

- F266(3) accordance with regulations under section 50 or 51 of the 1996 Act, determine—
- (a) whether or not the performance of a person serving with the police is unsatisfactory, and
 - (b) what action (if any) the authority will take in respect of any such person's performance.]

[On receipt of a notification under sub-paragraph (3) the appropriate authority shall

F266(4) make those determinations and submit a memorandum to the [F2Director General] setting out the determinations the authority has made.]

[On receipt of a memorandum under sub-paragraph (4), the [F2Director General]

F266(5) shall—

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- (a) consider the memorandum and whether the appropriate authority has made the determinations under sub-paragraph (4) that the [F²Director General] considers appropriate;
- (b) determine whether or not to make recommendations under paragraph 27;
- (c) make such recommendations (if any) under that paragraph as [F⁸the Director General] thinks fit.]]

Textual Amendments

- F8** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(4) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F263** Words in Sch. 3 para. 24C(1) substituted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), Sch. 11 para. 95(8)(a) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(c)(iii)
- F264** Words in Sch. 3 para. 24C omitted (1.10.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), Sch. 11 para. 95(8)(b) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(c)(iii)
- F265** Sch. 3 para. 24C(2) repealed (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), Sch. 11 para. 95(8)(c) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(c)(iii)
- F266** Sch. 3 paras. 24C(3)-(5) inserted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), ss. 138(1), 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(a)

[F²⁶⁷Reviews]F²⁶⁸ ... with respect to an investigation

Textual Amendments

- F267** Word in Sch. 3 para. 25 cross-heading substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 33; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F268** Words in Sch. 3 para. 25 heading omitted (22.11.2012) by virtue of Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), Sch. 14 para. 20(1); S.I. 2012/2892, art. 2(g) (with art. 6)

- 25 (1) This paragraph applies where a complaint has been subjected to—
- (a) an investigation by the appropriate authority on its own behalf; F²⁶⁹ ...
 - F²⁷⁰(b)
- [F²⁷¹(1A) But this paragraph does not apply where the person investigating submitted a report on the investigation under provision made by virtue of paragraph 20A(4)(b) and did not (as a result of provision made by virtue of paragraph 20A(4)(a)) submit a further report under paragraph 22(2).
- (1B) Where this paragraph applies, the complainant has the right to apply to the relevant review body for a review of the outcome of the complaint.
- (1C) The relevant review body must notify the following of an application for a review under sub-paragraph (1B)—
- (a) the appropriate authority,
 - (b) every person entitled to be kept properly informed in relation to the complaint under section 21, and
 - (c) the person complained against (if any).]

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- ^{F272}(2)
- ^{F272}(2ZA)
- ^{F272}(2A)
- ^{F272}(3)
- ^{F273}(4) Where the relevant review body so requires on the making of an application for a review under sub-paragraph (1B), the appropriate authority must provide the relevant review body with—
- (a) a copy of the report of the investigation, and
 - (b) such information concerning the authority's determinations under paragraph 24 as is described in a notification given by the relevant review body to the authority.]
- ^{F274}(4A) On a review applied for under sub-paragraph (1B), the relevant review body must determine whether the outcome of the complaint is a reasonable and proportionate outcome.
- (4B) In making a determination under sub-paragraph (4A), the relevant review body may review the findings of the investigation.
- (4C) Where the [^{F2}Director General] is the relevant review body and the [^{F2}Director General] finds that the outcome is not a reasonable and proportionate outcome, the [^{F2}Director General] may—
- (a) make [^{F26}the Director General's] own findings (in place of, or in addition to, findings of the investigation);
 - (b) direct that the complaint be re-investigated;
 - (c) make a recommendation to the appropriate authority in respect of any person serving with the police—
 - (i) that the person has a case to answer in respect of misconduct or gross misconduct or has no case to answer in relation to the person's conduct to which the investigation related;
 - (ii) that the person's performance is, or is not, unsatisfactory;
 - (iii) that disciplinary proceedings of the form specified in the recommendation are brought against the person in respect of the person's conduct, efficiency or effectiveness to which the investigation related;
 - (iv) that any disciplinary proceedings brought against that person are modified so as to deal with such aspects of that conduct, efficiency or effectiveness as may be so specified;
 - (d) make a recommendation under paragraph 28ZA.
- (4D) Where the [^{F2}Director General] makes a recommendation under sub-paragraph (4C) (c)—
- (a) the appropriate authority must notify the [^{F2}Director General] whether it accepts the recommendation and (if it does) set out in the notification the steps that it is proposing to take to give effect to it, and
 - (b) sub-paragraphs (4) to (8) and (9)(b) of paragraph 27 apply in relation to the recommendation as if it had been made under that paragraph.

