

Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

^{F1}SCHEDULE 1 **E+W**

Textual Amendments

- F1** Sch. 1 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 12, 13(oo) (subject to art. 4(2)-(7))

^{F2} SCHEDULE 2 **E+W**

Section 9

^{F2}THE INDEPENDENT OFFICE FOR POLICE CONDUCT]

Textual Amendments

- F2** Sch. 2 title 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. 55(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)

Modifications etc. (not altering text)

- C1** Sch. 2 applied (with modifications) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(3)(6)**, Sch. 2
- C2** Sch. 2 applied (with modifications) (7.10.2013) by The National Crime Agency (Complaints and Misconduct) Regulations 2013 (S.I. 2013/2325), regs. 1(1), **5**

^{F3}Director General]

- 1 ^{F4}(1) The Director General holds office in accordance with the terms of his or her appointment.
- (1A) A person who holds office as Director General must not be an employee of the Office (but may have been such an employee before appointment as the Director General).]
- (2) A person who has been sentenced to a term of imprisonment of three months or more shall not, at any time in the five years following the day on which he was sentenced, be appointed as ^{F5}Director General]; and an appointment made in contravention of this sub-paragraph shall have no effect.
- (3) The appointment of the ^{F6}Director General] shall be for a term not exceeding five years; but the ^{F7}Director General] shall be eligible for re-appointment at the end of his term of office.
- (4) The ^{F8}Director General] may be removed from office by Her Majesty either—

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- (a) at his own request; or
 - (b) on being advised by the Secretary of State that there are grounds falling with sub-paragraph (5) for the removal of the [^{F9}Director General].
- (5) The following are grounds for removing the [^{F10}Director General] from office—
- (a) that he has failed without reasonable excuse to carry out the functions of his office for a continuous period of three months;
 - (b) that he has become a person falling within one or more paragraphs of section 9(3);
 - (c) that he has, since his appointment, been sentenced to imprisonment for a term of three months or more;
 - (d) that he is a person who—
 - (i) has had a bankruptcy order made against him;
 - (ii) has had his estate sequestrated; or
 - (iii) has made a composition or arrangement with, or granted a trust deed for, his creditors;
 - (e) that he is subject to—
 - (i) a disqualification order under the Company Directors Disqualification Act 1986 (c. 46) or under [^{F11}the Company Directors Disqualification (Northern Ireland) Order 2002] (S.I. 1989/2404 (N.I. 18)); or
 - (ii) an order made under section 429(2)(b) of the Insolvency Act 1986 (c. 45) (failure to pay under county court administration order);
 - (f) that he has acted improperly in relation to his duties; or
 - (g) that he is otherwise unable or unfit to perform his duties.
- (6) For the purposes of this paragraph a sentence of imprisonment for any term the whole or part of which is suspended shall be taken to be a sentence of imprisonment for the whole term.

Textual Amendments

- F3** Sch. 2 para. 1 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. 55\(3\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F4** Sch. 2 para. 1(1)(1A) substituted for Sch. 2 para. 1(1) (31.1.2017 for specified purposes, 3.4.2017 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. 2\(2\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F5** Words in Sch. 2 para. 1(2) substituted (31.1.2017 for specified purposes, 3.4.2017 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. 2\(3\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F6** Words in Sch. 2 para. 1(3) substituted (31.1.2017 for specified purposes, 3.4.2017 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. 2\(4\)\(a\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F7** Words in Sch. 2 para. 1(3) substituted (31.1.2017 for specified purposes, 3.4.2017 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. 2\(4\)\(b\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

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- F8** Words in Sch. 2 para. 1(4) substituted (31.1.2017 for specified purposes, 3.4.2017 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. 2\(5\)\(a\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F9** Words in Sch. 2 para. 1(4) substituted (31.1.2017 for specified purposes, 3.4.2017 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. 2\(5\)\(b\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F10** Words in Sch. 2 para. 1(5) substituted (31.1.2017 for specified purposes, 3.4.2017 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. 2\(6\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F11** Words in Sch. 2 para. 1(5)(e)(i) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\), art. 2\(1\), Sch. 1 para. 197\(a\)](#) (with art. 10)

Appointment of members

[^{F12}1A(1) The non-executive members of the Office are to be appointed by the Secretary of State.

(2) A person who is a non-executive member must not be an employee of the Office (but may have been such an employee before appointment as a non-executive member).

Textual Amendments

F12 [Sch. 2 paras. 1A, 1B](#) and cross-heading inserted (31.1.2017 for specified purposes, 3.4.2017 for the insertion of Sch. 2 para. 1A(1) 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. 3](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(c\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

1B (1) The employee members of the Office are to be appointed from the staff of the Office by the non-executive members.

(2) If the non-executive members propose to appoint an employee member, the Director General must recommend a person to the non-executive members for appointment.

(3) The Director General may also recommend a person to the non-executive members for appointment as an employee member without any proposal having been made under sub-paragraph (2).

(4) On a recommendation of a person for appointment under sub-paragraph (2) or (3), the non-executive members may—
(a) appoint the person, or
(b) reject the recommendation.

(5) If the non-executive members reject a recommendation they may require the Director General to recommend another person for appointment (in which case this sub-paragraph applies again and so on until somebody is appointed).]

Textual Amendments

F12 [Sch. 2 paras. 1A, 1B](#) and cross-heading inserted (31.1.2017 for specified purposes, 3.4.2017 for the insertion of Sch. 2 para. 1A(1) for specified purposes, 8.1.2018 in so far as not already in force) by

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Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 3**; S.I. 2017/399, reg. 2, Sch. para. 39(c); S.I. 2017/1249, reg. 2 (with reg. 3)

[^{F13}Terms of appointment etc: non-executive members]

2 (1) Subject to the provisions of this Schedule, a person shall hold office as [^{F14}a non-executive] member in accordance with the terms of his appointment.

^{F15}(2)

(3) A person who has been sentenced to a term of imprisonment of three months or more shall not, at any time in the five years following the day on which he is sentenced, be appointed as [^{F16}a non-executive] member; and an appointment made in contravention of this sub-paragraph shall have no effect.

(4) A person shall not be appointed to be [^{F17}a non-executive] member for a term of more than [^{F18}three] years; but [^{F17}a non-executive] member shall be eligible for re-appointment at the end of his term of office.

(5) [^{F19}A non-executive] member may at any time resign [^{F20}from being a non-executive member of the Office] by notice in writing to the Secretary of State.

(6) The Secretary of State may at any time remove a person from office as [^{F21}a non-executive] member if he is satisfied that that person—

(a) has failed without reasonable excuse to carry out the functions of his office for a continuous period of three months beginning not earlier than six months before that time;

^{F22}(b)

(c) has, since his appointment, been sentenced to imprisonment for a term of three months or more;

(d) is a person who—
(i) has had a bankruptcy order made against him;
(ii) has had his estate sequestrated; or
(iii) has made a composition or arrangement with, or granted a trust deed for, his creditors;

(e) is subject to—
(i) a disqualification order under the Company Directors Disqualification Act 1986 (c. 46) or under [^{F23}the Company Directors Disqualification (Northern Ireland) Order 2002](S.I. 1989/2404 (N.I. 18)); or
(ii) an order made under section 429(2)(b) of the Insolvency Act 1986 (c. 45) (failure to pay under county court administration order);

(f) has acted improperly in relation to his duties; or

(g) is otherwise unable or unfit to perform his duties.

(7) For the purposes of this paragraph a sentence of imprisonment for any term the whole or part of which is suspended shall be taken to be a sentence of imprisonment for the whole term.

^{F24}(8)

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Textual Amendments

- F13** Sch. 2 para. 2 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. 55\(4\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F14** Words in Sch. 2 para. 2(1) substituted (31.1.2017 for specified purposes, 3.4.2017 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. 4\(2\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F15** Sch. 2 para. 2(2) omitted (31.1.2017 for specified purposes, 3.4.2017 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. 4\(3\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F16** Words in Sch. 2 para. 2(3) substituted (31.1.2017 for specified purposes, 3.4.2017 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. 4\(4\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F17** Words in Sch. 2 para. 2(4) substituted (31.1.2017 for specified purposes, 3.4.2017 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. 4\(5\)\(a\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F18** Word in Sch. 2 para. 2(4) substituted (31.1.2017 for specified purposes, 3.4.2017 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. 4\(5\)\(b\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F19** Words in Sch. 2 para. 2(5) substituted (31.1.2017 for specified purposes, 3.4.2017 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. 4\(6\)\(a\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F20** Words in Sch. 2 para. 2(5) substituted (31.1.2017 for specified purposes, 3.4.2017 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. 4\(6\)\(b\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F21** Words in Sch. 2 para. 2(6) substituted (31.1.2017 for specified purposes, 3.4.2017 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. 4\(7\)\(a\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F22** Sch. 2 para. 2(6)(b) omitted (31.1.2017 for specified purposes, 3.4.2017 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. 4\(7\)\(b\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F23** Words in Sch. 2 para. 2(6)(e)(i) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\), art. 2\(1\)](#), [Sch. 1 para. 197\(b\)](#) (with art. 10)
- F24** Sch. 2 para. 2(8) omitted (31.1.2017 for specified purposes, 3.4.2017 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. 4\(8\)](#); S.I. 2017/399, reg. 2, [Sch. para. 39\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

Terms of appointment etc: employee members

- [^{F25}2A (1) A person holds office as an employee member in accordance with the terms of his or her appointment (subject to the provisions of this Schedule).
- (2) Those terms may not include arrangements in relation to remuneration.
- (3) An appointment as an employee member may be full-time or part-time.
- (4) The appointment of an employee member terminates—
- if the terms of the member's appointment provides for it to expire at the end of a period, at the end of that period, and
 - in any event, when the member ceases to be an employee of the Office.

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- (5) An employee member may resign by giving written notice to the non-executive members.
- (6) The non-executive members may terminate the appointment of an employee member by giving the member written notice if they are satisfied that any of the grounds mentioned in paragraph 2(6)(a) to (g) apply in relation to the employee member.]

Textual Amendments

F25 Sch. 2 para. 2A and cross-heading 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. 5; S.I. 2017/1249, reg. 2 (with reg. 3)

Deputy Chairmen

^{F26}3

Textual Amendments

F26 Sch. 2 para. 3 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. 6; S.I. 2017/1249, reg. 2 (with reg. 3)

Director General: vacancy or incapacity

- [^{F27}3A (1) This paragraph applies if—
- (a) the office of Director General is vacant, or
 - (b) it appears to the Office that the ability of the Director General to carry out the Director General's functions is seriously impaired because of ill health (whether mental or physical).
- (2) The Office may, with the agreement of the Secretary of State, authorise an employee of the Office to carry out the functions of the Director General during the vacancy or period of ill health.
- (3) A person who falls within section 9(3) may not be authorised under this paragraph to carry out the functions of the Director General.
- (4) A person who has been sentenced to a term of imprisonment of three months or more may not, at any time in the five years following the day of sentence, be authorised under this paragraph to carry out the functions of the Director General.
- (5) Paragraph 1(6) applies for the purposes of sub-paragraph (4).
- (6) Authorisation of a person under this paragraph ceases to have effect—
- (a) at the end of the vacancy or period of ill health,
 - (b) on the Office revoking the authorisation for any reason, or
 - (c) on the Secretary of State withdrawing agreement to the authorisation for any reason.]

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Textual Amendments

F27 Sch. 2 para. 3A and cross-heading 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. 8; S.I. 2017/1249, reg. 2 (with reg. 3)

Remuneration, pensions etc. of members

- 4 (1) The Secretary of State may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of [^{F28}the Director General as the Secretary of State may determine].
- (2) Where—
- (a) a person ceases, otherwise than on the expiry of his term of office, to hold office as [^{F29}Director General], and
 - (b) it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation,
- the Secretary of State may direct the [^{F30}Office] to make a payment to that person of such amount as the Secretary of State may determine.
- [^{F31}(3) The Secretary of State may make remuneration arrangements in relation to non-executive members of the Office.
- (4) Remuneration arrangements under sub-paragraph (3)—
- (a) may make provision for a salary, allowances and other benefits but not for a pension, and
 - (b) may include a formula or other mechanism for adjusting one or more of those elements from time to time.
- (5) Amounts payable by virtue of sub-paragraph (4) are to be paid by the Office.]

Textual Amendments

- F28** Words in Sch. 2 para. 4(1) substituted (31.1.2017 for specified purposes, 17.7.2017 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. 9(2); S.I. 2017/726, reg. 2(e)(ii); S.I. 2017/1249, reg. 2 (with reg. 3)
- F29** Words in Sch. 2 para. 4(2)(a) substituted (31.1.2017 for specified purposes, 17.7.2017 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. 9(3)(a); S.I. 2017/726, reg. 2(e)(ii) (with reg. 3); S.I. 2017/1249, reg. 2 (with reg. 3)
- F30** Word in Sch. 2 para. 4(2) substituted (31.1.2017 for specified purposes, 17.7.2017 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. 9(3)(b); S.I. 2017/726, reg. 2(e)(ii) (with reg. 3); S.I. 2017/1249, reg. 2 (with reg. 3)
- F31** Sch. 2 para. 4(3)-(5) inserted (31.1.2017 for specified purposes, 17.7.2017 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. 9(4); S.I. 2017/726, reg. 2(e)(ii) (with reg. 3); S.I. 2017/1249, reg. 2 (with reg. 3)

The Chief Executive

^{F32}5

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Textual Amendments

- F32** Sch. 2 para. 5 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. 7; S.I. 2017/1249, reg. 2 (with reg. 3)

Staff

- 6 ^{F33}(1) The Office may appoint staff.]
- (2) The ^{F34}Office] may make arrangements with—
- (a) the chief officer of police of any police force maintained for a police area in England and Wales,
 - (b) the chief constable of ^{F35}the Police Service of Scotland], or
 - (c) the Chief Constable of the Police Service of Northern Ireland,
- under which members of his force are engaged on temporary service with the ^{F34}Office].
- (3) The ^{F36}Office] may make such other arrangements for its staffing ^{F37}(including arrangements in relation to terms and conditions and management of staff)] as ^{F38}the Director General] thinks fit.
- (4) A member of a police force on temporary service with the ^{F39}Office] shall be under the direction and control of the ^{F40}Director General].
- ^{F41}(4A) The powers under this paragraph are exercisable only by the Director General acting on behalf of the Office (subject to the power under paragraph 6A(1)).]
- (5) The approval of the Secretary of State as to numbers and as to the terms and conditions of staff shall be required for the exercise ^{F42}of the] powers under this paragraph.

Textual Amendments

- F33** Sch. 2 para. 6(1) 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. 10(2); S.I. 2017/1249, reg. 2 (with reg. 3)
- F34** Word in Sch. 2 para. 6(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. 10(3); S.I. 2017/1249, reg. 2 (with reg. 3)
- F35** Words in Sch. 2 para. 6(2)(b) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), Sch. 2 para. 39(4)
- F36** Word in Sch. 2 para. 6(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. 10(4)(a); S.I. 2017/1249, reg. 2 (with reg. 3)
- F37** Words in Sch. 2 para. 6(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. 10(4)(b); S.I. 2017/1249, reg. 2 (with reg. 3)
- F38** Words in Sch. 2 para. 6(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. 10(4)(c); S.I. 2017/1249, reg. 2 (with reg. 3)

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- F39** Word in Sch. 2 para. 6(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. 10(5)(a); S.I. 2017/1249, reg. 2 (with reg. 3)
- F40** Words in Sch. 2 para. 6(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. 10(5)(b); S.I. 2017/1249, reg. 2 (with reg. 3)
- F41** Sch. 2 para. 6(4A) 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. 10(6); S.I. 2017/1249, reg. 2 (with reg. 3)
- F42** Words in Sch. 2 para. 6(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. 10(7); S.I. 2017/1249, reg. 2 (with reg. 3)

Modifications etc. (not altering text)

- C3** Sch. 2 para. 6 applied (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), reg. 5
- C4** Sch. 2 para. 6 applied (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), reg. 5

Delegation of functions

- [^{F43}6A (1) The Director General may authorise a person within sub-paragraph (2) to exercise on the Director General's behalf a function of the Director General.
- (2) The persons within this sub-paragraph are—
- employee members of the Office;
 - employees of the Office appointed under paragraph 6;
 - seconded constables within the meaning of paragraph 8.
- (3) The reference in sub-paragraph (1) to a function of the Director General is to any function that the Director General has under this Act or any other enactment.
- (4) A person (“A”) who is authorised under sub-paragraph (1) to exercise a function may authorise another person within sub-paragraph (2) to exercise that function (but only so far as permitted to do so by the authorisation given to A).
- (5) An authorisation under this paragraph may provide for a function to which it relates to be exercisable—
- either to its full extent or to the extent specified in the authorisation;
 - either generally or in cases, circumstances or areas so specified;
 - either unconditionally or subject to conditions so specified.
- (6) Provision under sub-paragraph (5) may (in particular) include provision for restricted persons not to exercise designated functions.
- (7) For the purposes of sub-paragraph (6)—
- “designated functions” are any functions of the Director General that are designated by the Director General for the purposes of this paragraph (and such functions may in particular be designated by reference to the position or seniority of members of staff);
 - “restricted persons” are, subject to any determination made under sub-paragraph (8), persons who fall within section 9(3).

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- (8) The Director General may, in such circumstances as the Director General considers appropriate, determine that persons are not to be treated as restricted persons so far as relating to the exercise of designated functions (whether generally or in respect of particular functions specified in the determination).
- (9) The Director General must publish a statement of policy about how the Director General proposes to exercise the powers conferred by sub-paragraphs (7)(a) and (8).
- (10) The statement must in particular draw attention to any restrictions on the carrying out of functions imposed by virtue of their designation under sub-paragraph (7)(a) and explain the reasons for imposing them.
- (11) The exercise of the powers conferred by sub-paragraphs (7)(a) and (8) is subject to any regulations under section 23(1) of the kind mentioned in section 23(2)(g) (regulations limiting persons who may be appointed to carry out investigations etc).
- (12) An authorisation under this paragraph does not prevent the Director General from exercising the function to which the authorisation relates.
- (13) Anything done or omitted to be done by or in relation to a person authorised under this paragraph in, or in connection with, the exercise or purported exercise of the function to which the authorisation relates is to be treated for all purposes as done or omitted to be done by or in relation to the Director General.
- (14) Sub-paragraph (13) does not apply for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person.]

Textual Amendments

F43 Sch. 2 para. 6A and cross-heading 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. 11](#); S.I. 2017/1249, reg. 2 (with reg. 3)

Superannuation and insurance

- 7 (1) Where a person who—
- (a) is employed by the [^{F44}Office], and
 - (b) is by reference to that employment a participant in a scheme under section 1 of the Superannuation Act 1972 (c. 11),
- is appointed as the [^{F45}Director General]^{F46} ..., the Treasury may determine that his service in that office shall be treated for the purposes of the scheme as service as an employee of the [^{F44}Office]; and his rights under the scheme shall not be affected by anything done under paragraph 4.
- (2) The Employers' Liability (Compulsory Insurance) Act 1969 (c. 57) shall not require insurance to be effected by the [^{F44}Office].

Textual Amendments

F44 Word in Sch. 2 para. 7 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. 55\(5\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

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- F45** Words in [Sch. 2 para. 7](#) 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. 55\(5\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F46** Words in [Sch. 2 para. 7](#) 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. 55\(5\)\(c\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

Liability for acts of the Director General

- [^{F47}7A (1) A person holding office as the Director General has no personal liability for an act or omission done by the person in the exercise of the Director General's functions unless it is shown to have been done otherwise than in good faith.
- (2) The Office is liable in respect of unlawful conduct of the Director General in the carrying out, or purported carrying out, of the Director General's functions in the same way as an employer is liable in respect of any unlawful conduct of employees in the course of their employment.
- (3) Accordingly, the Office is to be treated, in the case of any such unlawful conduct which is a tort, as a joint tortfeasor.]

Textual Amendments

- F47** [Sch. 2 para. 7A](#) and cross-heading 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. 12](#); S.I. 2017/1249, reg. 2 (with reg. 3)

Liability for acts of seconded staff

- 8 (1) The [^{F48}Office] shall be liable in respect of unlawful conduct of seconded constables in the carrying out, or purported carrying out, of their functions as members of the [^{F49}Office's] staff in the like manner as an employer is liable in respect of any unlawful conduct of his employees in the course of their employment.
- (2) Accordingly, the [^{F48}Office] shall be treated in the case of any such unlawful conduct which is a tort, as a joint tortfeasor.
- (3) In this paragraph “seconded constables” means persons serving as members of the [^{F49}Office's] staff without being employed by it.

Textual Amendments

- F48** Word in [Sch. 2 para. 8](#) 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. 55\(6\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F49** Word in [Sch. 2 para. 8](#) 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. 55\(6\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

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Power ^{F50}... to set up regional offices

- [^{F519} (1) The Office may set up regional offices in places in England and Wales.
- (2) But the power under sub-paragraph (1) is exercisable only by the Director General acting on behalf of the Office (subject to the power in paragraph 6A(1)).
- (3) The power under sub-paragraph (1) may be exercised—
- (a) only with the consent of the Secretary of State, and
 - (b) only if it appears to the Director General necessary to do so for the purpose of ensuring that the functions of the Director General, or those of the Office, are carried out efficiently and effectively.]

