



# Police (Complaints and Conduct) Act 2012

## 2012 CHAPTER 22

### 2 Application of Part 2 of the Police Reform Act 2002 to old cases

- (1) The Police Reform Act 2002 is amended as follows.
- (2) After section 28 insert—

#### **“28A Application of Part 2 to old cases**

- (1) The Commission may, if it considers that there are exceptional circumstances—
  - (a) direct that a relevant transitional provision does not apply in relation to a pre-commencement matter, and
  - (b) direct the appropriate authority to record the matter under this Part.
- (2) A “pre-commencement matter” means a matter which—
  - (a) is a complaint or a conduct matter,
  - (b) relates to conduct which took place, or circumstances which occurred, before 1 April 2004, and
  - (c) (apart from this section) is prevented by a relevant transitional provision from being recorded under this Part as a complaint or a conduct matter.
- (3) “Relevant transitional provision” means article 2, 3 or 4 of the Independent Police Complaints Commission (Transitional Provisions) Order 2004 ([S.I. 2004/671](#)).
- (4) The Commission may, if it considers that there are exceptional circumstances, direct that a matter to which subsection (5) applies should be treated as a conduct matter or a DSI matter.
- (5) This subsection applies to a matter which—
  - (a) relates to conduct which took place, or circumstances which occurred, before 1 April 2004,
  - (b) has been the subject of a relevant complaint, and

- (c) would be a conduct matter or a DSI matter if it had not been the subject of a relevant complaint.
- (6) “Relevant complaint” means—
  - (a) a complaint made before 1 April 2004, or
  - (b) a complaint made on or after that date to which a relevant transitional provision applied.
- (7) Where under subsection (1)(a) the Commission directs that a relevant transitional provision does not apply in relation to a pre-commencement matter, that provision does not apply in relation to that matter.
- (8) The appropriate authority must comply with a direction under subsection (1)(b).
- (9) Where under subsection (4) the Commission directs that a matter should be treated as a conduct matter or a DSI matter, the matter is (subject to any regulations under subsection (10)) to be treated as a conduct matter or a DSI matter for the purposes of this Part (including subsections (1) and (2)) and any provision made under it.
- (10) The Secretary of State may by regulations provide for this Part or any provision made under it to apply with such modifications as the Secretary of State thinks fit to a matter in relation to which the Commission has made a direction under subsection (1) or (4).”
- (3) In section 12 (definitions of “conduct matter” and “DSI matter”)—
  - (a) in subsection (2), after “this section,” insert “section 28A and any regulations made under it,”, and
  - (b) in subsection (2A), after “means” insert “(subject to section 28A and any regulations made under it)”.
- (4) In section 29(1), in the definition of “recordable conduct matter”, after paragraph (a) (and the “or” which follows) insert—
  - “(aa) a conduct matter that is required to be recorded by the appropriate authority under section 28A(8) or has been so recorded;”.