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- (4E) Where a local policing body is the relevant review body and the local policing body finds that the outcome is not a reasonable and proportionate outcome, the local policing body may—
- (a) make a recommendation to the appropriate authority that the complaint be re-investigated by the authority on its own behalf;
 - (b) where the complaint has not previously been referred to the [F2Director General] under paragraph 4, make a recommendation to the appropriate authority that it refer the complaint to the [F2Director General] under sub-paragraph (2) of that paragraph;
 - (c) make a recommendation to the appropriate authority in respect of any person serving with the police—
 - (i) that the person has a case to answer in respect of misconduct or gross misconduct or has no case to answer in relation to the person's conduct to which the investigation related;
 - (ii) that the person's performance is, or is not, unsatisfactory;
 - (iii) that disciplinary proceedings of the form specified in the recommendation are brought against the person in respect of the person's conduct, efficiency or effectiveness to which the investigation related;
 - (iv) that any disciplinary proceedings brought against that person are modified so as to deal with such aspects of that conduct, efficiency or effectiveness as may be so specified;
 - (d) make a recommendation under paragraph 28ZA.
- (4F) Sub-paragraph (4G) applies where, on a review applied for under sub-paragraph (1B), the relevant review body determines that the report of the investigation indicates that a criminal offence may have been committed by a person (if any) to whose conduct the investigation related and that—
- (a) the circumstances are such that, in the opinion of the relevant review body, it is appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions, or
 - (b) any matters dealt with in the report fall within any category of matters prescribed for the purposes of paragraph 24(2B)(b).
- (4G) Where this sub-paragraph applies—
- (a) if the [F2Director General] is the relevant review body, the [F2Director General] must notify the Director of Public Prosecutions of the determination under sub-paragraph (4F) and send the Director a copy of the report;
 - (b) if a local policing body is the relevant review body, the local policing body must make a recommendation to the appropriate authority that the appropriate authority—
 - (i) notify the Director of Public Prosecutions of the determination under sub-paragraph (4F), and
 - (ii) send the Director a copy of the report.
- (4H) The Secretary of State may by regulations make further provision about recommendations under sub-paragraph (4E)(a), (b) or (c) or (4G)(b).
- (4I) The regulations may (amongst other things) authorise the local policing body making the recommendation to require a response to the recommendation.

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

(4J) Where this paragraph applies because the person investigating submitted a report on the investigation under provision made by virtue of paragraph 20A(4)(b) (“the first report”) and a further report under paragraph 22(2), the references in sub-paragraphs (4B) and (4C)(a) to the findings of the investigation do not include a reference to findings on the first report.]

F²⁷⁵(5)

F²⁷⁵(6)

F²⁷⁵(7)

F²⁷⁵(8)

F²⁷⁵(9)

F²⁷⁵(9ZA)

F²⁷⁵(9ZB)

F²⁷⁵(9ZC)

F²⁷⁵(9A)

(10) The [F²⁷⁶relevant [F²⁷⁷review] body] shall give notification of [F²⁷⁸the outcome of a review] under this paragraph [F²⁷⁹and of its reasons for the determination made under sub-paragraph (4A)]—

- (a) to the appropriate authority F²⁸⁰....,
- (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 [F²⁸¹relevant [F²⁸²review] body] that to do so might prejudice any F²⁸³... re-investigation of the complaint, to the person complained against [F²⁸⁴(if any)].