Textual Amendments

- F50** Words in [Sch. 2 para. 9](#) 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. 55\(7\)](#); [S.I. 2017/1249, reg. 2](#) (with [reg. 3](#))
- F51** [Sch. 2 para. 9](#) 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. 13](#); [S.I. 2017/1249, reg. 2](#) (with [reg. 3](#))

Proceedings

- 10 (1) The arrangements for the proceedings of the [^{F52}Office] (including the quorum for meetings and the establishment of committees) shall be such as the [^{F52}Office] may determine.
- [^{F53}(1A) But the arrangements must include provision for—
- (a) the quorum for meetings to be met only if a majority of members present are non-executive members of the Office, and
 - (b) an audit committee of the Office to be established to perform such monitoring, reviewing and other functions as are appropriate.
- (1B) The arrangements must secure that the audit committee consists only of non-executive members of the Office.]
- (2) The arrangements may include provision for the committees established under the arrangements to include members of the [^{F54}Office's] staff and other persons who are not members of the [^{F52}Office].
- (3) The arrangements may include provision for persons selected by the [^{F52}Office] to attend meetings of the [^{F52}Office] or of any committee established by it.
- (4) The [^{F52}Office] may—
- (a) pay such remuneration and allowances as it may determine to members of committees established by it who are neither members of the [^{F52}Office] nor members of its staff; and
 - (b) make such payments for the reimbursement of expenses incurred by persons attending meetings in accordance with arrangements made by virtue of sub-paragraph (3) as it may determine.
- (5) The arrangements may provide for the carrying out, under the general direction of the [^{F52}Office], of any of the [^{F54}Office's] functions—

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- (a) by a committee established by the ^{F52}Office];
- (b) by one or more of the members of the ^{F52}Office]; or
- (c) ^{F55}... by one or more members of the ^{F54}Office's] staff.

^{F56}(6)

Textual Amendments

- F52** Word in [Sch. 2 para. 10](#) 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. 55\(8\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F53** [Sch. 2 para. 10\(1A\)\(1B\)](#) 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. 14](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F54** Word in [Sch. 2 para. 10](#) 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. 55\(8\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F55** Words in [Sch. 2 para. 10\(5\)\(c\)](#) 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. 55\(8\)\(c\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F56** [Sch. 2 para. 10\(6\)](#) omitted (15.11.2011) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\)](#), [Sch. 14 para. 3](#); S.I. 2011/2515, art. 3(f)

- 11 The validity of any proceedings of the ^{F57}Office] or of any of its committees shall not be affected by—
- (a) any defect in the appointment of the ^{F58}Director General] or any member of the ^{F57}Office]; or
 - (b) any vacancy in the office of ^{F59}Director General] or among the members of the ^{F57}Office].

Textual Amendments

- F57** Word in [Sch. 2 para. 11](#) 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. 55\(9\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F58** Words in [Sch. 2 para. 11\(a\)](#) 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. 55\(9\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F59** Words in [Sch. 2 para. 11\(b\)](#) 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. 55\(9\)\(c\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

Authentication of the ^{F60}Office's] seal

- 12 The application of the seal of the ^{F61}Office] shall be authenticated by the signature of—
- (a) any member of the ^{F62}Office]; or
 - (b) any other person who has been authorised by the ^{F63}Director General] (whether generally or specially) for that purpose.

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Textual Amendments

- F60** Word in [Sch. 2 para. 12](#) 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. 55\(10\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F61** Word in [Sch. 2 para. 12](#) 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. 55\(11\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F62** Word in [Sch. 2 para. 12\(a\)](#) 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. 55\(11\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F63** Words in [Sch. 2 para. 12\(b\)](#) 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. 55\(11\)\(c\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

Evidence of documents

- 13 A document purporting to be—
- (a) duly executed by the [^{F64}Office] under its seal, or
 - (b) signed on its behalf,
- shall be received in evidence and shall, unless the contrary is shown, be taken to be so executed or signed.

Textual Amendments

- F64** Word in [Sch. 2 para. 13](#) 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. 55\(12\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

Payments by the Secretary of State

- 14 The Secretary of State may pay to the [^{F65}Office]—
- (a) sums equal to any amounts paid or falling to be paid by it under any provision of this Act (other than paragraph 15); and
 - (b) such other sums as appear to him to be appropriate for enabling it to meet the expenses incurred or to be incurred [^{F66}in the carrying out of its or the Director General's functions].

Textual Amendments

- F65** Word in [Sch. 2 para. 14](#) 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. 55\(13\)\(a\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F66** Words in [Sch. 2 para. 14\(b\)](#) 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. 55\(13\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

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Other receipts by the [F67 Office]

- 15 (1) The [F68 Office] shall pay to the Secretary of State all sums received by it (otherwise than under paragraph 14) in the course of, or in connection with, the carrying out of its [F69 or the Director General's] functions.
- (2) Sub-paragraph (1) shall not apply where the Secretary of State so directs.
- (3) Any sums received by the Secretary of State under this paragraph shall be paid into the Consolidated Fund.

Textual Amendments

- F67** Word in Sch. 2 para. 15 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. 55(14); S.I. 2017/1249, reg. 2 (with reg. 3)
- F68** Word in Sch. 2 para. 15(1) 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. 55(15)(a); S.I. 2017/1249, reg. 2 (with reg. 3)
- F69** Words in Sch. 2 para. 15(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. 55(15)(b); S.I. 2017/1249, reg. 2 (with reg. 3)

Borrowing

- 16 The [F70 Office] shall not borrow money unless authorised to do so (whether generally or specially) by the Secretary of State.

Textual Amendments

- F70** Word in Sch. 2 para. 16 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. 55(16); S.I. 2017/1249, reg. 2 (with reg. 3)

Accounts

- 17 (1) The [F71 Office] shall—
- (a) keep proper accounts and proper records in relation to the accounts;
 - (b) prepare in respect of each financial year of the [F71 Office] a statement of accounts in such form as the Secretary of State may direct; and
 - (c) send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of August in the financial year of the [F71 Office] following that to which the statement relates.
- (2) The Comptroller and Auditor General shall—
- (a) examine, certify and report on every statement received by him by virtue of this paragraph; and
 - (b) lay copies of every such statement, and of his report on it, before Parliament.

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Textual Amendments

- F71** Word in [Sch. 2 para. 17](#) 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. 55\(17\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

Financial year of the [F72Office]

- 18 The following are financial years of the [F73Office]—
- (a) the period beginning with the day on which the [F73Office] is established and ending with 31st March falling next after that day; and
 - (b) every subsequent period of twelve months ending with 31st March.

Textual Amendments

- F72** Word in [Sch. 2 para. 18](#) 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. 55\(18\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F73** Word in [Sch. 2 para. 18](#) 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. 55\(19\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)

SCHEDULE 3 U.K.

Section 13

HANDLING OF COMPLAINTS AND CONDUCT MATTERS ETC.

Modifications etc. (not altering text)

- C5** [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))
- C6** [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 [F74local 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.

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- (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 [^{F75}Director General] or to a [^{F76}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.
- (5) It shall be the duty of a [^{F77}local policing body] to comply with all such directions as may be given to it by the [^{F75}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 ^{F78}... the subject-matter of a complaint as he may be directed to take for the purposes of this paragraph by the [^{F79}local policing body] maintaining his force or by the [^{F75}Director General].

Textual Amendments

- F74** 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
- F75** 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)
- F76** 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
- F77** 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
- F78** 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))
- F79** 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)

- C7** 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

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Commencement Information

II 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 ^{F80}(1) Where a complaint is made to the [^{F75}Director General], [^{F81}the Director General] shall give notification of the complaint to the appropriate authority.
- (1A) But the [^{F75}Director General] need not give that notification if the [^{F75}Director General] considers that there are exceptional circumstances that justify its not being given.]
- (2) Where a complaint is made to a [^{F82}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
 - (b) if he determines that he is not, give notification of the complaint to the person who is.
- ^{F83}(4)
- (5) Where the [^{F75}Director General], a [^{F84}local policing body] or a chief officer gives notification of a complaint under any of sub-paragraphs (1) to (3) ^{F85}..., the person who gave the notification ^{F86}... shall notify the complainant—
- (a) that the notification has been given and of what it contained; or
 - ^{F87}(b)
- (6) Where—
- (a) a [^{F88}local policing body] determines, in the case of any complaint made to [^{F89}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 [^{F90}local policing body] or chief officer under this paragraph,
- [^{F91}the body] or chief officer shall [^{F92}contact the complainant and seek the complainant's views on how the complaint should be handled].
- ^{F93}(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—

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- (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 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.]

[^{F94}(7) Nothing in this paragraph shall require the taking of any action in relation to a complaint if the complaint has been withdrawn.]

^{F95}(8)

[^{F96}(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

- F75** 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)
- F80** 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)
- F81** 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)

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- F82** 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
- F83** 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)
- F84** 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
- F85** 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)
- F86** 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)
- F87** 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)
- F88** 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
- F89** 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
- F90** 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
- F91** 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
- F92** 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))
- F93** 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))
- F94** 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))
- F95** 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))
- F96** 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)

- C8** 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)**

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F97 ...

Textual Amendments

F97 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))

F973

Reference of complaints to the [F75Director General]

- 4 (1) It shall be the duty of the appropriate authority to refer a complaint to the [F75Director General] if—
- (a) the complaint is one alleging that the conduct [F98or other matter] complained of has resulted in death or serious injury;
 - (b) the complaint is of a description specified for the purposes of this sub-paragraph in regulations made by the Secretary of State; or
 - (c) the [F75Director General] notifies the appropriate authority that [F81the Director General] requires the complaint in question to be referred to the [F75Director General] for [F99the Director General's] consideration.
- (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 [F75Director 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 [F100local policing body] may refer a complaint to the [F75Director General] if—
- (a) it is one in relation to which the chief officer of police of the police force maintained by [F101that body] is the appropriate authority; and
 - (b) the [F100local 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 [F75Director 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 [F75Director General] by virtue of sub-paragraph (1)(c) to require a complaint to be referred to [F81the Director General], and
 - (b) the power of a [F102local policing body] or chief officer to refer a complaint to the [F75Director General] under sub-paragraph (2) or (3),

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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 [F75Director General].

[F103(5A) The power of an appropriate authority to refer a complaint to the [F75Director 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 [F104local policing body] or chief officer which refers a complaint to the [F75Director 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 [F105that body] or chief officer that to do so might prejudice [F106an investigation of the complaint (whether an existing investigation or a possible future one)], to the person complained against [F107(if any)].

[F108(6A) A local policing body which refers a complaint to the [F75Director 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 [F109Director General] under this paragraph on a previous occasion [F110, or that has been treated as having been so referred by virtue of paragraph 4A]—

- (a) shall not be required to be referred again under this paragraph unless the [F75Director General] so directs; and
- (b) shall not be referred in exercise of any power conferred by this paragraph unless the [F75Director General] consents.

[F111(8)

[F112(9) The appropriate authority must record any complaint that is referred to the [F75Director General] under this paragraph that has not already been recorded.]

Textual Amendments

- F81** 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)
- F98** 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))
- F99** 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)
- F100** 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
- F101** 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
- F102** 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

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- F103** 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))
- F104** 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
- F105** 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
- F106** 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))
- F107** 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))
- F108** 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))
- F109** 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)
- F110** 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))
- F111** 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))
- F112** 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)

- C9** 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)**

[^{F113}Power of [^{F75}Director General] to treat complaint as having been referred

Textual Amendments

- F113** 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 [^{F75}Director General] may treat a complaint that comes to [^{F99}the Director General's] attention otherwise than by having been referred to [^{F81}the Director General] under paragraph 4 as having been so referred.

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- (2) Where the [F75 Director General] treats a complaint as having been referred to [F81 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 [F75 Director General] by the appropriate authority under paragraph 4.
- (3) The [F75 Director General] must notify the following that [F81 the Director General] is treating a complaint as having been referred to [F81 the Director General]—
- (a) the appropriate authority;
 - (b) the complainant;
 - (c) except in a case where it appears to the [F75 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.]

Textual Amendments

- F81** 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)
- F99** 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 [F75 Director General] on references under paragraph 4

- 5 (1) It shall be the duty of the [F75 Director General] in the case of every complaint referred to [F81 the Director General] by a [F114 local policing body] or chief officer, to determine whether or not it is necessary for the complaint to be investigated.
- [F115(1A) The Secretary of State may by regulations provide that the [F75 Director General] must determine that it is necessary for complaints referred to [F81 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 [F75 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 [F75 Director General] is required by the regulations to determine that it is necessary for a

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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 [F75Director General] determines under this paragraph that it is not necessary for a complaint to be investigated [F116—
- (a) in a case where the complaint is already being investigated by the appropriate authority on its own behalf (and notwithstanding the [F109Director General's] determination), the [F75Director General] must refer the complaint back to the appropriate authority for the investigation to be completed, and
 - (b) in any other case, the [F75Director General] may, if [F81the 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 [F75Director General] refers a complaint back under sub-paragraph (2), [F81the 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 [F75Director General] that to do so might prejudice [F117an investigation of the complaint (whether an existing investigation or a possible future one)], to the person complained against [F118(if any)].

Textual Amendments

- F81** 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)
- F109** 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)
- F114** 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
- F115** 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))
- F116** 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))
- F117** 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))
- F118** 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)

- C10** 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

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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

[^{F119}6 (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 [^{F75}Director General] under paragraph 4, unless the complaint is for the time being—

(a) referred back to the authority under paragraph [^{F120}5(2)(b)], ^{F121} ...

^{F122}(b)

[^{F123}(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 sub-paragraph (2A) by (amongst other things)—

(a) making arrangements for the complaint to be investigated by the authority on its own behalf;

(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.]

^{F124}(3)

^{F124}(4)

^{F124}(5)

^{F124}(6)

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- F124(7)
- F124(8)
- F124(9)
- F124(10)
- F124(11)]

Textual Amendments

- F75** 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)
- F119** [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)
- F120** 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))
- F121** 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))
- F122** [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))
- F123** [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))
- F124** [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))

F125 Reviews relating to complaints dealt with other than by investigation

Textual Amendments

- F125** [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,

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- (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 [F75Director General] is the relevant review body and the [F75Director General] finds that the outcome is not a reasonable and proportionate outcome, the [F75Director 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 [F75Director General] under paragraph 4, make a recommendation to the appropriate authority that it refer the complaint to the [F75Director 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;
 - (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

F75 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](#))

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F126 ...

Textual Amendments

F126 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))

F1267

F127 ...

Textual Amendments

F127 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))

F1278

F128 ...

Textual Amendments

F128 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))

F1288A

PART 2 E+W

HANDLING OF CONDUCT MATTERS

Conduct matters arising in civil proceedings

- 10 (1) This paragraph applies where—
- (a) a [F129]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 [F130]that body] or chief officer, or it otherwise appears to a [F129]local policing body] or chief officer that such proceedings are likely to be so brought; and
 - (b) it appears to [F130]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) [F131]The authority] or chief officer—

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- (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 [^{F132}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 [^{F133}determine whether the matter is one which it or he is required to refer to the [^{F75}Director General] under paragraph 13 or is one which it would be appropriate to so refer].
- [^{F134}(4) In a case where the appropriate authority determines that the matter is one which it or he is required to refer to the [^{F75}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.
- (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 [^{F75}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 [^{F135}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

F75 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)

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- F129** 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
- F130** 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
- F131** 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
- F132** 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
- F133** 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)
- F134** 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)
- F135** 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)

- C11** 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)**)
- C12** 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

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) ^{F136}This paragraph applies where—
- (a) a conduct matter comes (otherwise than as mentioned in paragraph 10) to the attention of the ^{F137}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),
- ^{F138}
- (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.
- ^{F139}(3) The appropriate authority must determine whether the matter is one which it or he is required to refer to the ^{F75}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 ^{F75}Director General] under paragraph 13, or is one which it would be appropriate to so refer, it or he shall record the matter.

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- (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 [^{F75}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 [^{F140}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.

^{F141}(5)

Textual Amendments

- F75** 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)
- F136** 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)
- F137** 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
- F138** 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)
- F139** 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)
- F140** 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)
- F141** 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)

- C13** 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)**)
- C14** 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

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Commencement Information

- 16** 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 [^{F142}local policing body] maintaining his force, it shall be the duty of [^{F143}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.
- (5) It shall be the duty of a [^{F144}local policing body] to comply with all such directions as may be given to it by the [^{F75}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 [^{F145}local policing body] maintaining his force or by the [^{F75}Director General].

Textual Amendments

- F75** 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**)
- F142** 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**
- F143** 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**
- F144** 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**
- F145** 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)

- C15** 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

Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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 [F75 Director General]

- 13 (1) It shall be the duty of a [F146 local policing body] or a chief officer to refer a recordable conduct matter to the [F75 Director General] if, in a case (whether or not falling within paragraph 10) in which [F147 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 [F75 Director General] notifies the appropriate authority that [F81 the Director General] requires that matter to be referred to the [F75 Director General] for [F99 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 [F75 Director General] if that authority considers that it would be appropriate to do so by reason of—
- (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 [F148 local policing body] maintaining any police force may refer any recordable conduct matter to the [F75 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 [F149 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 [F75 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 [F75 Director General] by virtue of sub-paragraph (1)(c) to require a matter to be referred to [F81 the Director General], and
 - (b) the power of a [F150 local policing body] or chief officer to refer any matter to the [F75 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 [F75 Director General].
- (6) Where—

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- (a) a [^{F151}local policing body] or chief officer refers a matter to the [^{F75}Director General] under this paragraph, and
- (b) [^{F152}that body] or chief officer does not consider that to do so might prejudice [^{F153}an investigation of that matter (whether an existing investigation or a possible future one)],

[^{F152}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 [^{F75}Director General] under this paragraph on a previous occasion [^{F154}, 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 [^{F75}Director General] so directs; and
 - (b) shall not be referred in exercise of any power conferred by this paragraph unless the [^{F75}Director General] consents.

Textual Amendments

- F81** 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)
- F99** 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)
- F146** 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
- F147** 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
- F148** 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
- F149** 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
- F150** 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
- F151** 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
- F152** 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
- F153** 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))
- F154** 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)

- C16** 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

Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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\(d\)](#)

[^{F155}Power of [^{F75}Director General] to treat conduct matter as having been referred

Textual Amendments

- F155** 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 [^{F75}Director General] may treat a conduct matter that comes to [^{F99}the Director General's] attention otherwise than by having been referred to [^{F81}the Director General] under paragraph 13 as having been so referred.
- (2) Where the [^{F75}Director General] treats a conduct matter as having been referred to [^{F81}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
 - (b) paragraphs 14 and 15 apply in relation to the matter as if it had been referred to the [^{F75}Director General] by the appropriate authority under paragraph 13.
- (3) The [^{F75}Director General] must notify the following that [^{F81}the Director General] is treating a conduct matter as having been referred to [^{F81}the Director General]—
- (a) the appropriate authority;
 - (b) except in a case where it appears to the [^{F75}Director 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

- F81** 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](#))
- F99** 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 [^{F75}Director General] on references under paragraph 13

- 14 (1) It shall be the duty of the [^{F75}Director General], in the case of every recordable conduct matter referred to [^{F81}the Director General] by a [^{F156}local policing body] or

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chief officer under paragraph 13, to determine whether or not it is necessary for the matter to be investigated.

[^{F157}(1A) The Secretary of State may by regulations provide that the [^{F75}Director General] must determine that it is necessary for recordable conduct matters referred to [^{F81}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 [^{F75}Director 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 [^{F75}Director 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 [^{F75}Director General] determines under this paragraph that it is not necessary for a recordable conduct matter to be investigated [^{F158}—

(a) in a case where the recordable conduct matter is already being investigated by the appropriate authority on its own behalf (and notwithstanding the [^{F109}Director General's] determination), the [^{F75} Director General] must refer the matter back to the appropriate authority for the investigation to be completed, and

(b) in any other case, the [^{F75}Director General] may, if [^{F81}the 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 [^{F75}Director General] refers a matter back to the appropriate authority under this paragraph, and

(b) the [^{F75}Director General] does not consider that to do so might prejudice [^{F159}an investigation of that matter (whether an existing investigation or a possible future one)],

the [^{F75}Director General] shall give a notification of the making of the reference to the person to whose conduct that matter relates.

Textual Amendments

F81 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)

F109 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)

F156 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

F157 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))

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F158 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))

F159 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)

C17 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)**

[^{F160}PART 2A E+W

HANDLING OF DEATH AND SERIOUS INJURY (DSI) MATTERS

Textual Amendments

F160 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 [^{F161}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.

^{F162}(2)

Textual Amendments

F161 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

F162 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)

C18 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 [^{F163}local policing body], and

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(b) the relevant officer in relation to that matter is the chief officer of the force maintained by [F164that body],

it shall be the duty of [F164that 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.

(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 [F165local policing body] to comply with all such directions as may be given to it by the [F75Director 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 [F166local policing body] maintaining his force or by the [F75Director General].

Textual Amendments

F75 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)

F163 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

F164 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

F165 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

F166 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)

C19 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

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Reference of DSI matters to the [F75]Director General]

- 14C (1) It shall be the duty of the appropriate authority to refer a DSI matter to the [F75]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 [F75]Director General] under this paragraph on a previous occasion [F167, 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 [F75]Director General] so directs.

