

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the Police Reform Act 2002, Paragraph 22. (See end of Document for details)

SCHEDULES

SCHEDULE 3

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))

PART 3

INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS

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

- [^{F1}22] (1) This paragraph applies on the completion of an investigation of—
- (a) a complaint, [^{F2} or]
 - (b) a conduct matter, or
 - (c) ^{F3}
- (2) A person appointed under paragraph 16 shall submit a report on his investigation to the appropriate authority.
- (3) A person appointed under paragraph ^{F4}... 18 shall—
- (a) submit a report on his investigation to the [^{F5}Director General]; and
 - (b) send a copy of that report to the appropriate authority.
- (4) In relation to [^{F6}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.
- [^{F7}(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 [^{F8}or, in the case of an investigation under paragraph 19 by the Director General personally, completing] a report under this paragraph shall not be

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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.

[^{F9}(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.]

[^{F10}(7) The Secretary of State may by regulations make provision requiring a report on an investigation [^{F11}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 [^{F12}or, in the case of an investigation under paragraph 19 by the Director General personally, completed] a report under this paragraph on an investigation [^{F11}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 [^{F13}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
- (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

- F1** 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\(1\)\(w\)](#)
- F2** 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)
- F3** 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)
- F4** Words in [Sch. 3 para. 22\(3\)](#) omitted (31.1.2017 for specified purposes) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 5 para. 47\(h\)\(vi\)](#)
- F5** 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)
- F6** 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)
- F7** [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)

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- F8** 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)
- F9** Sch. 3 para. 22(6A) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 19(3)(b)(i)**, 183(1)(5)(e)
- F10** 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)
- F11** Words in Sch. 3 para. 22(7)(8) substituted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 47(h)(vii)**
- F12** 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)
- F13** Words in Sch. 3 para. 22(8) inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), **ss. 19(3)(b)(ii)**, 183(1)(5)(e)

Modifications etc. (not altering text)

- C1** 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

Commencement Information

- I1** 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)**

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