F²⁸⁵(11)

(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 [F²⁸⁶applications under sub-paragraph (1B) are to be made];
- (b) for the period within which any such [F²⁸⁷application must be made]; and
- [F²⁸⁸(c) for the procedure to be followed by the relevant review body when carrying out a review applied for under sub-paragraph (1B).]

[F²⁸⁹(14) In this paragraph references in relation to an investigation to the outcome of the complaint do not include the outcome of any criminal or disciplinary proceedings brought in relation to any matter which was the subject of the investigation.]

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

Textual Amendments

- F2** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(2\)](#) (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F26** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(5\)](#) (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F269** Word in [Sch. 3 para. 25\(1\)\(a\)](#) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(h\)\(xvii\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F270** [Sch. 3 para. 25\(1\)\(b\)](#) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(h\)\(xvii\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F271** [Sch. 3 para. 25\(1A\)-\(1C\)](#) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 34\(2\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F272** [Sch. 3 para. 25\(2\)-\(3\)](#) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 34\(3\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F273** [Sch. 3 para. 25\(4\)](#) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 34\(4\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F274** [Sch. 3 para. 25\(4A\)-\(4J\)](#) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 34\(5\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F275** [Sch. 3 para. 25\(5\)-\(9A\)](#) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 34\(6\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F276** Words in [Sch. 3 para. 25\(10\)](#) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 14 para. 20\(12\)\(a\)](#); S.I. 2012/2892, art. 2(g) (with art. 6)
- F277** Word in [Sch. 3 para. 25\(10\)](#) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 34\(7\)\(a\)\(i\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F278** Words in [Sch. 3 para. 25\(10\)](#) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 34\(7\)\(a\)\(ii\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F279** Words in [Sch. 3 para. 25\(10\)](#) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 34\(7\)\(a\)\(iii\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F280** Words in [Sch. 3 para. 25\(10\)\(a\)](#) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 34\(7\)\(b\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F281** Words in [Sch. 3 para. 25\(10\)\(d\)](#) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 14 para. 20\(12\)\(c\)](#); S.I. 2012/2892, art. 2(g) (with art. 6)
- F282** Word in [Sch. 3 para. 25\(10\)\(d\)](#) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 34\(7\)\(c\)\(i\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F283** Words in [Sch. 3 para. 25\(10\)\(d\)](#) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 34\(7\)\(c\)\(ii\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- F284** Words in Sch. 3 para. 25(10)(d) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 4 para. 8(4)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F285** Sch. 3 para. 25(11) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(8)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F286** Words in Sch. 3 para. 25(13)(a) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(9)(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F287** Words in Sch. 3 para. 25(13)(b) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(9)(b)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F288** Sch. 3 para. 25(13)(c) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(9)(c)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F289** Sch. 3 para. 25(14) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 34(10)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

- C29** 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

- I18** 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)**

^{F290}Information for complainant about disciplinary recommendations

Textual Amendments

- F290** Sch. 3 para. 25A and cross-heading inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 35**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

- 25A (1) This paragraph applies where, on the review of the outcome of a complaint under paragraph 25, the [^{F2}Director General] makes a recommendation under subparagraph (4C)(c) of that paragraph.
- (2) Where the appropriate authority notifies the [^{F2}Director General] under paragraph 25(4D)(a) that the recommendation has been accepted, the [^{F2}Director General] must 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.
- (3) Where the appropriate authority—
- (a) notifies the [^{F2}Director General] under paragraph 25(4D)(a) that it does not (either in whole or in part) accept the recommendation, or
 - (b) fails to take steps to give full effect to the recommendation,

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

the [F²Director General] must determine what, if any, further steps to take under paragraph 27 as applied by paragraph 25(4D)(b).

- (4) The [F²Director General] must 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 (3) not to take further steps, and
 - (b) where the [F²Director General] determines under that sub-paragraph that [F⁸the Director General] will take further steps, of the outcome of the taking of those steps.]