Textual Amendments

F167 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))

Modifications etc. (not altering text)

C20 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

[F168]Power of [F75]Director General] to treat DSI matter as having been referred

Textual Amendments

F168 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 [F75]Director General] may treat a DSI matter that comes to [F99]the Director General's] attention otherwise than by having been referred to [F81]the Director General] under paragraph 14C as having been so referred.
- (2) Where the [F75]Director General] treats a DSI matter as having been referred to [F81]the Director General]—
- (a) 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
 - (b) paragraphs 14D and 15 apply in relation to the matter as if it had been referred to the [F75]Director General] by the appropriate authority under paragraph 14C.
- (3) The [F75]Director General] must notify the appropriate authority that [F81]the Director General] is treating a DSI matter as having been referred to [F81]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.]

Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F81** 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)
- F99** 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 [F75 Director General] on references under paragraph 14C

- 14D (1) It shall be the duty of the [F75 Director General], in the case of every DSI matter referred to [F81 the Director General] by a [F169 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 [F75 Director General] must
F170(1A) determine that it is necessary for DSI matters referred to [F81 the Director General] in 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 [F75 Director 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 [F75 Director 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 [F75 Director General] determines under this paragraph that it is not necessary for a DSI matter to be investigated [F171—

- (a) in a case where the DSI matter is already being investigated by the appropriate authority on its own behalf (and notwithstanding the [F109 Director General's] determination), the [F75 Director General] must refer the matter back to the appropriate authority for the investigation to be completed, and
- (b) in any other case, the [F75 Director General] may, if [F81 the 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

- F81** 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)
- F109** 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)
- F169** 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

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F170 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))

F171 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)

C21 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

PART 3 U.K.

INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS

Power of the [F75 Director General] to determine the form of an investigation

- 15 (1) This paragraph applies where—
- (a) a complaint [F172, recordable conduct matter or DSI matter] is referred to the [F75 Director General]; and
 - (b) the [F75 Director General] determines [F173 under paragraph 5(1), 14(1) or 14D(1)] that it is necessary for the complaint or matter to be investigated.

[F174(1A) This paragraph also applies where the [F75 Director 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 [F75 Director General] to determine the form which the investigation should take.

[F175(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;
- [F176(b)
- (c) an investigation by that authority under the [F177 direction] of the [F75 Director General];
- (d) an investigation by the [F75 Director General].

[F178(4A) In making a determination under sub-paragraph (2) the [F75 Director 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 [F75 Director General] must determine that the investigation is to take that form.

- (4B) Where, in accordance with sub-paragraph (4A), the [F75 Director 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 [F75 Director General] must determine that the investigation is to take the form of an investigation by the [F75 Director General] unless sub-paragraph (4C) applies.

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- (4C) This sub-paragraph applies where the [F75 Director 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 [F75 Director General], in which case the [F75 Director General] must determine that the investigation is to take that form.]
- [F179](5) Where the [F75 Director 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 [F75 Director General], the [F75 Director 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 [F75 Director General] determines that—
- (a) it would be more appropriate for the investigation to take the form of an investigation by the [F75 Director General], the [F75 Director 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 [F75 Director 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 [F75 Director General] determines that, were [F81 the Director General] to apply sub-paragraphs (4A) to (4C) again, the form of the investigation would be different, the [F75 Director 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 [F75 Director General] may give—
- (a) the appropriate authority, and
 - (b) any person previously appointed to carry out the investigation,
- such directions as [F81 the 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 [F75 Director General] shall notify the appropriate authority of any determination that [F81 the Director General] makes under this paragraph in relation to a particular complaint [F172, recordable conduct matter or DSI matter][F180 and of [F99 the Director General's] reasons for making the determination].
- [F181](9) The [F75 Director General] shall also notify the following of any determination that [F81 the Director General] makes under this paragraph in relation to a particular complaint, recordable conduct matter or DSI matter and of [F99 the 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;

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- (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 [F75Director 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.]

Textual Amendments

- F81** 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)
- F99** 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)
- F172** 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)**
- F173** 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))
- F174** 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))
- F175** 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))
- F176** 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))
- F177** 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))
- F178** 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))
- F179** 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))
- F180** 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))
- F181** 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)

- C22** 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

Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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

I6^{F182}(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 to make arrangements for a complaint to be investigated by the appropriate authority on its own behalf.]

(1) This paragraph [^{F183}also] applies if the appropriate authority is required by virtue of—

^{F184}(a)

(b) any determination made by the [^{F75}Director General] under paragraph 15, to make arrangements for a complaint [^{F185}, 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 [^{F186}10(4D)], or [^{F187}11(3E)] or 14(2) in relation to any recordable conduct matter [^{F188}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) [^{F189}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

[^{F190}(d) a National Crime Agency officer,]
to investigate the complaint or matter.

(4) The person appointed under this paragraph to investigate any complaint or [^{F191}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.

[^{F192}(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.]

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Textual Amendments

- F75** 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. 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))
- F183** 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))
- F184** 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))
- F185** 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)**
- F186** 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)
- F187** 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)
- F188** 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)**
- F189** 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)**
- F190** 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)
- F191** 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)**
- F192** 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)

- C23** 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)**

F193 ...

Textual Amendments

- F193** 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))

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Investigations ^{F194}directed] by the ^{F75}Director General]

Textual Amendments

F194 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))

- 18 (1) This paragraph applies where the ^{F75}Director General] has determined that ^{F81}the Director General] should ^{F195}direct] the investigation by the appropriate authority of any complaint ^{F196}, recordable conduct matter or DSI matter].
- ^{F197}(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 ^{F75}Director General] may require that no appointment is made under sub-paragraph (2) unless ^{F81}the Director General] has given notice to the appropriate authority that ^{F81}the Director General] approves the person whom that authority proposes to appoint.
- (2B) Where at any time the ^{F75}Director General] is not satisfied with the person investigating, the ^{F75}Director 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 ^{F75}Director 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 ^{F109}Director General's] determination that ^{F81}the Director General] should direct the investigation by the appropriate authority,
 - (b) under sub-paragraph (2) (including where the appointment was approved by the ^{F75}Director 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 ^{F75}Director General]—
- (a) the appropriate authority shall appoint that person to investigate the complaint or matter if, but only if, the ^{F75}Director General] notifies the authority that ^{F81}the Director General] approves the appointment of that person;
 - (b) if the ^{F75}Director General] notifies the authority that ^{F81}the Director General] does not approve the appointment of that person, the appropriate authority must make another selection in accordance with sub-paragraph (2B).

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- (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 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 [F75Director General].
- [F198(4) The person appointed to investigate the complaint or matter shall keep the [F75Director General] informed of the progress of the investigation.]

Textual Amendments

- F81** 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)
- F109** 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)
- F195** 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))
- F196** 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)**
- F197** 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))
- F198** 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)

- C24** 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

Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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)

Investigations by the [F75 Director General]F199 ...

Textual Amendments

- F199** 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 [F75 Director General] has determined that [F81 the Director General] should F200 ... carry out the investigation of a complaint [F201, recordable conduct matter or DSI matter].
- [F202(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.

[F203(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 [F204 person] 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.

Changes to legislation: Police Reform Act 2002 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) A ^{F205} person 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).
- ^{F206}(6) The Secretary of State may by order ^{F207}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.]
- ^{F208}(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 ^{F209}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
 - ^{F210}(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

- F81** 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)
- F200** 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)
- F201** 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\(1\)\(w\)](#)
- F202** [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\(7\)\(e\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F203** [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\(1\)\(w\)](#)

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- F204** 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)
- F205** 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)
- F206** 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)
- F207** 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)
- F208** 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)
- F209** 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)
- F210** 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)

- C25** 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
- C26** 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)**

[^{F211}Investigations by the [^{F75}Director General]: power to serve information notice

Textual Amendments

- F211** 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 [^{F75}Director General] may serve upon any person an information notice requiring the person to provide [^{F81}the Director General] with information that [^{F81}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—
- to provide information that might incriminate the person;
 - 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);
 - to make a disclosure that would be prohibited by [^{F212}any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016];

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- (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^{F213} ... to provide communications data^{F214}
- [In sub-paragraph (3) “communications data”, “postal operator” and^{F215}(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—
- (a) specify or describe the information that is required by the [^{F75}Director 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 [^{F75}Director General] may cancel an information notice by written notice to the person on whom it was served.]

Textual Amendments

- F81** 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)
- F212** 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)
- F213** 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)
- F214** 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)
- F215** 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)

[^{F211}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 [^{F75}Director 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

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offered in defence, deal with the person as if the person had committed a contempt of court.]

Textual Amendments

F75 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)

[^{F211}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 [^{F75}Director General] in relation to the service of a further information notice.]

Textual Amendments

F75 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)

[^{F211}Sensitive information: restriction on further disclosure]

^{F216}19ZD

Textual Amendments

F216 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))

[^{F217}Investigations by the [^{F75}Director General]: power of seizure

Textual Amendments

F217 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—

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- (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—
- (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 [F75]Director 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 [F75]Director General].

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- (2) Anything to which this paragraph applies may be retained by the [F75Director 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 [F75Director General] may arrange for the thing to be photographed or copied before it ceases to be retained).

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 [F75Director 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 [F75Director 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 [F75Director General] must allow the person who made the request access to it under the supervision of a member of the [F218Office'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 [F75Director 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 [F75Director General] must either—
- (a) allow the person who made the request access to the thing under the supervision of a member of the [F219Office's] staff for the purpose of photographing or copying it, or
 - (b) arrange for the thing to be photographed or copied.
- (5) If the [F75Director General] acts under sub-paragraph (4)(b), the [F75Director 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 [F75Director General] is not obliged to do anything in response to a request under sub-paragraph (2) or (3) if the [F75Director 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.]

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Textual Amendments

- F75** 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)
- F218** 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)
- F219** 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)

[^{F220}Special procedure where investigation relates to police officer or special constable

Textual Amendments

- F220** 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)

[^{F221}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 [^{F222}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 [^{F75}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—

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- (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 [^{F223}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 [^{F75}Director General] determines that there is the indication mentioned in sub-paragraph (3)(b);
 - (b) in relation to an investigation of a recordable conduct matter, means the person to whose conduct the investigation relates.]

Textual Amendments

- F75** 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)
- F221** 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))
- F222** 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)
- F223** 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

^{F221}19B

Textual Amendments

- F221** 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

^{F221}19C

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Textual Amendments

F221 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

F221 19D

Textual Amendments

F221 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 provide certain information to appropriate authority

F221 19E]

Textual Amendments

F221 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))

[^{F224}Interview of persons serving with the police etc during certain investigations

Textual Amendments

F224 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 [^{F225}direction] of the [^{F75}Director General], or
- (b) is carried out by [^{F226}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 [^{F227}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).]

F228(b)

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- (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)).
- (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, ^{F229}...
 - [a body required by section 26BA to enter into an agreement with the ^{F230}(aa) [^{F75}Director General], or]
 - [^{F231}(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

F75 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)

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- F225** 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))
- F226** 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)
- F227** 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))
- F228** 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))
- F229** 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))
- F230** 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))
- F231** 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 [F232 until—
- [F233(a) the conduct to which the investigation relates has been certified in accordance with regulations under paragraph 20A, or]
- [F234(b) a report on that investigation has been submitted to the [F75 Director General] or to the appropriate authority under paragraph 22 [F235 or 24A][F236 or, where under paragraph 19 the Director General has personally carried out the investigation, a report has been completed by the Director General].
- F237(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

- F75** 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)
- F232** 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)
- F233** 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))
- F234** 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)

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- F235** 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)**
- F236** 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)
- F237** 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)

- C27** 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
- C28** 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))

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)**

[^{F238}Accelerated procedure in special cases

Textual Amendments

- F238** 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)**

[^{F239}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 [^{F240}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 [^{F75}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 [^{F241}(where the person investigating is not also the Director General carrying out an investigation under paragraph 19 personally)] the [^{F75}Director General] must proceed in accordance with regulations made by the Secretary of State.

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- (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 [^{F242}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).]

Textual Amendments

F75 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)

F239 **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))

F240 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)

F241 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)

F242 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

^{F239}20B

Textual Amendments

F239 **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

^{F239}20C

Textual Amendments

F239 **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))

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Investigations managed or carried out by Commission: action by Commission

F239 20D

Textual Amendments

F239 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

F239 20E

Textual Amendments

F239 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

F239 20F

Textual Amendments

F239 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 F243

Textual Amendments

F243 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

F239 20H

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Textual Amendments

F239 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

F23920I]

Textual Amendments

F239 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))

F244 ...

Textual Amendments

F244 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))

F24421

^{F245}Procedure where conduct matter is revealed during investigation of DSI matter

Textual Amendments

F245 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 ^{F246}... 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 ^{F75}Director General].
- (2) If, after considering a submission under sub-paragraph (1), the ^{F75}Director General] determines that there is such an indication, ^{F81}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 ^{F99}the Director General's] determination; and
 - (b) send to it (or each of them) a copy of the submission under sub-paragraph (1).

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[If during the course of an investigation of a DSI matter being carried out by a person
F247(2A) appointed under paragraph 18 the [F75Director 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,

[F81the 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 [F99the Director General's] determination.]

[If during the course of an investigation of a DSI matter being carried out by a
F248(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 F249... 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 [F75Director 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 [F75Director General] under sub-
paragraph (2) [F250or (2A)],

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- [is notified of a determination by the Director General under sub-
^{F251}(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),

^{F252} it shall record the matter under paragraph 11 as a conduct matter

[Where a DSI matter is recorded under paragraph 11 as a conduct matter by virtue
^{F253}(6) of sub-paragraph (5)—

- (a) the person investigating the DSI matter shall (subject to any determination made by the [^{F75}Director General] under paragraph [^{F254}15(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

- F75** 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)
- F81** 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)
- F99** 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)
- F246** 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)
- F247** 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))
- F248** 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)
- F249** 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))
- F250** 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))
- F251** 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)
- F252** 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)

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F253 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)

F254 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)

C29 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

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

[^{F255}22(1) This paragraph applies on the completion of an investigation of—

- (a) a complaint, [^{F256} or]
- (b) a conduct matter, or
- (c) ^{F257}

(2) A person appointed under paragraph 16 shall submit a report on his investigation to the appropriate authority.

(3) A person appointed under paragraph ^{F258}... 18 shall—

- (a) submit a report on his investigation to the [^{F75}Director General]; and
- (b) send a copy of that report to the appropriate authority.

(4) In relation to [^{F259}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.

[^{F260}(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 ^{F258} on the investigation.]

(6) A person submitting [^{F261}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.

[^{F262}(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.]

[^{F263}(7) The Secretary of State may by regulations make provision requiring a report on an investigation [^{F264}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.

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- (8) A person who has submitted [^{F265}or, in the case of an investigation under paragraph 19 by the Director General personally, completed] a report under this paragraph on an investigation [^{F264}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 [^{F266}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

- F75** 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)
- F255** [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\(1\)\(w\)](#)
- F256** 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)
- F257** [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)
- F258** 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))
- F259** 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)
- F260** [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)
- F261** 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)
- F262** [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))
- F263** [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)

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- F264** 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))
- F265** 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)
- F266** 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)

- C30** 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

- 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 [F75 Director General] in [F267 relation]
to an investigation report [F268, under paragraph 22]*

Textual Amendments

- F267** 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)
- F268** 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 report on an investigation carried out under the [F269 direction] of the [F75 Director General] is submitted to [F81 the Director General] under sub-paragraph [F270(3)] of paragraph 22; or
 - a report on an investigation carried out by a person designated by the [F75 Director General] is submitted to [F81 the Director General][F271], or is otherwise completed,] under sub-paragraph [F272(5)] of that paragraph.
- [F273(1A) But if, following the submission [F274 or completion] of such a report, the [F75 Director 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) [F275(read with sub-paragraph (2ZA))] do not apply, or cease to apply, in relation to that report.]
- (2) On receipt of the report [F276(or on its completion by the Director General)], the [F75 Director General]—
- 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;
 - [F277(b) shall determine whether the conditions set out in sub-paragraphs (2A) and (2B) are satisfied in respect of the report;]

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- (c) if [^{F81}the Director General] determines that [^{F278}those 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 [^{F279}and the persons mentioned in sub-paragraph (5)] of [^{F99}the Director General's] determination under paragraph (b) and of any action taken by [^{F81}the Director General] under paragraph (c).
- [^{F280}(2ZA) Where the [^{F75}Director 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 [^{F75}Director General] must instead send a copy of the report after having removed or obscured the information which by virtue of section 21A the [^{F75}Director General] must not disclose.]
- [^{F281}(2A) The first condition is that the report indicates that a criminal offence may have been committed by a person [^{F282}(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 [^{F75}Director 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 [^{F75}Director 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).
- ^{F283}(4)
- (5) [^{F284}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.
- [^{F285}(5A) On receipt of the report [^{F286}(or on its completion by the Director General)], the [^{F75}Director 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

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- (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 [F75Director 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 [F81the Director General] is required to make under sub-paragraph (2) (b) or paragraph (b) of this sub-paragraph,
 - (d) notify the appropriate authority of [F99the Director General's] determination under paragraph (b) and any determination under paragraph (c),
 - (e) where the [F75Director 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
 - (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 [F109Director 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 [F75Director 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 [F75Director 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 [F75Director General] of the determination it makes.
- (5F) On receipt of the report [F287(or on its completion by the Director General)], where it is a report of an investigation of a complaint, the [F75Director General] may also make a recommendation under paragraph 28ZA.]
- F288(6)
- F288(7)
- F288(8)
- F289(9)
- F289(10)
- F289(11)
- F289(12)
- [F290(13) In relation to a DSI matter in respect of which a determination has been made under paragraph 21A(2) [F291, (2A)][F292, (2B)] or (4), the references in this paragraph to

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the appropriate authority are references to the appropriate authority in relation to the person whose conduct is in question.]

Textual Amendments

- F81** 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)
- F99** 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)
- F109** 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)
- F269** 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))
- F270** 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)**
- F271** 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)
- F272** 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)**
- F273** **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))
- F274** 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)
- F275** 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))
- F276** 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)
- F277** **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)
- F278** 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)
- F279** 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)
- F280** **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))
- F281** **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)
- F282** 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))
- F283** **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))

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- F284** 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)
- F285** 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))
- F286** 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)
- F287** 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)
- F288** 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))
- F289** 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))
- F290** 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)**
- F291** 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))
- F292** 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)

- C31** 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 [F²⁹³ under paragraph 22]

Textual Amendments

- F293** 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 [F²⁹⁴22(2)]; F²⁹⁵ ...
- F²⁹⁶(b)
- (2) On receipt of the report F²⁹⁷..., the appropriate authority—
- [F²⁹⁸(a) shall determine whether the conditions set out in sub-paragraphs (2A) and (2B) are satisfied in respect of the report;]

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- (b) if it determines that [^{F299}those conditions are so satisfied], shall notify the Director of Public Prosecutions of the determination and send him a copy of the report [^{F300} 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).]

[^{F301}(2A) The first condition is that the report indicates that a criminal offence may have been committed by a person [^{F302}(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
- (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).

^{F303}(4)

(5) [^{F304}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.

^{F305}(5A)

^{F305}(5B)

^{F305}(5C)

[^{F306}(6) ^{F307}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
 - [^{F308}(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

[^{F309}(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]

[^{F310}(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.]]

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[^{F311}(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.]

[^{F312}(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.]

^{F313}(7)

^{F313}(8)

^{F313}(9)

^{F313}(10)

[^{F314}(11) In relation to a DSI matter in respect of which a determination has been made under paragraph 21A(2) [^{F315}, (2A)] [^{F316}, (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

- F294** 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\(1\)\(w\)](#)
- F295** 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\(1\)\(2\)\(4\)](#))
- F296** 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\(1\)\(2\)\(4\)](#))
- F297** 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\(1\)\(2\)\(4\)](#))
- F298** 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](#))
- F299** 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](#))
- F300** 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](#))
- F301** 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](#))
- F302** 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\(1\)\(2\)\(4\)](#))
- F303** 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\(1\)\(2\)\(4\)](#))
- F304** 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](#))

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- F305** 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))
- F306** 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)
- F307** 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))
- F308** 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)
- F309** 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))
- F310** 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))
- F311** 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))
- F312** 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))
- F313** 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))
- F314** 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)**
- F315** 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))
- F316** 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)

- C32** 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)**

f³¹⁷Final reports on investigations: other DSI matters

Textual Amendments

- F317** 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)**

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24A (1) This paragraph applies on the completion of an investigation of a DSI matter in respect of which neither the [F75Director General] nor the appropriate authority has made a determination under paragraph 21A(2) [F318, (2A)][F319, (2B)] or (4).

(2) [F320The person investigating] shall—

- (a) submit a report on the investigation to the [F75Director 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
F321(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 [F322to the [F75Director General]] under [F323sub-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.

[Where a person would contravene section 21A by sending a copy of a report in
F324(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 [F325(or on its completion by the Director General)], the [F75Director 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 [F327(or on its completion by the Director General)], the
F326(5) [F75Director General] shall also, if [F81the 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 [F81the 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
F328(6) to apply, in relation to a report submitted under sub-paragraph (2) [F329or completed under sub-paragraph (2A)] if, following the submission [F330or completion] of the report, the [F75Director General] determines under section 13B that the DSI matter is to be re-investigated.]