Textual Amendments

- F2** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(2) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F8** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(4) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

[F²⁹¹Re-investigations following a review]

Textual Amendments

- F291** Sch. 3 para. 26 cross-heading substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 36; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

26 ^{F292}(1)

- (2) Where the [F²Director General] directs under paragraph 25 ^{F293}... that a complaint be re-investigated, [F⁸the Director General] shall make a determination of the form that the re-investigation should take.
- (3) Sub-paragraphs [F²⁹⁴(4)] 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.
- [F²⁹⁵(3A) Where, following a recommendation under paragraph 25(4E)(a) in relation to a complaint, the appropriate authority determines that it is appropriate for it to re-investigate the complaint on its own behalf, sub-paragraphs (3) to (5) of paragraph 16 shall apply in relation to the re-investigation as they apply in relation to an investigation to which paragraph 16 applies.]
- (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 [F²⁹⁶25(4C)(b)]^{F297}... [F²⁹⁸and any re-investigation of the type described in sub-paragraph (3A) of this paragraph] as they apply in relation to any investigation in pursuance of a determination under paragraph 15.
- [F²⁹⁹(4A) Where the [F²Director General] determines under sub-paragraph (2) that the re-investigation should take the form of an investigation by the appropriate authority

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

on its own behalf, the [F2Director General] may also give the appropriate authority such directions as to the handling of the matter in future as the [F2Director General] thinks fit.]

[F300(5) The [F2Director General] shall notify the appropriate authority of any determination that [F8the Director General] makes under this paragraph and of [F26the Director General's] reasons for making the determination.

(5A) The [F2Director General] shall also notify the following of any determination that [F8the Director General] makes under this paragraph and of [F26the Director General's] reasons for making the determination—

- (a) the complainant;
- (b) every person entitled to be kept properly informed in relation to the complaint under section 21;
- (c) the person complained against (if any).

(5B) The duty imposed by sub-paragraph (5A) on the [F2Director General] shall have effect subject to such exceptions as may be provided for by regulations made by the Secretary of State.

(5C) Subsections (6) to (8) of section 20 apply for the purposes of sub-paragraph (5B) as they apply for the purposes of that section.]

F301(6)

Textual Amendments

- F2** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F8** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F26** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(5)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F292** Sch. 3 para. 26(1) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 37(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F293** Words in Sch. 3 para. 26(2) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 37(3)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F294** Word in Sch. 3 para. 26(3) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 37(4)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F295** Sch. 3 para. 26(3A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 37(5)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F296** Word in Sch. 3 para. 26(4) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 37(6)(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- F297** Words in Sch. 3 para. 26(4) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 37(6)(b); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F298** Words in Sch. 3 para. 26(4) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 37(6)(c); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F299** Sch. 3 para. 26(4A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 37(7); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F300** Sch. 3 para. 26(5)-(5C) substituted for Sch. 3 para. 26(5) (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 37(8); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F301** Sch. 3 para. 26(6) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 37(9); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

- C30** 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

- I19** 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 [F302 etc]

Textual Amendments

- F302** Word in Sch. 3 para. 27 heading inserted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), Sch. 11 para. 95(9)(a) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(c)(iii)

- 27 (1) This paragraph applies where, in the case of any investigation, the appropriate authority—
- ^{F303}(a)
 - ^{F304}(b)
 - ^{F305}(c) has submitted, or is required to submit, a memorandum to the [^{F2}Director General] under paragraph 24C(4).]
- ^{F306}(1A) But where this paragraph would otherwise apply by virtue of sub-paragraph (1)(c), it does not apply, or ceases to apply, in relation to the investigation if the [^{F2}Director General] determines under section 13B that the DSI matter is to be re-investigated.]
- (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 ^{F307}... which is or is required to be set out in the memorandum; and

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- (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.

^{F308}(3)

^{F309}(3A) Where this paragraph applies by virtue of sub-paragraph (1)(c), the [^{F2}Director General] may make a recommendation to the appropriate authority—

- (a) that the performance of a person serving with the police is, or is not, satisfactory;
- (b) that action of the form specified in the recommendation is taken in respect of the person's performance;

and it shall be the duty of the appropriate authority to notify the [^{F2}Director General] 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 [^{F2}Director General] 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 [^{F2}Director General] 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 [^{F2}Director General] thinks fit, set out the steps to be taken by the appropriate authority in order to give effect to the recommendation.
- (6) Where the [^{F2}Director General] gives the appropriate authority a direction under this paragraph, [^{F8}the Director General] shall supply the appropriate authority with a statement of its reasons for doing so.
- (7) Where disciplinary [^{F310}or other] 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 [^{F2}Director General] 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 [^{F2}Director General] informed—
- (a) in a case in which this paragraph applies by virtue of sub-paragraph [^{F311}(1)(c)], 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.

Textual Amendments

- F2** Words in *Sch. 3* substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by *Policing and Crime Act 2017 (c. 3)*, s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with *Sch. 9 para. 56(6)*); *S.I. 2017/1249*, reg. 2 (with reg. 3)

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- F8** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F303** Sch. 3 para. 27(1)(a) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), **ss. 15(10)(b)(i)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(c) (with art. 3(1)(2)(4))
- F304** Sch. 3 para. 27(1)(b) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xviii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F305** Sch. 3 para. 27(1)(c) and word inserted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 138(3)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(a)
- F306** Sch. 3 para. 27(1A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 18(5)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(f) (with art. 3(4))
- F307** Words in Sch. 3 para. 27(2)(a) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), **ss. 15(10)(b)(ii)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(c) (with art. 3(1)(2)(4))
- F308** Sch. 3 para. 27(3) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xviii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F309** Sch. 3 para. 27(3A) inserted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 138(4)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(a)
- F310** Words in Sch. 3 para. 27(7) inserted (1.10.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 95(9)(b)** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, art. 3(c)(iii)
- F311** Word in Sch. 3 para. 27(9)(a) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xix)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

- C31** 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

- I20** 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

F312²⁸

Textual Amendments

- F312** Sch. 3 para. 28 omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xx)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

[^{F313}Recommendations by the [^{F2}Director General] or a local policing body

Textual Amendments

F313 Sch. 3 para. 28ZA and cross-heading inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 45; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

- 28ZA (1) A recommendation under this paragraph (for the purposes of paragraphs 6A, 23, 24 and 25) is a recommendation of a kind described in regulations made by the Secretary of State which is made with a view to remedying the dissatisfaction expressed by the complainant concerned.
- (2) A recommendation of a kind described in regulations under subsection (1) may (amongst other things) be a recommendation that compensation be paid.
- (3) The reference in subsection (1) to the complainant concerned—
- (a) in relation to a recommendation made by virtue of paragraph 6A(5)(b) or (6)(c), is a reference to the complainant who applied under paragraph 6A(2) for the review;
 - (b) in relation to a recommendation made by virtue of paragraph 23(5F) or 24(6A), is a reference to the complainant whose complaint, having been investigated, resulted in the submission [^{F314}or completion] of the report under paragraph 22;
 - (c) in relation to a recommendation made by virtue of paragraph 25(4C)(d) or (4E)(d), is a reference to the complainant who applied under paragraph 25(1B) for the review.
- (4) The Secretary of State may by regulations make further provision about recommendations under this paragraph.
- (5) The regulations may (amongst other things)—
- (a) specify the persons to whom recommendations under this paragraph may be made;
 - (b) authorise the person making a recommendation under this paragraph (whether the [^{F2}Director General] or a local policing body) to require a response to the recommendation;
 - (c) require the person making a recommendation under this paragraph to send a copy of the recommendation, and any response to it, to any prescribed person or person of a prescribed description.]