Textual Amendments

- F75** 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)
- F81** 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)

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- F318** 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))
- F319** 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)
- F320** 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)
- F321** 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)
- F322** 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)
- F323** 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)
- F324** 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))
- F325** 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)
- F326** 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))
- F327** 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)
- F328** 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))
- F329** 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)
- F330** 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 [F75 Director General] in [F331 relation]
to an investigation report under paragraph 24A*

Textual Amendments

- F331** 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 [F75 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,

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[^{F81}the Director General] shall notify the appropriate authority in relation to the person whose conduct is in question of [^{F99}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) ^{F332}(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 [^{F75}Director General] under sub-paragraph (1), it shall record the matter under paragraph 11 as a conduct matter ^{F333}

[Where a DSI matter is recorded under paragraph 11 as a conduct matter by virtue ^{F334}(3) of sub-paragraph (2)—

- (a) the person investigating the DSI matter shall (subject to any determination made by the [^{F75}Director General] under paragraph [^{F335}15(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

- F81** 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)
- F99** 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)
- F332** 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))
- F333** 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)
- F334** 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)
- F335** 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) [^{F336}This paragraph applies where] the [^{F75}Director 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,

^{F337} ...

^{F338}(2)

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[The ^{F75}Director General] may notify the appropriate authority that it must, in ^{F339}(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 ^{F339}(4) make those determinations and submit a memorandum to the ^{F75}Director General] setting out the determinations the authority has made.]

[On receipt of a memorandum under sub-paragraph (4), the ^{F75}Director General] ^{F339}(5) shall—

- (a) consider the memorandum and whether the appropriate authority has made the determinations under sub-paragraph (4) that the ^{F75}Director General] considers appropriate;
- (b) determine whether or not to make recommendations under paragraph 27;
- (c) make such recommendations (if any) under that paragraph as ^{F81}the Director General] thinks fit.]]

Textual Amendments

- F81** 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)
- F336** 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)
- F337** 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)
- F338** [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)
- F339** [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)

^{F340}Reviews^{F341} ... with respect to an investigation

Textual Amendments

- F340** 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))
- F341** 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; ^{F342}...
 - ^{F343}(b)

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[^{F344}(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).]

^{F345}(2)

^{F345}(2ZA)

^{F345}(2A)

^{F345}(3)

[^{F346}(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.]

[^{F347}(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 [^{F75}Director General] is the relevant review body and the [^{F75}Director General] finds that the outcome is not a reasonable and proportionate outcome, the [^{F75}Director General] may—

- (a) make [^{F99}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

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- 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 [^{F75}Director General] makes a recommendation under sub-paragraph (4C) (c)—
- (a) the appropriate authority must notify the [^{F75}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.
- (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 [^{F75}Director General] under paragraph 4, make a recommendation to the appropriate authority that it refer the complaint to the [^{F75}Director 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—

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- (a) if the [^{F75}Director General] is the relevant review body, the [^{F75}Director 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.

(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.]

F³⁴⁸(5)

F³⁴⁸(6)

F³⁴⁸(7)

F³⁴⁸(8)

F³⁴⁸(9)

F³⁴⁸(9ZA)

F³⁴⁸(9ZB)

F³⁴⁸(9ZC)

F³⁴⁸(9A)

(10) The [^{F349}relevant [^{F350}review] body] shall give notification of [^{F351}the outcome of a review] under this paragraph [^{F352}and of its reasons for the determination made under sub-paragraph (4A)]—

- (a) to the appropriate authority ^{F353} ...,
- (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 [^{F354}relevant [^{F355}review] body] that to do so might prejudice any ^{F356}... re-investigation of the complaint, to the person complained against [^{F357}(if any)].

F³⁵⁸(11)

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- (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 [^{F359}applications under sub-paragraph (1B) are to be made];
 - (b) for the period within which any such [^{F360}application must be made]; and
 - [^{F361}(c) for the procedure to be followed by the relevant review body when carrying out a review applied for under sub-paragraph (1B).]
- [^{F362}(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.]

Textual Amendments

- F75** 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)
- F99** 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)
- F342** 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))
- F343** **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))
- F344** **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))
- F345** **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))
- F346** **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))
- F347** **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))
- F348** **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))
- F349** 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)
- F350** 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))
- F351** 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))

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- F352** 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))
- F353** 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))
- F354** 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)
- F355** 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))
- F356** 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))
- F357** 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))
- F358** 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))
- F359** 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))
- F360** 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))
- F361** 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))
- F362** 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)

- C33** 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)**

^{F363}Information for complainant about disciplinary recommendations

Textual Amendments

- F363** 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))

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- 25A (1) This paragraph applies where, on the review of the outcome of a complaint under paragraph 25, the [F75Director General] makes a recommendation under sub-paragraph (4C)(c) of that paragraph.
- (2) Where the appropriate authority notifies the [F75Director General] under paragraph 25(4D)(a) that the recommendation has been accepted, the [F75Director 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 [F75Director 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,
- the [F75Director General] must determine what, if any, further steps to take under paragraph 27 as applied by paragraph 25(4D)(b).
- (4) The [F75Director 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 [F75Director General] determines under that sub-paragraph that [F81the Director General] will take further steps, of the outcome of the taking of those steps.]

Textual Amendments

F75 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)

F81 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)

[F364Re-investigations following a review]

Textual Amendments

F364 [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 ^{F365}(1)

- (2) Where the [F75Director General] directs under paragraph 25 ^{F366}... that a complaint be re-investigated, [F81the Director General] shall make a determination of the form that the re-investigation should take.
- (3) Sub-paragraphs [F367(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.

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[^{F368}(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 [^{F369}25(4C)(b)]^{F370} ... [^{F371}and 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.

[^{F372}(4A) Where the [^{F75}Director General] determines under sub-paragraph (2) that the re-investigation should take the form of an investigation by the appropriate authority on its own behalf, the [^{F75}Director General] may also give the appropriate authority such directions as to the handling of the matter in future as the [^{F75}Director General] thinks fit.]

[^{F373}(5) The [^{F75}Director General] shall notify the appropriate authority of any determination that [^{F81}the Director General] makes under this paragraph and of [^{F99}the Director General's] reasons for making the determination.

(5A) The [^{F75}Director General] shall also notify the following of any determination that [^{F81}the Director General] makes under this paragraph and of [^{F99}the 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 [^{F75}Director 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.]

^{F374}(6)

Textual Amendments

- F75** 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)
- F81** 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)
- F99** 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)

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- F365** 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))
- F366** 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))
- F367** 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))
- F368** 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))
- F369** 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))
- F370** 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))
- F371** 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))
- F372** 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))
- F373** 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))
- F374** 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)

- C34** 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 [F375 etc]

Textual Amendments

- F375** 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—

- F376(a)
- F377(b)

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[^{F378}(c) has submitted, or is required to submit, a memorandum to the [^{F75}Director General] under paragraph 24C(4).]

[^{F379}(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 [^{F75}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 ^{F380}... which is or is required to be set out in the memorandum; 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.

^{F381}(3)

[^{F382}(3A) Where this paragraph applies by virtue of sub-paragraph (1)(c), the [^{F75}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 [^{F75}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 [^{F75}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 [^{F75}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 [^{F75}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 [^{F75}Director General] gives the appropriate authority a direction under this paragraph, [^{F81}the Director General] shall supply the appropriate authority with a statement of its reasons for doing so.

(7) Where disciplinary [^{F383}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 [^{F75}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 [^{F75}Director General] informed—

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- (a) in a case in which this paragraph applies by virtue of sub-paragraph [F384(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

- F75** 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)
- F81** 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)
- F376** 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))
- F377** 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))
- F378** 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)
- F379** 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))
- F380** 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))
- F381** 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))
- F382** 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)
- F383** 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)
- F384** 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)

- C35** 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

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Textual Amendments

F385 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))

[^{F386}Recommendations by the [^{F75}Director General] or a local policing body

Textual Amendments

F386 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 [^{F387}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 [^{F75}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.]

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Textual Amendments

F387 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)

[^{F388}Recommendations by the [^{F75}Director General]

Textual Amendments

F388 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 [^{F75}Director General] has received a report [^{F389}(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 ^{F390}... [^{F391}directed] by [^{F75}Director General]),
 - (b) paragraph 22(5) (report on completion of investigation of complaint or conduct matter by [^{F392}or on behalf of the Director General]), or
 - (c) paragraph 24A(2) [^{F393}or (2A)] (report on completion of investigation of DSI matter that is not also conduct matter).
- (2) This paragraph also applies where the [^{F75}Director General] has made a determination on [^{F394}a review] under—
- (a) paragraph [^{F395}6A] ([^{F396}review] relating to complaint dealt with other than by investigation), or
 - (b) paragraph 25 ([^{F397}review] with respect to an investigation).
- (3) The [^{F75}Director General] may make a recommendation in relation to a matter dealt with in the report or [^{F398}review].
- [Where this paragraph applies—
- ^{F399}(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 [^{F400}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 [^{F401}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—

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- (a) a person serving with the police, or
 - (b) a local policing body.
- (6) Where the [^{F75}Director General] makes a recommendation under this paragraph, [^{F81}the Director General] must also—
- (a) publish the recommendation, and
 - (b) send a copy of it—
 - (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 [^{F75}Director General] thinks a copy should be sent.
- (7) Nothing in this paragraph affects the power of the [^{F75}Director General] to make recommendations or give advice under section 10(1)(e) (whether arising under this Schedule or otherwise).]

Textual Amendments

- F81** 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)
- F389** 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)
- F390** 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))
- F391** 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))
- F392** 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)
- F393** 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)

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- F394** 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))
- F395** 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))
- F396** 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))
- F397** 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))
- F398** 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))
- F399** 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))
- F400** 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)
- F401** 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))

^{F388}Response to recommendation

- 28B (1) A person to whom a recommendation under paragraph 28A is made must provide to the [^{F75}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 [^{F75}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 [^{F75}Director General] may extend the period of 56 days following an application received before the end of the period; and if the [^{F75}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 [^{F109}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 [^{F75}Director General] must, within the period of 21 days beginning with the day on which the [^{F75}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),

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- 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 [F75Director General], make representations to the [F75Director 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 [F75Director General] may decide—
- (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 [F75Director General] decides to publish or disclose a response (in whole or in part), [F81the Director General] must do so only after the person giving the response has been informed of the [F109Director General's] decision, and—
- (a) in a case where the [F75Director General] has decided to accept all of the representations, [F81the Director General] must do so within the period of 21 days beginning with the day on which [F81the Director General] received the response;
 - (b) in a case where the [F75Director General] has decided to reject any of the representations, [F81the Director General] must do so—
 - (i) within the period of 21 days beginning with the day on which the person was informed of the [F109Director 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 [F109Director General's] decision to reject a representation are started during the period of 7 days referred to in sub-paragraph (8)(b)(ii)—
- (a) the [F75Director General] must not publish or disclose the response while the proceedings are in progress;
 - (b) if the court upholds the [F109Director General's] decision to reject a representation, the [F75Director 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 [F75Director General] publishes the response, also publish the response (to the same extent as published by the [F75Director 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 sub-paragraph (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.]

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[^{F402}(12) This paragraph does not apply, or ceases to apply, in relation to a recommendation made by virtue of paragraph 28A(1) if the [^{F75}Director General] determines under section 13B that the complaint, recordable conduct matter or DSI matter that the [^{F75}Director General] received a report on [^{F403}(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.]

Textual Amendments

- F75** 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)
- F81** 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)
- F109** 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)
- F402** 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))
- F403** 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)

[^{F404}Minor definitions

Textual Amendments

- F404** 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—

F405
...

[^{F406}“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.]]

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Textual Amendments

- F405** 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))
- F406** 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)

[^{F407}Reviews]: the relevant [^{F408}review] body

Textual Amendments

- F407** 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))
- F408** 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 [^{F409}review] body in relation to [^{F410}a review] is—
- (a) the [^{F75}Director General], in a case where [^{F411}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
- [^{F412}(b) the local policing body which is the relevant local policing body in relation to the relevant complaint, in any other case.]

[^{F413}(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

- F75** 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)
- F409** 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))
- F410** 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))
- F411** 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))

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F412 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))

F413 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))

[^{F414}31(1) This paragraph applies in a case where—

- (a) an application for a review is made to the [^{F75}Director General], and
- (b) a local policing body is the relevant review body in relation to the review.

(2) The [^{F75}Director 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

F75 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)

F414 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))

[^{F415}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 [^{F75}Director General] is the relevant review body in relation to the review.

(2) The local policing body must—

- (a) forward the application to the [^{F75}Director General], and
- (b) notify the person who applied for the review—
 - (i) that the [^{F75}Director 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 [^{F75}Director General], and
- (b) so made at the time when it is forwarded to the [^{F75}Director General].]

Textual Amendments

F75 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)

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F415 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))

^{F416}^{F417}SCHEDULE
3A **U.K.**

Section 29D(5)

WHISTLE-BLOWING INVESTIGATIONS: PROCEDURE

Textual Amendments

F416 Words in Sch. 3A 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. 58(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)

F417 Sch. 3A inserted (31.1.2017 for specified purposes) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 6**

Designation of persons to take part in investigation

- 1 (1) Paragraph 19(1), (2) ^{F418}, (2A) and (4) to (8) of Schedule 3 (investigations under that Schedule by the ^{F416}Director General^{F419} ...), and any order made under paragraph 19(4) of that Schedule, apply where the ^{F416}Director General decides to carry out an investigation under section 29D (1) as they apply where the ^{F416}Director General has determined to investigate, or is required to investigate, a complaint, recordable conduct matter or DSI matter under that Schedule.
- (2) In the case of an investigation under section 29D(1) relating to any conduct of the Commissioner of Police of the Metropolis or the Deputy Commissioner of Police of the Metropolis, the person designated under paragraph 19(2) of Schedule 3 (as applied by sub-paragraph (1)) must be the person nominated by the Secretary of State for that purpose.

Textual Amendments

F418 Word in Sch. 3A para. 1(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. 58(3)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)

F419 Word in Sch. 3A para. 1(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. 58(3)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)

Protection of anonymity

- 2 (1) The person in charge of an investigation under section 29D(1), and any other person designated for the purposes of the investigation by virtue of paragraph 1, may not disclose the identity of the whistle-blower or information that might (whether alone or with other information) tend to reveal that identity.

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- (2) Sub-paragraph (1) does not apply to the extent that—
- (a) the whistle-blower consents to the disclosure of his or her identity or (as the case may be) to the disclosure of information that might tend to reveal it, or
 - (b) the disclosure is authorised by regulations made by the Secretary of State under section 29J.
- (3) The person in charge of an investigation under section 29D(1) must take all reasonable steps to ensure that, where the identity of the whistle-blower, or information that might tend to reveal that identity, is disclosed for the purposes of the investigation (whether with the consent of the whistle-blower or in accordance with regulations under section 29J), it is not further disclosed without the consent of the person in charge.
- (4) For the purpose of the duty under sub-paragraph (3), the person in charge may impose such requirements on persons to whom the identity of the whistle-blower, or information that might tend to reveal that identity, is disclosed as are specified in regulations made by the Secretary of State for the purpose of this paragraph.

Powers to obtain information etc

- 3 Paragraphs 19ZA to 19ZC of Schedule 3 apply in relation to an investigation under section 29D(1) as they apply in relation to an investigation under paragraph 19 of that Schedule.

Procedure where conduct matter is revealed during investigation

- 4 (1) If, during the course of an investigation under section 29D(1), [^{F420}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,
- [^{F421}the Director General must proceed under sub-paragraph (2)].
- [^{F422}(2) The Director General must—
- (a) prepare a record of the determination,
 - (b) notify the appropriate authority in relation to the person whose conduct is in question of the determination, and
 - (c) send to it a copy of the record of the determination prepared under paragraph (a).]
- (3) Where the appropriate authority in relation to the person whose conduct is in question is notified under sub-paragraph (2), it must record the matter under paragraph 11 of Schedule 3 to this Act as a conduct matter.
- (4) Where a matter is, in accordance with sub-paragraph (3), recorded under paragraph 11 of Schedule 3 as a conduct matter—
- (a) the person in charge of the investigation under section 29D(1) must (subject to any determination made by the [^{F416}Director General] under paragraph 15(5B) of Schedule 3) continue the investigation as if appointed or designated to investigate the conduct matter, and

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- (b) the other provisions of Schedule 3 apply in relation to that matter accordingly (subject to regulations under sub-paragraph (5)).
- (5) The Secretary of State may by regulations make provision modifying Schedule 3 in relation to an investigation of a matter that, in accordance with sub-paragraph (3), is recorded under paragraph 11 of that Schedule as a conduct matter but only for the purpose of making provision for the protection of the anonymity of whistle-blowers.

Textual Amendments

- F420** Words in Sch. 3A para. 4(1) 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. 58(4)(a); S.I. 2017/1249, reg. 2 (with reg. 3)
- F421** Words in Sch. 3A para. 4(1) 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. 58(4)(b); S.I. 2017/1249, reg. 2 (with reg. 3)
- F422** Sch. 3A para. 4(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. 58(5); S.I. 2017/1249, reg. 2 (with reg. 3)

Procedure where DSI matter is revealed during investigation

- 5 (1) If, during the course of an investigation under section 29D(1), [^{F423}the Director General determines] that the matter may be a DSI matter, [^{F424}the Director General must proceed under sub-paragraph (2)].
- [^{F425}(2) The Director General must—
 - (a) prepare a record of the determination,
 - (b) notify the appropriate authority in relation to the DSI matter, and
 - (c) send to it a copy of the determination prepared under paragraph (a).]
 - (3) Where the appropriate authority in relation to the DSI matter is notified under sub-paragraph (2), it must record the matter under paragraph 14A of Schedule 3 to this Act as a DSI matter.
 - (4) Where a matter is, in accordance with sub-paragraph (3), recorded under paragraph 14A of Schedule 3 as a DSI matter—
 - (a) the person in charge of the investigation under section 29D(1) must (subject to any determination made by the [^{F416}Director General] under paragraph 15(5B) of Schedule 3) continue the investigation as if appointed or designated to investigate the DSI matter, and
 - (b) the other provisions of Schedule 3 apply in relation to that matter accordingly (subject to regulations under sub-paragraph (5)).
 - (5) The Secretary of State may by regulations make provision modifying Schedule 3 in relation to an investigation that, in accordance with sub-paragraph (3), is recorded under paragraph 14A of that Schedule as a DSI matter but only for the purpose of making provision for the protection of the anonymity of whistle-blowers.
 - (6) In this paragraph, references to the appropriate authority in relation to a DSI matter have the same meaning as in Part 2 (see section 29).

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Textual Amendments

- F423** Words in *Sch. 3A para. 5(1)* 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. 58(6)(a)*; *S.I. 2017/1249, reg. 2 (with reg. 3)*
- F424** Words in *Sch. 3A para. 5(1)* 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. 58(6)(b)*; *S.I. 2017/1249, reg. 2 (with reg. 3)*
- F425** *Sch. 3A para. 5(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. 58(7)*; *S.I. 2017/1249, reg. 2 (with reg. 3)*

Conclusion of investigation

- 6 (1) When an investigation under section 29D(1) is concluded, the person in charge of the investigation must submit a report on it to the [F416Director General].

[Sub-paragraph (1) does not apply where the person in charge of the investigation F426(1A) is the Director General acting personally, but the Director General must complete a report on the investigation.]

- (2) The [F416Director General]—
- (a) must send a copy of [F427a report submitted under sub-paragraph (1) or completed under sub-paragraph (1A)] to the whistle-blower, and
 - (b) may, with the consent of the whistle-blower, send a copy of the report to the appropriate authority.
- (3) The Secretary of State may by regulations make provision for circumstances in which the duty under sub-paragraph (2)(a) does not apply.
- (4) The power conferred by sub-paragraph (3) may be exercised only to the extent that the Secretary of State considers necessary for any of the permitted non-disclosure purposes.
- (5) The Secretary of State may also by regulations make provision for circumstances in which (despite sub-paragraph (2)(b)) a copy of the report may be sent to the appropriate authority without the consent of the whistle-blower.
- (6) The power conferred by sub-paragraph (5) may be exercised only to the extent that the Secretary of State considers necessary for any of the permitted disclosure purposes.
- (7) Where the [F416Director General] would contravene section 21A by sending a copy of a report in its entirety to the whistle-blower or to the appropriate authority, the [F416Director General] may comply with its duty under sub-paragraph (2)(a) or (as the case may be) may exercise its power under sub-paragraph (2)(b) (or under regulations under sub-paragraph (5)) by sending instead a copy of the report after having removed or obscured the information which it is prohibited from disclosing by section 21A.
- (8) In this paragraph—
- (a) “the permitted non-disclosure purposes” has the same meaning as in section 29I;

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(b) “the permitted disclosure purposes” has the same meaning as in section 29J.

Textual Amendments

- F426** Sch. 3A para. 6(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. 58(8)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F427** Words in Sch. 3A para. 6(2)(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. 58(9)**; S.I. 2017/1249, reg. 2 (with reg. 3)

Power of ^{F416}Director General] to make recommendations

- 7 (1) On receipt of a report under paragraph 6^{F428}(1) or on its completion by the Director General under paragraph 6(1A)], the ^{F416}Director General] may make a recommendation in relation to any matter dealt with in it.
- (2) The Secretary of State may by regulations make further provision about recommendations under this paragraph.
- (3) The regulations may (amongst other things)—
- (a) describe the kinds of recommendations that the ^{F416}Director General] may make under this paragraph;
 - (b) specify the persons to whom the recommendations may be made;
 - (c) authorise the ^{F416}Director General] to require a response to a recommendation made under this paragraph.]