Textual Amendments

F314 Words in Sch. 3 para. 28ZA(3)(b) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(20); S.I. 2017/1249, reg. 2 (with reg. 3)

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

[^{F315}Recommendations by the [^{F2}Director General]

Textual Amendments

F315 Sch. 3 paras. 28A, 28B and cross-headings inserted (1.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), **ss. 139, 185(1)** (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/2454, art. 3(a)

- 28A (1) This paragraph applies where the [^{F2}Director General] has received a report [^{F316}(or otherwise completed one in relation to an investigation carried out under paragraph 19 by the Director General personally)] under—
- (a) paragraph 22(3) (report on completion of investigation of complaint or conduct matter ^{F317}... [^{F318}directed] by [^{F2}Director General]),
 - (b) paragraph 22(5) (report on completion of investigation of complaint or conduct matter by [^{F319}or on behalf of the Director General]), or
 - (c) paragraph 24A(2) [^{F320}or (2A)] (report on completion of investigation of DSI matter that is not also conduct matter).
- (2) This paragraph also applies where the [^{F2}Director General] has made a determination on [^{F321}a review] under—
- (a) paragraph [^{F322}6A] ([^{F323}review] relating to complaint dealt with other than by investigation), or
 - (b) paragraph 25 ([^{F324}review] with respect to an investigation).
- (3) The [^{F2}Director General] may make a recommendation in relation to a matter dealt with in the report or [^{F325}review].
- [Where this paragraph applies—
- ^{F326}(3A) (a) by virtue of sub-paragraph (1)(a) or (b) and the report is a report of an investigation of a complaint, or
- (b) by virtue of sub-paragraph (2),
- a recommendation made under sub-paragraph (3) may not be a recommendation of a kind described in regulations made under paragraph 28ZA(1).]
- (4) A recommendation under this paragraph may be made to any person if it is made—
- (a) following the receipt [^{F327}or completion] of a report relating to—
 - (i) a DSI matter,
 - (ii) a conduct matter of a type specified in regulations, or
 - (iii) a complaint of a type specified in regulations; or
 - (b) following a determination on [^{F328}a review] relating to a complaint of a type specified in regulations.
- (5) In any other case, a recommendation under this paragraph may be made only to—
- (a) a person serving with the police, or
 - (b) a local policing body.
- (6) Where the [^{F2}Director General] makes a recommendation under this paragraph, [^{F8}the Director General] must also—
- (a) publish the recommendation, and
 - (b) send a copy of it—

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- (i) in a case where the recommendation is made to a local policing body, to the chief officer of the police force maintained by that body;
- (ii) in a case where the recommendation is made to a chief officer of a police force, to the local policing body that maintains the police force;
- (iii) in a case where the recommendation is made to a contractor (within the meaning of section 12(10)), to the chief officer of a police force to whom the contractor is providing services, and the local policing body that maintains the police force;
- (iv) in a case where the recommendation is made to a sub-contractor or an employee of a contractor, to the contractor and the persons to whom a copy must be sent under paragraph (iii);
- (v) in a case where the recommendation is made to an employee of a sub-contractor, to the sub-contractor, the contractor and the persons to whom a copy must be sent under sub-paragraph (iii);
- (vi) in any other case, to any person to whom the [F2Director General] thinks a copy should be sent.

(7) Nothing in this paragraph affects the power of the [F2Director General] to make recommendations or give advice under section 10(1)(e) (whether arising under this Schedule or otherwise.)]

Textual Amendments

- F8** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F316** Words in Sch. 3 para. 28A(1) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(21)(a)(i)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F317** Words in Sch. 3 para. 28A(1)(a) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xxi)(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F318** Word in Sch. 3 para. 28A(1)(a) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xxi)(b)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F319** Words in Sch. 3 para. 28A(1)(b) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(21)(a)(ii)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F320** Words in Sch. 3 para. 28A(1)(c) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(21)(a)(iii)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F321** Words in Sch. 3 para. 28A(2) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xxii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F322** Word in Sch. 3 para. 28A(2)(a) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xxiii)(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F323** Word in Sch. 3 para. 28A(2)(a) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xxiii)(b)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- F324** Word in Sch. 3 para. 28A(2)(b) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xxiv)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F325** Word in Sch. 3 para. 28A(3) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xxiv)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F326** Sch. 3 para. 28A(3A) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 46**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F327** Words in Sch. 3 para. 28A(4)(a) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(21)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F328** Words in Sch. 3 para. 28A(4)(b) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(xxv)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

^{F315}Response to recommendation

- 28B (1) A person to whom a recommendation under paragraph 28A is made must provide to the [^{F2}Director General] a response in writing stating—
- (a) what action the person has taken or proposes to take in response to the recommendation, or
 - (b) why the person has not taken, or does not propose to take, any action in response.
- (2) The person must provide the response to the [^{F2}Director General] before the end of the period of 56 days beginning with the day on which the recommendation was made, unless sub-paragraph (3) applies.
- (3) The [^{F2}Director General] may extend the period of 56 days following an application received before the end of the period; and if the [^{F2}Director General] grants an extension, the person must provide the response before the end of the extended period.
- (4) But if proceedings for judicial review of the [^{F36}Director General's] decision to make a recommendation are started during the period allowed by sub-paragraph (2) or (3), that period is extended by however many days the proceedings are in progress.
- (5) On receiving a response, the [^{F2}Director General] must, within the period of 21 days beginning with the day on which the [^{F2}Director General] received it—
- (a) publish the response, and
 - (b) send a copy of it to any person who was sent a copy of the recommendation under paragraph 28A(6)(b),
- unless the person giving the response has made representations under sub-paragraph (6).
- (6) The person giving the response may, at the time of providing it to the [^{F2}Director General], make representations to the [^{F2}Director General] asserting that the requirements of publication and disclosure under sub-paragraph (5) should not apply to the response, or to particular parts of it.
- (7) On receiving such representations, the [^{F2}Director General] may decide—

Status: Point in time view as at 06/04/2023.

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- (a) that the response should not be published, or that only parts of it should be published;
 - (b) that the response should not be disclosed, or that only parts of the response should be disclosed.
- (8) Where, following a decision on representations, the [F²Director General] decides to publish or disclose a response (in whole or in part), [F⁸the Director General] must do so only after the person giving the response has been informed of the [F³⁶Director General's] decision, and—
- (a) in a case where the [F²Director General] has decided to accept all of the representations, [F⁸the Director General] must do so within the period of 21 days beginning with the day on which [F⁸the Director General] received the response;
 - (b) in a case where the [F²Director General] has decided to reject any of the representations, [F⁸the Director General] must do so—
 - (i) within the period of 21 days beginning with the day on which the person was informed of the [F³⁶Director General's] decision on the representations, but
 - (ii) not before the end of the period of 7 days beginning with that day.
- (9) But if proceedings for judicial review of the [F³⁶Director General's] decision to reject a representation are started during the period of 7 days referred to in subparagraph (8)(b)(ii)—
- (a) the [F²Director General] must not publish or disclose the response while the proceedings are in progress;
 - (b) if the court upholds the [F³⁶Director General's] decision to reject a representation, the [F²Director General] must publish and disclose the response (in whole or in part, as appropriate) before the end of the period of 7 days beginning with the day on which the proceedings are no longer in progress.
- (10) Where a local policing body or a chief officer makes a response under this paragraph, the body or officer must, at the time the [F²Director General] publishes the response, also publish the response (to the same extent as published by the [F²Director General]) and the recommendation under paragraph 28A.
- (11) For the purposes of this paragraph—
- (a) “disclosing” a response means sending a copy of it as mentioned in subparagraph (5)(b);
 - (b) the period during which judicial review proceedings are in progress includes any day on which an appeal is in progress or may be brought.]
- [F³²⁹(12) This paragraph does not apply, or ceases to apply, in relation to a recommendation made by virtue of paragraph 28A(1) if the [F²Director General] determines under section 13B that the complaint, recordable conduct matter or DSI matter that the [F²Director General] received a report on [F³³⁰(or otherwise completed one on in relation to an investigation carried out under paragraph 19 by the Director General personally)] is to be re-investigated.]