Textual Amendments

- F428** Words in Sch. 3A para. 7(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. 58(10)**; S.I. 2017/1249, reg. 2 (with reg. 3)

Textual Amendments

- F429** Sch. 3B inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 10**; S.I. 2017/1139, **reg. 2(d)** (with regs. 4, 5) (as amended by S.I. 2017/1162, **reg. 2**)

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PART 1 **U.K.**

EXCLUDED POWERS AND DUTIES OF CONSTABLES

- 1 Any power or duty of a constable to make an arrest.
- 2 Any power or duty of a constable to stop and search an individual or a vehicle or other thing.
- 3 The power of a constable, under section 36(4) of the Police and Criminal Evidence Act 1984, to perform the functions of a custody officer at a designated police station if a custody officer is not readily available to perform them.
- [^{F430}3A. The power of a constable, under section 55(6) of the Police and Criminal Evidence Act 1984^{F431}, to conduct an intimate search if an officer of at least the rank of inspector considers under section 55(5) of that Act that an intimate search by a suitably qualified person is not practicable.]

Textual Amendments

F430 Sch. 3B para. 3A inserted (E.W.) (8.5.2018) by [The Police Powers of Designated Civilian Staff and Volunteers \(Excluded Powers and Duties of Constables\) Regulations 2018 \(S.I. 2018/475\)](#), regs. 1, **2(2)**

F431 1984 c. 60. Section 55(5) was amended by section 79 of the [Criminal Justice and Police Act 2001 \(c. 16\)](#).

- 4 Any power that is exercisable only by a constable of a particular rank.
- 5 Any power of a constable under—
- (a) the Terrorism Act 2000;
 - (b) the Terrorism Act 2006;
 - (c) the Counter-Terrorism Act 2008;
 - (d) the Terrorism Prevention and Investigation Measures Act 2011;
 - (e) the Counter-Terrorism and Security Act 2015.
- 6 Any power of a constable under [^{F432}the National Security Act 2023].

Textual Amendments

F432 Words in Sch. 3B para. 6 substituted (20.12.2023) by [The National Security Act 2023 \(Consequential Amendments of Primary Legislation\) Regulations 2023 \(S.I. 2023/1386\)](#), reg. 1(2), **Sch. para. 23**

- 7 The power of a constable to make an application on behalf of the Commissioner of Police of the Metropolis under section 19 or 21 of the Investigatory Powers Act 2016 (applications for warrants under Chapter 1 of Part 2 of that Act).

PART 2 **U.K.**

APPLICATION OF LEGISLATION

- 8 (1) Where a power or duty of a constable is conferred or imposed on a person designated under section 38—
- (a) a reference to a constable (however expressed) in legislation relating to the power or duty includes a reference to the person designated under section 38;

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- (b) a reference in legislation to anything done in the exercise or purported exercise of the power, or in the performance or purported performance of the duty, includes a reference to anything done in the exercise or purported exercise of the power, or the performance or purported performance of the duty, by the person designated under section 38.
- (2) The Secretary of State may by regulations make provision for legislation relating to a power or duty of a constable specified in the regulations to apply in relation to a person designated under section 38 in a way that modifies or supplements the effect of sub-paragraph (1).
- (3) In this paragraph, “legislation” means any provision of—
- (a) an Act;
 - (b) subordinate legislation within the meaning of the Interpretation Act 1978;
 - (c) a Measure or Act of the National Assembly for Wales or an instrument made under a Measure or Act of that Assembly.]

[^{F433}SCHEDULE 3C U.K.]

Section 38(6B)(b)

DESIGNATIONS UNDER SECTION 38: ADDITIONAL POWERS AND DUTIES

Textual Amendments

F433 Sch. 3C inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 11](#); [S.I. 2017/1139](#), [reg. 2\(d\)](#) (as amended by [S.I. 2017/1162](#), [reg. 2](#))

Introduction

- 1 (1) The designation of a person under section 38 as a community support officer or a community support volunteer may provide for any of paragraphs 2 to 11 to apply to the community support officer or the community support volunteer.
- (2) The designation may provide for any such paragraph to apply—
- (a) to its full extent, or
 - (b) only in cases or circumstances described in the designation.
- (3) Where the designation provides for any of those paragraphs to apply—
- (a) the community support officer or community support volunteer has any power or duty described in the paragraph as a power or duty of a community support officer or community support volunteer (subject to provision included in the designation under sub-paragraph (2)(b) or section 38(7A)), and
 - (b) any provision made by the paragraph in connection with the exercise of the power or the performance of the duty applies in relation to the exercise of the power or the performance of the duty by the community support officer or community support volunteer.
- (4) In this Schedule—

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“CSO” means a person designated by a chief officer of police as a community support officer under section 38;

“CSV” means a person designated by a chief officer of police as a community support volunteer under section 38;

“the relevant police area”, in relation to a CSO or CSV, means the police area for which the police force in question is maintained.

- (5) Expressions used in this Schedule and in the 1984 Act have the same meanings in this Schedule as in that Act.

Powers to issue fixed penalty notices

- 2 (1) A CSO or CSV has the power of an authorised officer of a litter authority to give a notice under section 88 of the Environmental Protection Act 1990 (fixed penalty notices in respect of litter) in relation to an individual whom the CSO or CSV has reason to believe has committed an offence under section 87 of that Act at a place within the relevant police area.
- (2) A CSO or CSV has the power of an authorised officer of a local authority to give a notice under section 43(1) of the Anti-social Behaviour Act 2003 (penalty notices in respect of graffiti or fly-posting) in relation to an individual whom the CSO or CSV has reason to believe has committed an offence that is a relevant offence for the purposes of section 43(1) at a place within the relevant police area.
- (3) A CSO or CSV designated under section 38 by the Commissioner of Police of the Metropolis has the power of an authorised officer of a borough council to give a notice under section 15 of the London Local Authorities Act 2004 in relation to an individual whom the CSO or CSV has reason to believe has committed an offence under section 38(1) of the London Local Authorities Act 1990.
- (4) A CSO or CSV designated under section 38 by the Commissioner of Police for the City of London has the power of an authorised officer of a borough council to give a notice under section 15 of the London Local Authorities Act 2004 in relation to an individual whom the CSO or CSV has reason to believe has committed an offence under section 27(1) of the City of Westminster Act 1999 (unlicensed street trading).
- (5) A CSO or CSV has the power of an authorised officer of an authority to give a notice under section 237A of the Local Government Act 1972 or under section 12 of the Local Government Byelaws (Wales) Act 2012 (fixed penalty notices in relation to offences against certain byelaws) in relation to an individual whom the CSO or CSV has reason to believe has committed an offence against a listed byelaw at a place within the relevant police area.
- (6) A byelaw is a “listed byelaw” for the purposes of sub-paragraph (5) if, at the time the CSO or CSV gives the notice—
- (a) it is a byelaw to which section 237A of the Local Government Act 1972 or to which section 12 of the Local Government Byelaws (Wales) Act 2012 (fixed penalty notices in relation to offences against certain byelaws) applies, and
 - (b) the chief officer of police for the relevant police area and the authority that made the byelaw have agreed to include it in a list of byelaws kept for the purposes of sub-paragraph (5).

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- (7) The chief officer of police for the relevant police area must publish the list of byelaws kept for the purposes of sub-paragraph (5) in such a way as to bring it to the attention of members of the public in localities where the byelaws in the list apply.
- (8) The list of byelaws kept for the purposes of sub-paragraph (5) may be amended from time to time by agreement between the chief officer of police and the authority, by adding byelaws to it or removing byelaws from it.
- (9) Where the list of byelaws is amended, the amended list must be published by the chief officer as mentioned in sub-paragraph (7).

Powers to require names and addresses

- 3 (1) A CSO or CSV may require a person to give his or her name and address if the CSO or CSV has reason to believe that—
 - (a) the person has committed a relevant offence in the relevant police area, or
 - (b) the person has committed a relevant licensing offence (whether or not in the relevant police area).
- (2) A person who fails to comply with a requirement under sub-paragraph (1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) In this paragraph, “relevant offence” means any of the following offences—
 - (a) an offence in respect of which the CSO or CSV is authorised to give a penalty notice (whether in consequence of paragraph 2 of this Schedule or in consequence of provision included in his or her designation in reliance on section 38(6B)(a));
 - (b) an offence under section 3 or 4 of the Vagrancy Act 1824;
 - (c) an offence committed in a specified park which by virtue of section 2 of the Parks Regulation (Amendment) Act 1926 is an offence against the Parks Regulation Act 1872;
 - (d) an offence under section 39 of the Anti-social Behaviour, Crime and Policing Act 2014;
 - (e) an offence under a listed byelaw;
 - (f) an offence the commission of which appears to the CSO or CSV to have caused—
 - (i) injury, alarm or distress to any other person, or
 - (ii) the loss of, or any damage to, any other person's property.
- (4) In this paragraph, “relevant licensing offence” means an offence under any of the following provisions of the Licensing Act 2003—
 - (a) section 141 (otherwise than by virtue of subsection (2)(c) or (3) of that section);
 - (b) section 142;
 - (c) section 146(1);
 - (d) section 149(1)(a), (3)(a) or (4)(a);
 - (e) section 150(1);
 - (f) section 150(2) (otherwise than by virtue of subsection (3)(b) of that section);
 - (g) section 152(1) (excluding paragraph (b)).

Changes to legislation: *Police Reform Act 2002 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (5) A byelaw is a “listed byelaw” for the purposes of sub-paragraph (3)(e) if, at the time the CSO or CSV requires a person to give his or her name and address—
- (a) it is a byelaw which has been made by a relevant body with authority to make byelaws for any place within the relevant police area, and
 - (b) it is included in the list of byelaws published for the purposes of this paragraph by the chief officer of police for the relevant police area.
- (6) A byelaw may be included in the list of byelaws published for the purposes of this paragraph only if the chief officer of police and the relevant body which made the byelaw agree that it should be included.
- (7) The chief officer of police for the relevant police area must publish the list in such a way as to bring it to the attention of members of the public in localities where the byelaws in the list apply.
- (8) The list of byelaws published for the purposes of this paragraph may be amended from time to time by agreement between the chief officer of police and the relevant body, by adding byelaws to it or removing byelaws from it.
- (9) Where the list of byelaws is amended, the amended list must be published by the chief officer as mentioned in sub-paragraph (8).
- (10) In sub-paragraphs (5), (6) and (8), “relevant body” means—
- (a) in England, a county council, a district council, a London borough council or a parish council;
 - (b) in Wales, a county council, a county borough council or a community council;
 - (c) the Greater London Authority;
 - (d) Transport for London;
 - (e) an Integrated Transport Authority for an integrated transport area in England;
 - (f) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
 - (g) a body specified in regulations made by the Secretary of State.
- (11) Regulations under sub-paragraph (10)(g) may provide, in relation to any body specified in the regulations, that the agreement mentioned in sub-paragraph (6) or (8) is to be made between the chief officer and the Secretary of State (rather than between the chief officer and the relevant body).
- (12) In the case of a relevant offence that is an offence under a listed byelaw (see sub-paragraphs (3)(e) and (5)), the power to impose a requirement under sub-paragraph (1) is exercisable only in a place to which the byelaw relates.
- (13) In its application in relation to an offence in respect of which the CSO or CSV is authorised to give a penalty notice under section 444A of the Education Act 1996 (penalty notice in respect of failure to secure regular attendance at school of registered pupil), sub-paragraph (1)(a) of this paragraph has effect as if the words “in the relevant police area” were omitted.
- (14) In this paragraph, “specified park” has the same meaning as in section 162 of the Serious Organised Crime and Police Act 2005.

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Powers to search for and seize alcohol and tobacco

- 4 (1) A CSO or CSV may search a person for alcohol or a container for alcohol if—
- (a) the CSO or CSV has (in consequence of provision included in his or her designation in reliance on section 38(6B)(a)) imposed a requirement on a person to surrender alcohol or a container for alcohol under section 63(2) of the Anti-social Behaviour, Crime and Policing Act 2014 or under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997,
 - (b) the person has failed to comply with the requirement, and
 - (c) the CSO or CSV reasonably believes that the person has alcohol or a container for alcohol in his or her possession.
- (2) A CSO or CSV may search a person for tobacco or cigarette papers where—
- (a) the CSO or CSV has (in consequence of provision included in his or her designation in reliance on section 38(6B)(a)) sought to seize the tobacco or cigarette papers under section 7(3) of the Children and Young Persons Act 1933 (seizure of tobacco from young persons),
 - (b) the person from whom the CSO or CSV sought to seize the item has failed to surrender it, and
 - (c) the CSO or CSV reasonably believes that the person has it in his or her possession.
- (3) The power to search under sub-paragraph (1) or (2)—
- (a) is to do so only to the extent that is reasonably required for the purpose of discovering whatever the CSO or CSV is searching for, and
 - (b) does not authorise the CSO or CSV to require a person to remove any of his or her clothing in public other than an outer coat, jacket or gloves.
- (4) A person who without reasonable excuse fails to consent to being searched in the exercise of a power under this paragraph is guilty of an offence and is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (5) A CSO or CSV who proposes to exercise a power to search a person under sub-paragraph (1) or (2) must inform him or her that failing without reasonable excuse to consent to being searched is an offence.
- (6) If the person in question fails to consent to being searched, the CSO or CSV may require him or her to give the CSO or CSV his or her name and address.
- (7) If on searching the person the CSO or CSV discovers what he or she is searching for, the CSO or CSV may seize it and dispose of it.

Powers to seize and detain: controlled drugs

- 5 (1) A CSO or CSV may exercise the powers conferred by sub-paragraph (2) or (3) in the relevant police area.
- (2) If the CSO or CSV—
- (a) finds a controlled drug in a person's possession (whether or not the CSO or CSV finds it in the course of searching the person in the exercise of a power or duty conferred or imposed by his or her designation under section 38), and
 - (b) reasonably believes that it is unlawful for the person to be in possession of it,
- the CSO or CSV may seize it and retain it.

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- (3) If the CSO or CSV—
- (a) either—
 - (i) finds a controlled drug in a person's possession (as mentioned in sub-paragraph (2)(a)), or
 - (ii) reasonably believes that a person is in possession of a controlled drug, and
 - (b) reasonably believes that it is unlawful for the person to be in possession of it, the CSO or CSV may require the person to give the CSO or CSV his or her name and address.
- (4) If, in exercise of the power conferred by sub-paragraph (2), the CSO or CSV seizes and retains a controlled drug, the CSO or CSV must—
- (a) if the person from whom it was seized maintains that he or she was lawfully in possession of it, tell the person where inquiries about its recovery may be made, and
 - (b) comply with a constable's instructions about what to do with it.
- (5) A person who fails to comply with a requirement imposed under sub-paragraph (3) is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (6) In this paragraph, “controlled drug” has the same meaning as in the Misuse of Drugs Act 1971.

Powers to seize and detain: psychoactive substances

- 6 (1) A CSO or CSV may exercise the powers conferred by sub-paragraph (2) or (3) in the relevant police area.
- (2) If the CSO or CSV—
- (a) finds a psychoactive substance in a person's possession (whether or not the CSO or CSV finds it in the course of searching the person in the exercise of a power or duty conferred or imposed by his or her designation under section 38), and
 - (b) reasonably believes that it is unlawful for the person to be in possession of it, the CSO or CSV may seize it and retain it.
- (3) If the CSO or CSV—
- (a) either—
 - (i) finds a psychoactive substance in a person's possession (as mentioned in sub-paragraph (2)(a)), or
 - (ii) reasonably believes that a person is in possession of a psychoactive substance, and
 - (b) reasonably believes that it is unlawful for the person to be in possession of it, the CSO or CSV may require the person to give the CSO or CSV his or her name and address.
- (4) If, in exercise of the power conferred by sub-paragraph (2), the CSO or CSV seizes and retains a psychoactive substance, the CSO or CSV must—
- (a) if the person from whom it was seized maintains that he or she was lawfully in possession of it—

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- (i) tell the person where inquiries about its recovery may be made, and
 - (ii) explain the effect of sections 49 to 51 and 53 of the Psychoactive Substances Act 2016 (retention and disposal of items), and
 - (b) comply with a constable's instructions about what to do with it.
- (5) Any substance seized in exercise of the power conferred by sub-paragraph (2) is to be treated for the purposes of sections 49 to 53 of the Psychoactive Substances Act 2016 as if it had been seized by a police or customs officer under section 36 of that Act.
- Section 50 of that Act applies in relation to any such substance as if the reference in subsection (1)(b) to the police or customs officer who seized it were a reference to the CSO or CSV who seized it.
- (6) A person who fails to comply with a requirement imposed under sub-paragraph (3) is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (7) In this paragraph, “police or customs officer” and “psychoactive substance” have the same meaning as in the Psychoactive Substances Act 2016.

Powers to detain pending arrival of a constable etc

- 7 (1) A CSO or CSV may require a person to wait with the CSO or CSV, for a period not exceeding 30 minutes, for the arrival of a constable where—
- (a) the CSO or CSV has required the person to give his or her name and address (whether in consequence of paragraph 3, 4(6), 5(3) or 6(3) or in consequence of provision included in his or her designation in reliance on section 38(6B) (a)), and
 - (b) either—
 - (i) the person has failed to comply with the requirement, or
 - (ii) the CSO or CSV has reasonable grounds for suspecting that the person has given a name or address that is false or inaccurate.
- (2) Sub-paragraph (1) does not apply if the requirement to give a name and address was imposed in connection with a relevant licensing offence mentioned in paragraph 3(4) (a), (c) or (f) which the CSO or CSV believes to have been committed on licensed premises (within the meaning of the Licensing Act 2003).
- (3) A CSO or CSV may require a person to wait with the CSO or CSV, for a period not exceeding 30 minutes, for the arrival of a constable where—
- (a) the CSO or CSV has reason to believe that the person is committing an offence under section 3 or 4 of the Vagrancy Act 1824,
 - (b) the CSO or CSV requires the person to stop doing whatever gives rise to that belief, and
 - (c) the person fails to stop as required.
- (4) A person who has been required under sub-paragraph (1) or (3) to wait with a CSO or CSV may, if requested to do so, elect that (instead of waiting) he or she will accompany the CSO or CSV to a police station in the relevant police area.
- (5) Where the person does not elect to accompany the CSO or CSV to the police station, and the constable arrives within the period of 30 minutes, the CSO or CSV is under a duty to remain with the person and the constable until the CSO or CSV has transferred control of the person to the constable.

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- (6) Where the person does elect to accompany the CSO or CSV to the police station—
- (a) the CSO or CSV is under a duty to remain at the police station until the CSO or CSV has transferred control of the person to the custody officer there,
 - (b) until control is transferred, the CSO or CSV is treated for all purposes as having the person in his or her lawful custody, and
 - (c) for so long as the CSO or CSV remains at the police station or in its immediate vicinity (whether before control of the person is transferred or afterwards), the CSO or CSV is under a duty to prevent the person's escape and to assist in keeping the person under control.
- (7) A person who—
- (a) makes off while subject to a requirement under sub-paragraph (1) or (3), or
 - (b) makes off while accompanying a CSO or CSV to a police station in accordance with an election under sub-paragraph (4),
- is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

Powers to search etc individuals detained under paragraph 7

- 8 (1) A CSO or CSV may exercise the powers set out in sub-paragraphs (2) and (3) in relation to a person whom the CSO or CSV has required to wait for the arrival of a constable under paragraph 7(1) or (3) (whether or not that person makes an election under paragraph 7(4)).
- (2) If the CSO or CSV has reasonable grounds for believing that the person may present a danger to himself or herself or to others, the CSO or CSV may search the person.
- (3) If the CSO or CSV has reasonable grounds for believing that the person may have concealed on him or her anything which might be used to assist in escaping from lawful custody, the CSO or CSV may search the person for that thing.
- (4) The power conferred by sub-paragraph (2) or (3)—
- (a) does not authorise a CSO or CSV to require a person to remove any of his or her clothing in public other than an outer coat, jacket or gloves;
 - (b) does authorise a search of a person's mouth.
- (5) A CSO or CSV searching a person under sub-paragraph (2) may seize and retain anything that is found, if the CSO or CSV has reasonable grounds for believing that the person searched might use it to cause physical injury to himself or herself or to any other person.
- (6) A CSO or CSV searching a person under sub-paragraph (3) may seize and retain anything that is found, other than an item subject to legal privilege, if the CSO or CSV has reasonable grounds for believing that the person might use it to assist in escaping from lawful custody.
- (7) If a CSO or CSV seizes or retains anything under sub-paragraph (5) or (6), the CSO or CSV must—
- (a) tell the person from whom it was seized where inquiries about its recovery may be made, and
 - (b) comply with a constable's instructions about what to do with it.

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Persons detained under paragraph 7: park trading offences

- 9 (1) If a CSO or CSV reasonably suspects that a person required to wait for the arrival of a constable under paragraph 7(1) has committed a park trading offence, the CSO or CSV may take possession of anything of a non-perishable nature which—
- (a) the person has in his or her possession or under his control, and
 - (b) the CSO or CSV reasonably believes to have been used in the commission of the offence.
- (2) The CSO or CSV may retain possession of the thing in question for a period not exceeding 30 minutes unless the person makes an election under paragraph 7(4), in which case the CSO or CSV may retain possession of the thing in question until he or she is able to transfer control of it to a constable.
- (3) In this paragraph “park trading offence” means an offence committed in a specified park which is a park trading offence for the purposes of the Royal Parks (Trading) Act 2000.
- (4) In sub-paragraph (3), “specified park” has the same meaning as in section 162 of the Serious Organised Crime and Police Act 2005.