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

Textual Amendments

- F2** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(2\)](#) (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F8** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(4\)](#) (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F36** Words in [Sch. 3](#) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(3\)](#) (with [Sch. 9 para. 56\(6\)](#)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F329** [Sch. 3 para. 28B\(12\)](#) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 18\(6\)](#), 183(1)(5)(e); S.I. 2020/5, reg. 2(f) (with art. 3(4))
- F330** Words in [Sch. 3 para. 28B\(12\)](#) inserted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(22\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

^{F331}Minor definitions

Textual Amendments

- F331** [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)

29 In this Part of this Schedule—

^{F332}
...

^{F333}“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

- F332** Words in [Sch. 3 para. 29](#) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(h\)\(xxvi\)](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F333** Words in [Sch. 3 para. 29](#) inserted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 14 para. 21](#); S.I. 2012/2892, art. 2(g) (with art. 6)

Status: Point in time view as at 06/04/2023.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

[^{F334}Reviews]: the relevant [^{F335}review] body

Textual Amendments

F334 Word in Sch. 3 para. 30 cross-heading substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 38(a); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

F335 Word in Sch. 3 para. 30 cross-heading substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 38(b); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

- 30 (1) The relevant [^{F336}review] body in relation to [^{F337}a review] is—
- (a) the [^{F2}Director General], in a case where [^{F338}a local policing body is the appropriate authority in relation to the relevant complaint or] the relevant complaint falls within a description of complaints specified in regulations made by the Secretary of State for the purposes of this paragraph; or
 - [^{F339}(b) the local policing body which is the relevant local policing body in relation to the relevant complaint, in any other case.]

[^{F340}(2) In this paragraph and paragraphs 31 and 32—

“relevant complaint”, in relation to a review, means the complaint to which the review relates;

“relevant local policing body”, in relation to a relevant complaint where a chief officer is the appropriate authority in relation to the complaint, means the local policing body for the area of the police force of which the chief officer is a member;

“review” means a review applied for under paragraph 6A(2) or 25(1B).]

Textual Amendments

F2 Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(2) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

F336 Word in Sch. 3 para. 30(1) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 39(2)(a)(i); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

F337 Words in Sch. 3 para. 30(1) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 39(2)(a)(ii); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

F338 Words in Sch. 3 para. 30(1)(a) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 39(2)(b); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

F339 Sch. 3 para. 30(1)(b) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 39(2)(c); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

F340 Sch. 3 para. 30(2) substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 39(3); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

[^{F341}31(1) This paragraph applies in a case where—

- (a) an application for a review is made to the [^{F2}Director General], and

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Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3. (See end of Document for details)

- (b) a local policing body is the relevant review body in relation to the review.
- (2) The [F2Director General] must—
 - (a) forward the application to the local policing body, and
 - (b) notify the person who applied for the review—
 - (i) that the local policing body is the relevant review body, and
 - (ii) the application has been forwarded.
- (3) The application is to be taken to have been—
 - (a) made to the local policing body, and
 - (b) so made at the time when it is forwarded to the local policing body.]

Textual Amendments

F2 Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(2) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

F341 Sch. 3 para. 31 substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 40; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

- [F342]32(1) This paragraph applies in a case where—
- (a) an application for a review is made to a local policing body, and
 - (b) the [F2Director General] is the relevant review body in relation to the review.
- (2) The local policing body must—
- (a) forward the application to the [F2Director General], and
 - (b) notify the person who applied for the review—
 - (i) that the [F2Director General] is the relevant review body, and
 - (ii) the application has been forwarded.
- (3) The application is to be taken to have been—
- (a) made to the [F2Director General], and
 - (b) so made at the time when it is forwarded to the [F2Director General].]

Textual Amendments

F2 Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 9 para. 56(2) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

F342 Sch. 3 para. 32 substituted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), Sch. 5 para. 41; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Status:

Point in time view as at 06/04/2023.

Changes to legislation:

There are currently no known outstanding effects for the Police Reform Act 2002, SCHEDULE 3.