Road traffic

- 10 A CSO or CSV has in the relevant police area the powers conferred on persons designated by regulations under section 99 of the Road Traffic Regulation Act 1984 (removal of abandoned vehicles).

Power to use reasonable force

- 11 A CSO or CSV has power to use reasonable force—
- (a) to prevent a person whom the CSO or CSV has required under paragraph 7(1) or (3) to wait for a constable from making off, or to keep the person under control, at any time while the person is subject to the requirement;
 - (b) where such a person elects under paragraph 7(4) to accompany a CSO or CSV to a police station, to prevent the person from making off, or to keep the person under control, while the person is accompanying the CSO or CSV to the police station;
 - (c) where a CSO or CSV is fulfilling a duty imposed under paragraph 7(5) or (6), to prevent the person from making off (or escaping) and to keep him or her under control;
 - (d) where a CSO or CSV is exercising a power conferred by paragraph 8.]

Textual Amendments

F434 Sch. 4 heading substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 5(2)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)

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Modifications etc. (not altering text)

C36 Sch. 4 applied (with modifications) (1.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\)](#), **ss. 28(1)(g)(2)**, 120 (with s. 72); S.I. 2004/1572, **art. 3(k)**

^{F435}PART 1 U.K.

COMMUNITY SUPPORT OFFICERS

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Textual Amendments

F435 Sch. 4 Pt. 1 omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 12 para. 5(3)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)

^{F436}PART 2 U.K.

INVESTIGATING OFFICERS

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Textual Amendments

F436 Sch. 4 Pt. 2 omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), **Sch. 12 para. 5(3)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)

PART 3 U.K.

DETENTION OFFICERS

Attendance at police station for fingerprinting

25 Where a designation applies this paragraph to any person, he shall, in respect of police stations in the relevant police area, have the power of a constable under [^{F437}Schedule 2A to the 1984 Act (fingerprinting and samples: power to require attendance at a police station)] to require a person to attend a police station in order to have his fingerprints taken.

Textual Amendments

F437 Words in Sch. 4 para. 25 substituted (7.3.2011) by [Crime and Security Act 2010 \(c. 17\)](#), **ss. 6(4)(a)**, 59(1); S.I. 2011/414, **art. 2(e)**

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Non-intimate searches of detained persons

- 26 (1) Where a designation applies this paragraph to any person, he shall have the powers of a constable under section 54 of the 1984 Act (non-intimate searches of detained persons)—
- (a) to carry out a search under that section of any person at a police station in the relevant police area or of any other person otherwise in police detention in that area; and
 - (b) to seize or retain, or cause to be seized or retained, anything found on such a search.
- (2) Subsections (6C) and (9) of section 54 of that Act (restrictions on power to seize personal effects and searches to be carried out by a member of the same sex) shall apply to the exercise by a person to whom this paragraph is applied of any power exercisable by virtue of this paragraph as they apply to the exercise of the power in question by a constable.

Searches and examinations to ascertain identity

- 27 Where a designation applies this paragraph to any person, he shall have the powers of a constable under section 54A of the 1984 Act (searches and examinations to ascertain identity)—
- (a) to carry out a search or examination at any police station in the relevant police area; and
 - (b) to take a photograph at any such police station of an identifying mark.

Searches of persons answering to live link bail

- [^{F438}27(A)] Where a designation applies this paragraph to any person, that person has the powers of a constable under section 54B of the 1984 Act (searches of persons answering to live link bail)—
- (a) to carry out a search of any person attending a police station in the relevant police area; and
 - (b) to seize or retain articles found on such a search.
- (2) Anything seized by a person under the power conferred by sub-paragraph (1) must be delivered to a constable as soon as practicable and in any case before the person from whom the thing was seized leaves the police station.]

Textual Amendments

F438 Sch. 4 para. 27A and cross-heading inserted (14.12.2009 for specified purposes, 3.10.2011 for specified purposes, 8.10.2012 in so far as not already in force) by [Coroners and Justice Act 2009 \(c. 25\), ss. 108\(3\), 182\(5\)](#) (with s. 180); [S.I. 2009/3253, art. 3\(1\)\(c\)](#); [S.I. 2011/2148, art. 2](#); [S.I. 2012/2374, art. 3\(c\)](#)

Intimate searches of detained persons

- 28 (1) Where a designation applies this paragraph to any person, he shall have the powers of a constable by virtue of section 55(6) of the 1984 Act (intimate searches) to carry out an intimate search of a person at any police station in the relevant police area.

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- (2) Subsection (7) of section 55 of that Act (no intimate search to be carried out by a constable of the opposite sex) shall apply to the exercise by a person to whom this paragraph applies of any power exercisable by virtue of this paragraph as it applies to the exercise of the power in question by a constable.

Fingerprinting without consent

- 29 Where a designation applies this paragraph to any person—
- (a) he shall have, at any police station in the relevant police area, the power of a constable under section 61 of the 1984 Act (fingerprinting) to take fingerprints without the appropriate consent; and
 - (b) the requirement by virtue of subsection (7A)(a) of that section that a person must be informed by an officer that his fingerprints may be the subject of a speculative search shall be capable of being discharged, in the case of a person at such a station, by his being so informed by the person to whom this paragraph applies.

Warnings about intimate samples

- 30 Where a designation applies this paragraph to any person, the requirement by virtue of [^{F439}section 62(5)(c)] of the 1984 Act (intimate samples) that a person must be informed by an officer that a sample taken from him may be the subject of a speculative search shall be capable of being discharged, in the case of a person in a police station in the relevant police area, by his being so informed by the person to whom this paragraph applies.

Textual Amendments

F439 Words in Sch. 4 para. 30 substituted (7.3.2011) by [Crime and Security Act 2010 \(c. 17\)](#), ss. [4\(6\)](#), [59\(1\)](#); [S.I. 2011/414](#), art. [2\(b\)](#)

Non-intimate samples

- 31 Where a designation applies this paragraph to any person—
- (a) he shall have the power of a constable under section 63 of the 1984 Act (non-intimate samples), in the case of a person in a police station in the relevant police area, to take a non-intimate sample without the appropriate consent;
 - (b) the requirement by virtue of subsection (6) of that section (information about authorisation) that a person must be informed by an officer of the matters mentioned in that subsection shall be capable of being discharged, in the case of an authorisation in relation to a person in a police station in the relevant police area, by his being so informed by the person to whom this paragraph applies; and
 - (c) the requirement by virtue of subsection (8B)(a) of that section that a person must be informed by an officer that a sample taken from him may be the subject of a speculative search shall be capable of being discharged, in the case of a person in such a police station, by his being so informed by the person to whom this paragraph applies.

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Attendance at police station for the taking of a sample

- 32 Where a designation applies this paragraph to any person, he shall, as respects any police station in the relevant police area, have the power of a constable under [F440Schedule 2A to the 1984 Act (fingerprinting and samples: power to require attendance at a police station)] to require a person to attend a police station in order to have a sample taken.

Textual Amendments

F440 Words in Sch. 4 para. 32 substituted (7.3.2011) by [Crime and Security Act 2010 \(c. 17\), ss. 6\(4\)\(b\), 59\(1\)](#); [S.I. 2011/414, art. 2\(e\)](#)

Photographing persons in police detention

- 33 Where a designation applies this paragraph to any person, he shall, at police stations in the relevant police area, have the power of a constable under section 64A of the 1984 Act (photographing of suspects etc.) to take a photograph of a person detained at a police station.

Taking of impressions of footwear

- [F44133A Where a designation applies this paragraph to any person—
- (a) he shall, at any police station in the relevant police area, have the powers of a constable under section 61A of the 1984 Act (impressions of footwear) to take impressions of a person's footwear without the appropriate consent; and
 - (b) the requirement by virtue of section 61A(5)(a) of the 1984 Act that a person must be informed by an officer that an impression of his footwear may be the subject of a speculative search shall be capable of being discharged, in the case of a person at such a station, by his being so informed by the person to whom this paragraph applies.]

Textual Amendments

F441 Sch. 4 para. 33A inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\), ss. 122, 178, Sch. 8 para. 16](#); [S.I. 2005/3495, art. 2\(1\)\(q\)\(r\)](#)

Powers in respect of detained persons

- [F44233B Where a designation applies this paragraph to any person, he shall be under a duty, when in the course of his employment he is present at a police station—
- (a) to keep under control any person detained at the police station and for whom he is for the time being responsible;
 - (b) to assist any officer or other designated person to keep any other person detained at the police station under control; and
 - (c) to prevent the escape of any such person as is mentioned in paragraph (a) or (b),
- and for those purposes shall be entitled to use reasonable force.

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Textual Amendments

F442 Sch. 4 paras. 33B, 33C inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 7](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)

- 33C Where a designation applies this paragraph to any person, he shall be entitled to use reasonable force when—
- (a) securing, or assisting an officer or another designated person to secure, the detention of a person detained at a police station in the relevant police area, or
 - (b) escorting within a police station in the relevant police area, or assisting an officer or another designated person to escort within such a police station, a person detained there.]

Textual Amendments

F442 Sch. 4 paras. 33B, 33C inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 7](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)

- [^{F443}33D Where a designation applies this paragraph to any person, he is authorised to carry out the duty under—
- (a) section 55 of the Police and Criminal Evidence Act 1984 of informing a person who is to be subject to an intimate search under that section of the matters of which he is required to be informed in pursuance of subsection (3B) of that section;
 - (b) section 55A of that Act of informing a person who is to be subject to x-ray or ultrasound (as the case may be) under that section of the matters of which he is required to be informed in pursuance of subsection (3) of that section.]

Textual Amendments

F443 Sch. 4 para. 33D inserted (1.1.2006) by [Drugs Act 2005 \(c. 17\)](#), ss. [5\(2\)\(a\)](#), 24; S.I. 2005/3053, [art. 3\(c\)](#)

PART 4 U.K.

ESCORT OFFICERS

Power to take an arrested person to a police station

- 34 (1) Where a designation applies this paragraph to any person—
- (a) the persons who, in the case of a person arrested by a constable in the relevant police area, are authorised for the purposes of [^{F444}subsection (1A) of section 30] of the 1984 Act (procedure on arrest of person elsewhere than at a police station) to take the person arrested to a police station in that area shall include that person;
 - (b) that section shall have effect in relation to the exercise by that person of the power conferred by virtue of paragraph (a) as if the references to a constable in subsections (3), (4)(a) and (10) (but not the references in subsections (5) to (9)) included references to that person; and

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- (c) a person who is taking another person to a police station in exercise of the power conferred by virtue of paragraph (a)—
- (i) shall be treated for all purposes as having that person in his lawful custody;
 - (ii) shall be under a duty [^{F445}to keep the person under control and] to prevent his escape; and
 - (iii) shall be entitled to use reasonable force to keep that person in his charge [^{F446}and under his control] .
- [^{F447}(d) a person who has taken another person to a police station in exercise of the power conferred by virtue of paragraph (a)—
- (i) shall be under a duty to remain at the police station until he has transferred control of the other person to the custody officer at the police station;
 - (ii) until he has so transferred control of the other person, shall be treated for all purposes as having that person in his lawful custody;
 - (iii) for so long as he is at the police station or in its immediate vicinity in compliance with, or having complied with, his duty under sub-paragraph (i), shall be under a duty to prevent the escape of the other person and to assist in keeping him under control; and
 - (iv) shall be entitled to use reasonable force for the purpose of complying with his duty under sub-paragraph (iii).]

(2) Without prejudice to any [^{F448}application of] paragraph 26, where a person has another in his lawful custody by virtue of sub-paragraph (1) of this paragraph—

 - (a) he shall have the same powers under subsections (6A) and (6B) of section 54 of the 1984 Act (non-intimate searches) as a constable has in the case of a person in police detention—
 - (i) to carry out a search of the other person; and
 - (ii) to seize or retain, or cause to be seized or retained, anything found on such a search;
 - (b) subsections (6C) and (9) of that section (restrictions on power to seize personal effects and searches to be carried out by a member of the same sex) shall apply to the exercise by a person to whom this paragraph is applied of any power exercisable by virtue of this sub-paragraph as they apply to the exercise of the power in question by a constable.

Textual Amendments

- F444** Words in Sch. 4 para. 34(1)(a) substituted (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 12, 336, [Sch. 1 para. 20](#); S.I. 2004/81, [art. 2\(1\)\(2\)\(a\)](#)
- F445** Words in Sch. 4 para. 34(1)(c)(ii) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 8\(2\)\(a\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)
- F446** Words in Sch. 4 para. 34(1)(c)(iii) added (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 8\(2\)\(b\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)
- F447** Sch. 4 para. 34(1)(d) added (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 8\(3\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)
- F448** Words in Sch. 4 para. 34(2) substituted (1.12.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 9, 53, [Sch. 5 para. 5\(10\)](#); S.I. 2007/3203, [art. 2\(c\)](#)

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Escort of persons in police detention

- 35 (1) Where a designation applies this paragraph to any person, that person may be authorised by the custody officer for any designated police station in the relevant police area to escort a person in police detention—
- (a) from that police station to another police station in that or any other police area; or
 - (b) from that police station to any other place specified by the custody officer and then either back to that police station or on to another police station in that area or in another police area.
- (2) Where a designation applies this paragraph to any person, that person may be authorised by the custody officer for any designated police station outside the relevant police area to escort a person in police detention—
- (a) from that police station to a designated police station in that area; or
 - (b) from that police station to any place in that area specified by the custody officer and either back to that police station or on to another police station (whether in that area or elsewhere).
- (3) A person who is escorting another in accordance with an authorisation under sub-paragraph (1) or (2)—
- (a) shall be treated for all purposes as having that person in his lawful custody;
 - (b) shall be under a duty [^{F449}to keep the person under control and] to prevent his escape; and
 - (c) shall be entitled to use reasonable force to keep that person in his charge [^{F450}and under his control] .
- [^{F451}(3A) A person who has escorted another person to a police station or other place in accordance with an authorisation under sub-paragraph (1) or (2) —
- (a) shall be under a duty to remain at the police station or other place until he has transferred control of the other person to a custody officer or other responsible person there;
 - (b) until he has so transferred control of the other person, shall be treated for all purposes as having that person in his lawful custody;
 - (c) for so long as he is at the police station or other place, or in its immediate vicinity, in compliance with, or having complied with, his duty under paragraph (a), shall be under a duty to prevent the escape of the other person and to assist in keeping him under control; and
 - (d) shall be entitled to use reasonable force for the purpose of complying with his duty under paragraph (c).]

(4) Without prejudice to any [^{F452}application of] paragraph 26, where a person has another in his lawful custody by virtue of sub-paragraph (3) of this paragraph—

 - (a) he shall have the same powers under subsections (6A) and (6B) of section 54 the 1984 Act (non-intimate searches) as a constable has in the case of a person in police detention—
 - (i) to carry out a search of the other person; and
 - (ii) to seize or retain, or cause to be seized or retained, anything found on such a search;
 - (b) subsections (6C) and (9) of that section (restrictions on power to seize personal effects and searches to be carried out by a member of the same sex) shall apply to the exercise by a person to whom this paragraph is applied of

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any power exercisable by virtue of this sub-paragraph as they apply to the exercise of the power in question by a constable.

- (5) Section 39(2) of that Act (responsibilities of custody officer transferred to escort) shall have effect where the custody officer for any police station transfers or permits the transfer of any person to the custody of a person who by virtue of this paragraph has lawful custody outside the police station of the person transferred as it would apply if the person to whom this paragraph applies were a police officer.

Textual Amendments

- F449** Words in Sch. 4 para. 35(3)(b) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 9\(2\)\(a\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)
- F450** Words in Sch. 4 para. 35(3)(c) added (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 9\(2\)\(b\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)
- F451** Sch. 4 para. 35(3A) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 9 para. 9\(3\)](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(j\)](#)
- F452** Words in Sch. 4 para. 35(4) substituted (1.12.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 9, 53, [Sch. 5 para. 5\(10\)](#); S.I. 2007/3203, [art. 2\(c\)](#)

^{F453} ^{F454} **PART 4A** | **E+W**

Textual Amendments

- F453** Sch. 4 Pt. 4A repealed (12.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116(6)(b), Sch. 7 para. 125(3)(a), [Sch. 8](#)
- F454** Sch. 4 Pt. 4A inserted (prosp.) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 120(5), 178

PROSPECTIVE

Exercise of functions of custody officers

- 35A (1) Where a designation applies this paragraph to any person, he may (subject to sub-paragraph (2)) perform all the functions of a custody officer under the 1984 Act (except those under section 45A(4) of that Act) and under any other enactment which confers functions on such a custody officer.
- (2) But in relation to a police station designated under section 35(1) of the 1984 Act, the person must first also be appointed a custody officer for that police station under section 36(2) of that Act.
- (3) A person performing the functions of a custody officer by virtue of a designation under this paragraph (together with, if appropriate, an appointment as such) shall have all the powers and duties of a custody officer.
- (4) Except in sections 36 and 45A(4) of the 1984 Act, references in any enactment to a custody officer within the meaning of that Act include references to a person performing the functions of a custody officer by virtue of a designation under this paragraph.

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.....
35B Where a designation applies this paragraph to any person, he shall be under a duty, when in the course of his employment he is present at a police station—
(a) to keep under control any person detained at the police station and for whom he is for the time being responsible;
(b) to assist any officer or other designated person to keep any other person detained at the police station under control; and
(c) to prevent the escape of any such person as is mentioned in paragraph (a) or (b),
and for those purposes shall be entitled to use reasonable force.

.....
35C Where a designation applies this paragraph to any person, he is authorised to carry out the duty under—
(a) section 55 of the Police and Criminal Evidence Act 1984 of informing a person who is to be subject to an intimate search under that section of the matters of which he is required to be informed in pursuance of subsection (3B) of that section;
(b) section 55A of that Act of informing a person who is to be subject to x-ray or ultrasound (as the case may be) under that section of the matters of which he is required to be informed in pursuance of subsection (3) of that section.

^{F434}**PART 5 U.K.**

INTERPRETATION OF SCHEDULE

36 (1) In this Schedule “the relevant police area”—
(a) in relation to a [^{F455}person designated] under [^{F456}section 39] by the chief officer of any police force, means the police area for which that force is maintained; ^{F457} . . .
(b) ^{F457}

^{F458} [^{F459}(2)

^{F458}(2A)

(3) In Parts 3 and 4 of this Schedule “a designation” means a designation under [^{F460}section 39].]

^{F461}(3A)

(4) Expressions used in this Schedule and in the 1984 Act have the same meanings in this Schedule as in that Act.

Textual Amendments

F455 Words in Sch. 4 para. 36(1)(a) substituted (1.12.2007) by [Police and Justice Act 2006 \(c. 48\), ss. 9, 53, Sch. 5 para. 5\(12\); S.I. 2007/3203, art. 2\(c\)](#)

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- F456** Words in Sch. 4 para. 36(1)(a) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 5(4)(a)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)
- F457** Sch. 4 para. 36(1)(b) and preceding word repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 59, 174, 178, Sch. 4 para. 190, **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 10, 12, 13(oo) (subject to art. 4(2)-(7))
- F458** Sch. 4 para. 36(2)(2A) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 5(4)(b)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)
- F459** Sch. 4 para. 36(2)(2A)(3) substituted for Sch. 4 para. 36(2)(3) (1.12.2007) by Police and Justice Act 2006 (c. 48), ss. 9, 53, **Sch. 5 para. 5(13)**; S.I. 2007/3203, **art. 2(c)**
- F460** Words in Sch. 4 para. 36(3) substituted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 5(4)(c)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)
- F461** Sch. 4 para. 36(3A) omitted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 5(4)(d)**; S.I. 2017/1139, **reg. 2(k)** (as amended by S.I. 2017/1162, **reg. 2**)

SCHEDULE 5 **U.K.**

Section 41

POWERS EXERCISABLE BY ACCREDITED PERSONS

Power to issue fixed penalty notices

- 1 (1) An accredited person whose accreditation specifies that this paragraph applies to him shall have the powers specified in sub-paragraph (2) in relation to any individual who he has reason to believe has committed or is committing a relevant fixed penalty offence at a place within the relevant police area.
- (2) Those powers are the following powers so far as exercisable in respect of a relevant [^{F462}fixed penalty] offence—
- (a) the power of a constable in uniform to give a person a fixed penalty notice under section 54 of the Road Traffic Offenders Act 1988 (c. 53) (fixed penalty notices) in respect of an offence under section 72 of the Highway Act 1835 (c. 50) (riding on a footway) committed by cycling;
- [^{F463}(aa) the powers of a constable ^{F464}... to give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (fixed penalty notices in respect of offences of disorder) ^{F465}...;]
- [^{F466}(ab) the power of a constable to give a penalty notice under section 444A of the Education Act 1996 (penalty notice in respect of failure to secure regular attendance at school of registered pupil);]
- [^{F467}(ac) the power of a constable to give a penalty notice under section 105 of the Education and Inspections Act 2006 (penalty notice in respect of presence of excluded pupil in public place);]
- (b) ^{F468}.....
- [^{F469}(ba) the power of an authorised officer of a local authority to give a notice under section 43(1) of the Anti-social Behaviour Act 2003 (penalty notices in respect of graffiti or fly-posting); and]

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- (c) the power of an authorised officer of a litter authority to give a notice under section 88 of the Environmental Protection Act 1990 (c. 43) (fixed penalty notices in respect of litter)
- ^{F470}(d)
- ^{F471}(2A) The reference to the powers mentioned in sub-paragraph (2)(aa) does not include those powers so far as they relate to an offence under the provisions in the following list—
- section 12 of the Licensing Act 1872,
 - section 91 of the Criminal Justice Act 1967,
 - section 1 of the Theft Act 1968,
 - section 1(1) of the Criminal Damage Act 1971,
 - section 87 of the Environmental Protection Act 1990.]
- (3) In this paragraph “relevant fixed penalty offence”, in relation to an accredited person, means an offence which—
- (a) is an offence by reference to which a notice may be given to a person in exercise of any of the powers mentioned in ^{F472}sub-paragraph (2)(a) to (d) ; and
 - (b) is specified or described in that person’s accreditation as an offence he has been accredited to enforce.
- ^{F473}(3A) For the purposes of paragraph (f) of section 64A(1B) of the Police and Criminal Evidence Act 1984 (photographing of suspects in relation to fixed penalty offences) “relevant fixed penalty offence”, in relation to an accredited person, includes an offence under a relevant byelaw within the meaning of paragraph 1A(4) (and, accordingly, the reference in that paragraph (f) to paragraph 1 of this Schedule includes a reference to paragraph 1A of this Schedule).]
- ^{F474}(4) In its application to an offence which is an offence by reference to which a notice may be given to a person in exercise of the power mentioned in sub-paragraph (2) (ab) ^{F475}or (ac)] , sub-paragraph (1) shall have effect as if for the words from “who he has reason to believe” to the end there were substituted “in the relevant police area who he has reason to believe has committed or is committing a relevant fixed penalty offence”.]

Textual Amendments

- F462** Words in Sch. 5 para. 1(2) inserted (1.12.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 9, 53, [Sch. 5 para. 6\(2\)](#); S.I. 2007/3203, [art. 2\(c\)](#)
- F463** Sch. 5 para. 1(2)(aa) inserted (31.3.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. 89(5), 93; S.I. 2004/690, [art. 2\(b\)\(iv\)](#)
- F464** Words in Sch. 5 para. 1(2)(aa) omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 14\(4\)](#); S.I. 2013/453, art. 4(e)
- F465** Words in Sch. 5 para. 1(2)(aa) repealed (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122(5)(a), 174, 178, [Sch. 17 Pt. 2](#); S.I. 2005/1521, [art. 3\(1\)\(cc\)\(ee\)\(viii\)](#)
- F466** Sch. 5 para. 1(2)(ab) inserted (27.2.2004) by [Anti-social Behaviour Act 2003 \(c. 38\)](#), ss. 23(6), 93; S.I. 2003/3300, [art. 3\(a\)\(ii\)](#)
- F467** Sch. 5 para. 1(2)(ac) inserted (1.9.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 107(4), 188; S.I. 2007/1801, [art. 4\(h\)](#)
- F468** Sch. 5 para. 1(2)(b) repealed (6.4.2006 for E. and 15.3.2007 for W.) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), ss. 107, 108, [Sch. 5 Pt. 5](#); S.I. 2006/795, [art. 2\(3\)](#), Sch. 2 (with art. 4(3))

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- (b)); S.I. 2006/2797, **art. 5(g)** (with **art. 10(3)(b)**) (as amended (30.1.2007) by S.I. 2007/120, **art. 3**); S.I. 2007/702
- F469** Sch. 5 para. 1(2)(ba) inserted (31.3.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 46(2)(b)**, 93; S.I. 2004/690, **art. 2(a)(i)**
- F470** Sch. 5 para. 1(2)(d) omitted (20.10.2014) by virtue of Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 11 para. 33** (with **ss. 21, 33, 42, 58, 75, 93**); S.I. 2014/2590, **art. 3(g)(vi)** (as amended (20.10.2014) by S.I. 2014/2754, **arts. 1, 3(a)**)
- F471** Sch. 5 para. 1(2A) inserted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 122(5)(b)**, 178; S.I. 2005/1521, **art. 3(1)(h)**; S.I. 2005/2026, **art. 2(d)**
- F472** Words in Sch. 5 para. 1(3)(a) substituted (27.1.2010) for the words "sub-paragraph (2)(a) to (c)" by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 135, 245, Sch. 6 para. 4(2)**; S.I. 2010/112, **art. 2(g)**
- F473** Sch. 5 para. 1(3A) inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 133(3)(a)**, 245; S.I. 2010/112, **art. 2(e)**
- F474** Sch. 5 para. 1(4) inserted (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 23(7)**, 93; S.I. 2003/3300, **art. 3(a)(ii)**
- F475** Words in Sch. 5 para. 1(4) inserted (1.9.2007) by Education and Inspections Act 2006 (c. 40), **ss. 107(5)**, 188; S.I. 2007/1801, **art. 4(h)**

Modifications etc. (not altering text)

- C37** Sch. 5 para. 1(2)(aa) modified (1.11.2004) by The Criminal Justice and Police Act 2001 (Amendment) and Police Reform Act 2002 (Modification) Order 2004 (S.I. 2004/2540), **arts. 1(4), 5**

[^{F476}1A(1) This paragraph applies to an accredited person whose accreditation specifies that it applies to him.

- (2) The accreditation may specify that, in relation to that person, the application of sub-paragraph (3) is confined to one or more only (and not all) relevant byelaws, being in each case specified in the accreditation.
- (3) Where that person has reason to believe that an individual has committed an offence against a relevant byelaw at a place within the relevant police area, he may exercise the power of an authorised officer of an authority to give a notice under section 237A of the Local Government Act 1972 [^{F477} or under section 12 of the Local Government Byelaws (Wales) Act 2012] (fixed penalty notices in relation to offences against certain byelaws).
- (4) In this paragraph “relevant byelaw”, in relation to an accredited person, means a byelaw which—
- (a) falls within sub-paragraph (5); and
- (b) is specified or described in that person's accreditation as a byelaw he has been accredited to enforce under this paragraph.
- (5) A byelaw falls within this sub-paragraph if—
- (a) it is a byelaw to which section 237A of the Local Government Act 1972 [^{F478} or to which section 12 of the Local Government Byelaws (Wales) Act 2012 applies] applies (fixed penalty notices in relation to offences against certain byelaws); and
- (b) the chief officer of the police force for the relevant police area and the authority who made the byelaw have agreed to include it in a list of byelaws for the purposes of this sub-paragraph.

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- (6) A list under sub-paragraph (5)(b) must be published by the chief officer in such a way as to bring it to the attention of members of the public in localities where the byelaws in the list apply.
- (7) The list may be amended from time to time by agreement between the chief officer and the authority, by adding byelaws to it or removing byelaws from it, and the amended list shall also be published by the chief officer as mentioned in sub-paragraph (6).]

Textual Amendments

- F476** Sch. 5 para. 1A inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 133(3)(b)**, 245; S.I. 2010/112, **art. 2(e)**
- F477** Words in Sch. 5 para. 1A(3) inserted (31.3.2015) by [Local Government Byelaws \(Wales\) Act 2012](#) (anaw 2), **ss. 17(3)(a)**, 22(2); S.I. 2015/1025, **art. 2(o)**
- F478** Words in Sch. 5 para. 1A(5)(a) inserted (31.3.2015) by [Local Government Byelaws \(Wales\) Act 2012](#) (anaw 2), **ss. 17(3)(b)**, 22(2); S.I. 2015/1025, **art. 2(o)**

Power to require giving of name and address

- 2 (1) Where an accredited person whose accreditation specifies that this paragraph applies to him has reason to believe that another person has committed a relevant offence in the relevant police area, he may require that other person to give him his name and address.
- (2) A person who fails to comply with a requirement under sub-paragraph (1) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (3) In this paragraph “relevant offence”, in relation to any accredited person, means any offence which is—
- (a) a relevant fixed penalty offence for the purposes of any powers exercisable by the accredited person by virtue of paragraph 1; or
- [^{F479}(aa) an offence under section 3 or 4 of the Vagrancy Act 1824; or]
- [^{F480}(aza) an offence under a relevant byelaw within the meaning of paragraph 1A(4); or]
- (b) an offence the commission of which appears to the accredited person to have caused—
- (i) injury, alarm or distress to any other person; or
- (ii) the loss of, or any damage to, any other person’s property;
- but the accreditation of an accredited person may provide that an offence is not to be treated as a relevant offence by virtue of paragraph (b) unless it satisfies such other conditions as may be specified in the accreditation.
- [^{F481}(4) In its application to an offence which is an offence by reference to which a notice may be given to a person in exercise of the power mentioned in paragraph 1(2)(ab) [^{F482}or (ac)], sub-paragraph (1) of this paragraph shall have effect as if for the words “has committed a relevant offence in the relevant police area” there were substituted “in the relevant police area has committed a relevant offence”.]

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Textual Amendments

- F479** Sch. 5 para. 2(3)(aa) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 18**; S.I. 2005/1521, **art. 3(1)(h)(i)**
- F480** Sch. 5 para. 2(3)(aza) inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), **ss. 133(3)(c)**, 245; S.I. 2010/112, **art. 2(e)**
- F481** Sch. 5 para. 2(4) inserted (27.2.2004) by Anti-social Behaviour Act 2003 (c. 38), **ss. 23(8)**, 93; S.I. 2003/3300, **art. 3(a)(ii)**
- F482** Words in Sch. 5 para. 2(4) inserted (1.9.2007) by Education and Inspections Act 2006 (c. 40), **ss. 107(6)**, 188; S.I. 2007/1801, **art. 4(h)**

Power to require name and address of person [F483 engaging in anti-social behaviour]

- F483** [3(1)] An accredited person whose accreditation specifies that this paragraph applies to him shall, in the relevant police area, have the powers of a constable in uniform under section 50 to require a person whom he has reason to believe [F485 to have been engaging, or to be engaging, in anti-social behaviour] to give his name and address.
- [F486 (2) In sub-paragraph (1), “anti-social behaviour” has the meaning given by section 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (ignoring subsection (2) of that section).]

Textual Amendments

- F483** Words in Sch. 5 para. 3 substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 33(7)**; S.I. 2017/399, reg. 2, **Sch. para. 40**
- F484** Sch. 5 para. 3 renumbered as Sch. 5 para. 3(1) (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 33(4)**; S.I. 2017/399, reg. 2, **Sch. para. 40**
- F485** Words in Sch. 5 para. 3(1) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 33(5)**; S.I. 2017/399, reg. 2, **Sch. para. 40**
- F486** Sch. 5 para. 3(2) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 12 para. 33(6)**; S.I. 2017/399, reg. 2, **Sch. para. 40**

Power to require name and address: road traffic offences

- [F487 3A(1) An accredited person whose accreditation specifies that this paragraph applies to him shall, in the relevant police area, have the powers of a constable—
- (a) under subsection (1) of section 165 of the Road Traffic Act 1988 to require a person mentioned in paragraph (c) of that subsection who he has reasonable cause to believe has committed, in the relevant police area, an offence under subsection (1) or (2) of section 35 of that Act (including that section as extended by paragraphs 8B(4) and 9(2) of this Schedule) to give his name and address; and
 - (b) under section 169 of that Act to require a person committing an offence under section 37 of that Act (including that section as extended by paragraphs 8B(4) and 9(2) of this Schedule) to give his name and address.

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- (2) The reference in section 169 of the Road Traffic Act 1988 to section 37 of that Act is to be taken to include a reference to that section as extended by paragraphs 8B(4) and 9(2) of this Schedule.]

Textual Amendments

F487 Sch. 5 para. 3A inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 19](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)

Alcohol consumption in designated public places

- 4 An accredited person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the powers of a constable under section 12 of the Criminal Justice and Police Act 2001 (c. 16) (alcohol consumption in public places)—
- (a) to impose a requirement under subsection (2) of that section; and
 - (b) to dispose under subsection (3) of that section of anything surrendered to him;
- and that section shall have effect in relation to the exercise of those powers by that person as if the references to a constable in subsections (1) and (5) were references to the accredited person.

Confiscation of alcohol

- 5 An accredited person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the powers of a constable under section 1 of the Confiscation of Alcohol (Young Persons) Act 1997 (c. 33) (confiscation of intoxicating liquor)—
- (a) to impose a requirement under subsection (1) [^{F488}or (1AA)] of that section; and
 - (b) to dispose under subsection (2) of that section of anything surrendered to him;
- and that section shall have effect in relation to the exercise of those powers by that person as if the references to a constable in [^{F489}subsections (1), (1AA) and (4) (but not the reference in subsection (1AB) (removal))] were references to the accredited person.

Textual Amendments

F488 Words in [Sch. 5 para. 5](#) inserted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, {Sch, 7 para. 27(a)}; S.I. 2010/125, [art. 2\(t\)](#)

F489 Words in [Sch. 5 para. 5](#) substituted (29.1.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112, 116, {Sch, 7 para. 27(b)}; S.I. 2010/125, [art. 2\(t\)](#)

Confiscation of tobacco etc.

- 6 (1) An accredited person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have—

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- (a) the power to seize anything that a constable in uniform has a duty to seize under subsection (3) of section 7 of the Children and Young Persons Act 1933 (c. 12) (seizure of tobacco etc. from young persons); and
- (b) the power to dispose of anything that a constable may dispose of under that subsection;

and the power to dispose of anything shall be a power to dispose of it in such manner as the relevant employer of the accredited person may direct.

- (2) In this paragraph “relevant employer”, in relation to an accredited person, means the person with whom the chief officer of police for the relevant police area has entered into arrangements under section 40.

Abandoned vehicles

- 7 An accredited person whose accreditation specifies that this paragraph applies to him shall have all such powers in the relevant police area as are conferred on accredited persons by regulations under section 99 of the Road Traffic Regulation Act 1984 (c. 27) (removal of abandoned vehicles).

Power to stop vehicle for testing

- 8 A person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the power of a constable in uniform to stop a vehicle under subsection (3) of section 67 of the Road Traffic Act 1988 (c. 52) for the purposes of a test under subsection (1) of that section.

Power to stop cycles

- [^{F490}8A(1) Subject to sub-paragraph (2), a person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the power of a constable in uniform under section 163(2) of the Road Traffic Act 1988 to stop a cycle.
- (2) The power mentioned in sub-paragraph (1) may only be exercised by that person in relation to a person who he has reason to believe has committed an offence under section 72 of the Highway Act 1835 (riding on a footway) by cycling.]

Textual Amendments

F490 Sch. 5 para. 8A inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. 89(6), 93; S.I. 2003/3300, art. 2(f)(iv)

Power to control traffic for purposes other than escorting a load of exceptional dimensions

- [^{F491}8B(1) A person whose accreditation specifies that this paragraph applies to him shall have, in the relevant police area—
- (a) the power of a constable engaged in the regulation of traffic in a road to direct a person driving or propelling a vehicle to stop the vehicle or to make it proceed in, or keep to, a particular line of traffic;
 - (b) the power of a constable in uniform engaged in the regulation of vehicular traffic in a road to direct a person on foot to stop proceeding along or across the carriageway.

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- (2) The purposes for which those powers may be exercised do not include the purpose mentioned in paragraph 9(1).
- (3) A person whose accreditation specifies that this paragraph applies to him shall also have, in the relevant police area, the power of a constable, for the purposes of a traffic survey, to direct a person driving or propelling a vehicle to stop the vehicle, to make it proceed in, or keep to, a particular line of traffic, or to proceed to a particular point on or near the road.
- (4) Sections 35 and 37 of the Road Traffic Act 1988 (offences of failing to comply with directions of constable engaged in regulation of traffic in a road) shall have effect in relation to the exercise of the powers mentioned in sub-paragraphs (1) and (3), for the purposes for which they may be exercised and by a person whose accreditation specifies that this paragraph applies to him, as if the references to a constable were references to him.
- (5) A person's accreditation may not specify that this paragraph applies to him unless it also specifies that paragraph 3A applies to him.]

Textual Amendments

F491 Sch. 5 para. 8B inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 122, 178, [Sch. 8 para. 20](#); S.I. 2005/1521, [art. 3\(1\)\(h\)\(i\)](#)

Power to control traffic for purposes of escorting a load of exceptional dimensions

- 9
- (1) A person whose accreditation specifies that this paragraph applies to him shall have, for the purpose of escorting a vehicle or trailer carrying a load of exceptional dimensions either to or from the relevant police area, the power of a constable engaged in the regulation of traffic in a road—
 - (a) to direct a vehicle to stop;
 - (b) to make a vehicle proceed in, or keep to, a particular line of traffic; and
 - (c) to direct pedestrians to stop.
 - (2) Sections 35 and 37 of the Road Traffic Act 1988 (offences of failing to comply with directions of constable engaged in regulation of traffic in a road) shall have effect in relation to the exercise of those powers for the purpose mentioned in sub-paragraph (1) by a person whose accreditation specifies that this paragraph applies to him as if the references to a constable engaged in regulation of traffic in a road were references to that person.
 - (3) The powers conferred by virtue of this paragraph may be exercised in any police area in England and Wales.
 - (4) In this paragraph “vehicle or trailer carrying a load of exceptional dimensions” means a vehicle or trailer the use of which is authorised by an order made by the Secretary of State under section 44(1)(d) of the Road Traffic Act 1988.

Photographing of persons given fixed penalty notices

[^{F492}9ZA] An accredited person whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the power of a constable under section 64A(1A) of the 1984 Act (photographing of suspects etc.) to take a

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photograph, elsewhere than at a police station, of a person to whom the accredited person has given a penalty notice (or as the case may be a fixed penalty notice) in exercise of any power mentioned in paragraph 1(2) ^{F493} or in exercise of the power mentioned in paragraph 1A(3)].]

Textual Amendments

F492 Sch. 5 para. 9ZA inserted (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 122, 178, **Sch. 8 para. 21**; S.I. 2005/3495, **art. 2(1)(q)(r)**

F493 Words in Sch. 5 para. 9ZA inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. **133(3)(d)**, 245; S.I. 2010/112, **art. 2(e)**

Power to modify paragraph ^{F495}1(2A)]

^{F494}^{F496}1) The Secretary of State may by order amend paragraph 1(2A) so as to remove a provision from the list or add a provision to the list; but the list must contain only provisions mentioned in the first column of the Table in section 1(1) of the Criminal Justice and Police Act 2001.]

(2) The Secretary of State shall not make an order containing (with or without any other provision) any provision authorised by this paragraph unless a draft of that order has been laid before Parliament and approved by a resolution of each House.]

Textual Amendments

F494 Sch. 5 para. 9A inserted (20.1.2004) by Anti-social Behaviour Act 2003 (c. 38), ss. **89(7)**, 93; S.I. 2003/3300, **art. 2(f)(iv)**

F495 Words in Sch. 5 para. 9A heading substituted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), ss. **122(6)**, 178; S.I. 2005/1521, **art. 3(1)(h)**; S.I. 2005/2026, **art. 2(d)**

F496 Sch. 5 para. 9A(1) substituted (1.7.2005 for certain purposes and 1.8.2005 otherwise) by Serious Organised Crime and Police Act 2005 (c. 15), ss. **122(6)**, 178; S.I. 2005/1521, **art. 3(1)(h)**; S.I. 2005/2026, **art. 2(d)**

Meaning of “relevant police area”

10 In this Schedule “the relevant police area”, in relation to an accredited person, means the police area for which the police force whose chief officer granted his accreditation is maintained.

^{F497}SCHEDULE 5A **E+W**

POWERS EXERCISABLE BY ACCREDITED INSPECTORS

Textual Amendments

F497 Sch. 5A inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 15(2), 53, **Sch. 7**; S.I. 2007/709, **art. 3(k)** (subject to arts. 6, 7)

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Power to issue fixed penalty notices

- 1 (1) An accredited inspector whose accreditation specifies that this paragraph applies to him shall have the powers specified in sub-paragraph (2) in relation to any individual who he has reason to believe has committed a relevant fixed penalty offence at a place within the relevant police area.
- (2) The powers are the powers of a constable^{F498} ... to give a penalty notice under Chapter 1 of Part 1 of the Criminal Justice and Police Act 2001 (fixed penalty notices in respect of offences of disorder) so far as exercisable in respect of a relevant fixed penalty offence.

Textual Amendments

F498 Words in [Sch. 5A para. 1\(2\)](#) omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 14\(5\)](#); S.I. 2013/453, art. 4(e)

Power to require giving of name and address

- 2 (1) Where an accredited inspector whose accreditation specifies that this paragraph applies to him has reason to believe that a person has committed a relevant fixed penalty offence in the relevant police area, he may require the person to give him his name and address.
- (2) A person who fails to comply with a requirement under sub-paragraph (1) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

Photographing of persons given fixed penalty notices

- 3 An accredited inspector whose accreditation specifies that this paragraph applies to him shall, within the relevant police area, have the power of a constable under section 64A(1A) of the 1984 Act (photographing of suspects etc) to take a photograph, elsewhere than at a police station, of a person to whom the accredited inspector has given a penalty notice in exercise of the powers mentioned in paragraph 1(2).

Interpretation

- 4 In this Schedule—
 - “the relevant police area”, in relation to an accredited inspector, means the police area for which the police force whose chief officer granted his accreditation is maintained;
 - “relevant fixed penalty offence”, in relation to an accredited inspector, means an offence which—
 - (a) is an offence contained in a provision mentioned in the first column of the Table in section 1(1) of the Criminal Justice and Police Act 2001, and
 - (b) is specified or described in his accreditation as an offence he has been accredited to enforce.]

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F499F499 SCHEDULE 6 U.K.

Textual Amendments

F499 Sch. 6 repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, Sch. 17 Pt. 2; S.I. 2005/3495, art. 2(1)(t)(u)(xlix)

F499

SCHEDULE 7 U.K.

Section 107

MINOR AND CONSEQUENTIAL AMENDMENTS

Police (Scotland) Act 1967

- 1 (1) In subsection (1) of section 38A of the Police (Scotland) Act 1967 (c. 77) (police officers engaged on service outside their force), after paragraph (aa) there shall be inserted—
- “(ab) temporary service on which a person is engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 (c. 30) (service with the Independent Police Complaints Commission);”
- (2) In subsection (6)(a) of that section, after “paragraph (a),” there shall be inserted “(aa),”

Superannuation Act 1972

- 2 (1) In Schedule 1 to the Superannuation Act 1972 (c. 11) (kinds of employment to which that Act applies), at the appropriate place in the entries under the heading “Royal Commissions and other Commissions”, there shall be inserted—
- “Independent Police Complaints Commission.”
- (2) In that Schedule, in the entries under the heading “Other bodies”, the words “Police Complaints Authority.” shall be omitted.

Juries Act 1974

- 3 In Part 1 of Schedule 1 to the Juries Act 1974 (c. 23) (ineligibility for jury service), in Group B, after the entry relating to the Criminal Cases Review Commission there shall be inserted—
- “Chairman and members of the Independent Police Complaints Commission and any member of its staff who is not otherwise ineligible.”

Rehabilitation of Offenders Act 1974

- 4 In section 7(2)(bb) of the Rehabilitation of Offenders Act 1974 (c. 53) (limitations on rehabilitations under Act etc.), for “a sex offender order under section 2 or, as the case may be, 20” there shall be substituted “an order under section 2, 2A or 20”.

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House of Commons Disqualification Act 1975

- 5 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (bodies of which all members are disqualified)—
- (a) at the appropriate place, there shall be inserted—
- “The Independent Police Complaints Commission.
- ;
- and”
- (b) the words “The Police Complaints Authority.” shall be omitted.

Northern Ireland Assembly Disqualification Act 1975

- 6 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (bodies of which all members are disqualified)—
- (a) at the appropriate place, there shall be inserted—
- “The Independent Police Complaints Commission.
- ;
- and”
- (b) the words “The Police Complaints Authority.” shall be omitted.

The Police Pensions Act 1976

- 7 (1) Section 11 of the Police Pensions Act 1976 (c. 35) (interpretation) shall be amended as follows.
- (2) In subsection (2) (meaning of “police authority” in relation to pensions)—
- (a) in paragraph (b), for “(c)”, in the second place where it occurs, there shall be substituted “(ba)”;
- (b) after paragraph (b) there shall be inserted—
- “(ba) in relation to service of the kind described in section 97(1)(aa) of the Police Act 1996 (c. 16) or section 38A(1)(aa) of the Police (Scotland) Act 1967 (c. 77), it means the Independent Police Complaints Commission;”
- (c) in paragraph (c), for “subsection (ba) or (bc) above” there shall be substituted “paragraph (ba) or (bc) of subsection (1)”;
- (d) in paragraph (d), for “subsection (bb) or (bd) above” there shall be substituted “paragraph (bb) or (bd) of subsection (1)”;
- (e) in paragraph (da), for “subsection (be)” there shall be substituted “subsection (1)(be)”.
- (3) In subsection (5) of that section, in the definition of “central service”, in each of paragraphs (a) and (b), after “paragraph” there shall be inserted “(aa),”.
- (4) After that subsection, there shall be inserted—
- “(6) References in this Act to the Director General of the National Criminal Intelligence Service and to his service have effect only in relation to cases in which the person in question was a serving police officer for the purposes of

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section 6 of the Police Act 1997 (c. 50) immediately before his appointment to that office took effect.”

Commencement Information

I21 Sch. 7 para. 7 wholly in force at 1.4.2004; Sch. 7 para. 7 not in force at Royal Assent, see s. 108(2); Sch. 7 para. 7(4) in force at 1.10.2002 by S.I. 2002/2306, art. 2(g)(ii); Sch. 7 para. 7(1)-(3) in force at 1.4.2004 by S.I. 2004/913, art. 2(e)

Rehabilitation of Offenders (Northern Ireland) Order 1978

- 8 In Article 8(2) of the Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/ 1908 (N.I. 27)) (limitations on rehabilitation under Order etc.), after subparagraph (b) there shall be inserted—
- “(bb) in any proceedings on an application for an order under Article 6 or 6A of the Criminal Justice (Northern Ireland) Order 1998 (S.I. 1998/ 2839 (N.I. 20)) or in any appeal against the making of such an order;”.

The 1984 Act

- 9 (1) In section 18(5) of the 1984 Act (power of constable to conduct search of an arrested person’s premises before taking him to a police station), for “taking the person” there shall be substituted “ the person is taken ”.
- (2) In section 54A(6) of that Act (persons entitled to carry out search or examination or to take photographs), for paragraphs (a) and (b) and the words after paragraph (b) there shall be substituted “ constables ”.
- (3) In section 61 of that Act (fingerprinting), before subsection (9) there shall be inserted—
- “(8B) The power to take the fingerprints of a person detained at a police station without the appropriate consent shall be exercisable by any constable.”
- (4) In section 63 of that Act (non-intimate samples), after subsection (9) there shall be inserted—
- “(9ZA) The power to take a non-intimate sample from a person without the appropriate consent shall be exercisable by any constable.”
- (5) In section 64A(3) of that Act (persons entitled to photograph detainees), for paragraphs (a) and (b) and the words after paragraph (b) there shall be substituted “ constables ”.
- (6) In subsection (7B) of section 67 of that Act (limited effect of modification of code of practice), in paragraph (c) for “order” there shall be substituted “ code ”.
- (7) After subsection (9) of that section there shall be inserted—
- “(9A) Persons on whom powers are conferred by—
- (a) any designation under section 38 or 39 of the Police Reform Act 2002 (c. 30) (police powers for police authority employees), or

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- (b) any accreditation under section 41 of that Act (accreditation under community safety accreditation schemes),
- shall have regard to any relevant provision of a code of practice to which this section applies in the exercise or performance of the powers and duties conferred or imposed on them by that designation or accreditation.”
- (8) In subsection (10) of that section (failure to comply with codes not to render a person liable to civil or criminal proceedings), after paragraph (b) there shall be inserted “, or
- (c) of a person designated under section 38 or 39 or accredited under section 41 of the Police Reform Act 2002 (c. 30) to have regard to any relevant provision of such a code in the exercise or performance of the powers and duties conferred or imposed on him by that designation or accreditation.”.
- (9) In section 118, at the beginning of subsection (2) (meaning of persons in police detention) there shall be inserted “ Subject to subsection (2A) ”; and after that subsection there shall be inserted—
- “(2A) Where a person is in another’s lawful custody by virtue of paragraph 22, 34(1) or 35(3) of Schedule 4 to the Police Reform Act 2002, he shall be treated as in police detention.”

Prosecution of Offences Act 1985

- 10 In section 3(2) of the Prosecution of Offences Act 1985 (c. 23) (functions of the Director of Public Prosecutions), after paragraph (b) there shall be inserted—
- “(ba) to institute and have the conduct of any criminal proceedings in any case where the proceedings relate to the subject-matter of a report a copy of which has been sent to him under paragraph 23 or 24 of Schedule 3 to the Police Reform Act 2002 (c. 30) (reports on investigations into conduct of persons serving with the police);”.

Road Traffic Act 1988

- 11 (1) Section 103 of the Road Traffic Act 1988 (c. 52) (obtaining licence, or driving, while disqualified) shall be amended as follows.
- (2) Subsection (3) shall cease to have effect.
- (3) In subsection (4), for “Subsections (1) and (3) above do” there shall be substituted “ Subsection (1) above does ”.
- (4) In subsection (5), for “Subsections (1)(b) and (3) above do” there shall be substituted “ Subsection (1)(b) above does ”.
- (5) In subsection (6), for “subsections (1) and (3)” there shall be substituted “ subsection (1) ”.
- 12 In section 183(1) of the Road Traffic Act 1988 (application to the Crown), in paragraph (c), the words “, except section 103(3)” shall be omitted.

Aviation and Maritime Security Act 1990

- 13 In section 22(4) of the Aviation and Maritime Security Act 1990 (c. 31) (persons entitled to exercise certain powers in relation to private dwelling), in paragraph (b)

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(i), for the words from “Police Complaints Authority” to the end of the subparagraph there shall be substituted “Independent Police Complaints Commission under section 26 of the Police Reform Act 2002 (c. 30); or”.

The 1996 Act

14 In section 8 of the 1996 Act (local policing plans), after subsection (4) there shall be inserted—

“(4A) It shall be the duty of a police authority and of a chief constable, in preparing, issuing or submitting any plan or draft plan under this section, to have regard to any general guidance given by the Secretary of State with respect to local policing plans and the drafts of such plans.

(4B) Before giving any guidance under subsection (4A), the Secretary of State shall consult with—

- (a) persons whom he considers to represent the interests of police authorities;
- (b) persons whom he considers to represent the interests of chief officers of police; and
- (c) such other persons as he thinks fit.”

15 In section 54 of the 1996 Act (appointment and functions of inspectors of constabulary), before subsection (3) there shall be inserted—

“(2D) It shall be the duty of the chief inspector of constabulary—

- (a) to enter into arrangements with the Independent Police Complaints Commission for the purpose of securing cooperation, in the carrying out of their respective functions, between the inspectors of constabulary and that Commission; and
- (b) to ensure that inspectors of constabulary provide that Commission with all such assistance and co-operation as may be required by those arrangements or as otherwise appears to the chief inspector to be appropriate for facilitating the carrying out by that Commission of its functions.”

16 F500

Textual Amendments

F500 Sch. 7 para. 16 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 174, 178, [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. paras. 12, 13(oo) (subject to [art. 4\(2\)-\(7\)](#))

17 F501

Textual Amendments

F501 Sch. 7 para. 17 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 174, 178, [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. paras. 12, 13(oo) (subject to [art. 4\(2\)-\(7\)](#))

18 In section 87 of that Act (guidance concerning disciplinary proceedings), for subsection (2) there shall be substituted—

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- “(1A) The Secretary of State may also issue guidance to the Independent Police Complaints Commission concerning the discharge of its functions under any regulations under section 50 in relation to disciplinary proceedings.
- (2) Nothing in this section shall authorise the issuing of any guidance about a particular case.
- (3) It shall be the duty of every person to whom any guidance under this section is issued to have regard to that guidance in discharging the functions to which the guidance relates.
- (4) A failure by a person to whom guidance under this section is issued to have regard to the guidance shall be admissible in evidence in any disciplinary proceedings or on any appeal from a decision taken in any such proceedings.
- (5) In this section “disciplinary proceedings” means any proceedings under any regulations under section 50 that are identified as disciplinary proceedings by those regulations.”

19 (1) In subsection (1) of section 97 of that Act (police officers engaged on service outside their force), after paragraph (a) there shall be inserted—

“(aa) temporary service on which a person is engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 (c. 30) ;”.

- (2) F502
- (3) F502

Textual Amendments
F502 Sch. 7 para. 19(2)(3) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 174, 178, [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. paras. 12, 13(oo) (subject to [art. 4\(2\)-\(7\)](#))

Justices of the Peace Act 1997

20 F503

Textual Amendments
F503 Sch. 7 para. 20 repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(3), 110(1), [Sch. 10](#); S.I. 2005/910, [art. 3\(aa\)\(bb\)](#)

The 1997 Act

21 F504

Textual Amendments
F504 Sch. 7 para. 21 repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 174, 178, [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. paras. 12, 13(oo) (subject to [art. 4\(2\)-\(7\)](#))

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Police (Northern Ireland) Act 1998

22 (1) In subsection (1) of section 27 of the Police (Northern Ireland) Act 1998 (c. 32) (police officers engaged on service outside the Police Service of Northern Ireland), after paragraph (a) there shall be inserted—

“(aa) temporary service on which a member of the police force is engaged in accordance with arrangements made under paragraph 6(2) of Schedule 2 to the Police Reform Act 2002 (c. 30);”.

(2) ^{F505}

Textual Amendments

F505 Sch. 7 para. 22(2) repealed (1.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 174, 178, [Sch. 17 Pt. 2](#); S.I. 2006/378, [art. 4\(1\)](#), Sch. paras. 12, 13(oo) (subject to [art. 4\(2\)-\(7\)](#))

Freedom of Information Act 2000

23 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public bodies for the purposes of that Act)—

(a) at the appropriate place, there shall be inserted—

“The Independent Police Complaints Commission.

;

and”

(b) the words “The Police Complaints Authority.” shall be omitted.

Criminal Justice and Police Act 2001

24 ^{F506}

Textual Amendments

F506 Sch. 7 para. 24 repealed (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 52, 53, [Sch. 15 Pt. 1\(A\)](#); S.I. 2007/709, [art. 3\(q\)](#) (subject to [arts. 6, 7](#))

Commencement Information

I22 Sch. 8 partly in force; Sch. 8 in force for certain purposes at Royal Assent, see [s. 108\(2\)\(3\)](#); Sch. 8 in force for certain purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 2\(g\)\(iii\)](#); Sch. 8 in force for certain other purposes at 2.12.2002 by [S.I. 2002/2750](#), [art. 2\(b\)\(iii\)](#); Sch. 8 in force for certain purposes at 1.4.2003 by [S.I. 2003/808](#), [art. 2\(I\)](#); Sch. 8 in force for certain purposes at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(f\)](#); Sch. 8 in force for certain purposes for E. at 30.4.2004 by [S.I. 2004/913](#), [art. 3\(c\)](#); Sch. 8 in force for certain

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purposes at 1.6.2004 by S.I. 2004/1319, [art. 2\(f\)](#); [Sch. 8](#) in force for certain purposes at 23.12.2004 by S.I. 2004/3338, [art. 3\(c\)](#)

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Superannuation Act 1972 (c. 11)	In Schedule 1, in the entries under the heading “Other bodies”, the words “Police Complaints Authority.”
House of Commons Disqualification Act 1975 (c. 24)	In Part 2 of Schedule 1, the words “Police Complaints Authority.”
Northern Ireland Assembly Disqualification Act 1975 (c. 25)	In Part 2 of Schedule 1, the words “The Police Complaints Authority.”
Road Traffic Regulation Act 1984 (c. 27)	In section 96(3)— (a) in the words before paragraph (a), the words “163”; and (b) paragraph (c) and the word “or” immediately preceding it.
Police and Criminal Evidence Act 1984 (c. 60)	In section 67(10), the word “or” after paragraph (a).
Housing Act 1985 (c. 68)	In section 4(e), the words “the Metropolitan Police Authority”.
Housing Act 1988 (c. 50)	In paragraph 12(2)(g) of Schedule 1, the words “and the Metropolitan Police Authority”.
Road Traffic Act 1988 (c. 52)	Section 103(3). In section 183(1)(c), the words “, except section 103(3)”.
Road Traffic Offenders Act 1988 (c. 53)	In section 34(3), the word “and” after paragraph (a).
Official Secrets Act 1989 (c. 6)	Section 11(1).
Criminal Justice and Public Order Act 1994 (c. 33)	Section 54(5).
Police Act 1996 (c. 16)	Section 42(5). In section 62(1B), the words “6 or”. Section 63(3)(b). Chapter 1 of Part 4. Section 86. In section 105(2), the words from “paragraph 8” to “that paragraph);”. In Schedule 2, paragraph 25. In Schedule 2A, paragraph 20. Schedule 5.
Employment Rights Act 1996 (c. 18)	In section 200(1), the words “Part IVA,” and “47B”.
Protection from Harassment Act 1997 (c. 40)	Section 2(3).

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Police (Health and Safety) Act 1997 (c. 42)	F507 ...
Police Act 1997 (c. 50)	Section 6(3). In section 9, in subsection (2)(b), the words from “to which” to “applies”. Section 9A(2). Section 39(3). Section 42(6)(a). In section 55, in subsection (2)(b), the words from “to which” to “applies”. Section 55A(2).
Public Interest Disclosure Act 1998 (c. 23)	Section 13.
Police (Northern Ireland) Act 1998 (c. 32)	In Schedule 4, sub-paragraphs (2) to (4) of paragraph 22, and sub-paragraph (9) of that paragraph, the words “and 55(3)(c)”.
Crime and Disorder Act 1998 (c. 37)	In section 1— (a) the words after paragraph (b) of subsection (1); and (b) subsection (2). In section 5(1), the word “and” at the end of paragraph (a). Section 32(2). Section 84(2).
Football (Offences and Disorder) Act 1999 (c. 21)	Section 1(2)(f). Section 8(3) and (4).
Local Government Act 1999 (c. 27)	Section 24(3).
Greater London Authority Act 1999 (c. 29)	In Schedule 27, paragraphs 51, 59, 90 and 97 to 99.
Police (Northern Ireland) Act 2000 (c. 32)	In Schedule 6, paragraph 20(4).
Freedom of Information Act 2000 (c. 36)	In Part 6 of Schedule 1, the words “The Police Complaints Authority”.
Countryside and Rights of Way Act 2000 (c. 37)	In Schedule 12, paragraph 13.
Criminal Justice and Court Services Act 2000 (c. 43)	In Schedule 7, in paragraph 151, the words “5(2)(b)”.
Criminal Justice and Police Act 2001 (c. 16)	Section 12(6). Section 46(6). Section 71. Section 80(2). Section 122(3). Section 123(3). Section 125(4)(b). In Schedule 6, paragraph 74.
Anti-Terrorism, Crime and Security Act 2001 (c. 24)	Section 82(1). Section 94(3).

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Textual Amendments

F507 [Sch. 8](#): reference to section 5 of the [Police \(Health and Safety\) Act 1997 \(c. 42\)](#) repealed (7.4.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 158(4)(b), 174(2), 178(1), **Sch. 17 Pt. 1**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 43(6) words omitted by [2022 c. 32 Sch. 11 para. 24\(a\)](#)
- s. 43(7) omitted by [2022 c. 32 Sch. 11 para. 24\(b\)](#)
- s. 45(3)(f) words substituted by [2017 c. 3 Sch. 14 para. 67\(e\)](#)
- s. 46(2) words substituted by [2003 c. 44 Sch. 26 para. 57](#)
- s. 92 repealed by [2006 c. 48 Sch. 15 Pt. 1\(B\)](#)
- Sch. 2 para. 1(5)(e)(ii) words substituted by [2007 c. 15 Sch. 16 para. 13\(2\)](#)
- Sch. 2 para. 2(6)(e)(ii) words substituted by [2007 c. 15 Sch. 16 para. 13\(3\)](#)
- Sch. 3 para. 21(4)(b) word omitted (cond.) by [2017 c. 3 Sch. 9 para. 57\(4\)](#)
- Sch. 3 para. 19B(1) words inserted (cond.) by [2017 c. 3 Sch. 9 para. 57\(2\)](#)
- Sch. 3C para. 3(3)(b) omitted by [2022 c. 32 s. 81\(6\)\(a\)\(i\)](#)
- Sch. 3C para. 7(3) omitted by [2022 c. 32 s. 81\(6\)\(a\)\(ii\)](#)
- Sch. 3C para. 7(4) words omitted by [2022 c. 32 s. 81\(6\)\(a\)\(iii\)](#)
- Sch. 3C para. 7(7)(a) words omitted by [2022 c. 32 s. 81\(6\)\(a\)\(iv\)](#)
- Sch. 4 para. 35B and cross-heading inserted by [2005 c. 15 Sch. 9 para. 10](#) (This amendment is not applied to legislation.go.uk. Sch. 9 para. 10 repealed (12.1.2009) by 2009 c. 26, s. 116(6)(b), Sch. 8 Pt. 13)
- Sch. 4 Pt. 4A inserted by [2005 c. 15 s. 120\(5\)](#) (This amendment is not applied to legislation.go.uk. S. 120 repealed (12.1.2009) by 2009 c. 26, s. 116(6)(b), Sch. 8 Pt. 13)
- Sch. 5 para. 1(2)(aa) omitted by [2022 c. 32 Sch. 11 para. 25\(a\)](#)
- Sch. 5 para. 1(2A) omitted by [2022 c. 32 Sch. 11 para. 25\(a\)](#)
- Sch. 5 para. 2(3)(aa) omitted by [2022 c. 32 s. 81\(6\)\(b\)](#)
- Sch. 5 para. 4 and cross-heading omitted by [2022 c. 32 Sch. 11 para. 25\(b\)](#)
- Sch. 5 para. 9A and cross-heading omitted by [2022 c. 32 Sch. 11 para. 25\(c\)](#)
- Sch. 5 para. 1(2)(b) word repealed by [2003 c. 38 Sch. 3](#)
- Sch. 5A omitted by [2022 c. 32 Sch. 11 para. 26](#)
- Sch. 7 para. 14 repealed by [2006 c. 48 Sch. 15 Pt. 1\(B\)](#)