
 STATUTORY INSTRUMENTS

1985 No. 672

POLICE

**The Police (Anonymous, Repetitious Etc. Complaints)
Regulations 1985**
Laid before Parliament in Draft

<i>Made</i> - - - - -	26th April 1985
<i>Coming into Operation</i>	29th April 1985

Whereas a draft of these Regulations has been approved by resolution of each House of Parliament:

Now, therefore, in exercise of the powers conferred on me by section 99(2)(e) of the Police and Criminal Evidence Act 1984(a), and after furnishing the Police Advisory Board for England and Wales with a draft of the Regulations and taking into consideration the representations of the said Board thereon in accordance with section 100(2) of the said Act of 1984, I hereby make the following Regulations:—

1. These Regulations may be cited as the Police (Anonymous, Repetitious Etc. Complaints) Regulations 1985 and shall come into operation on 29th April 1985.

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them, that is to say:—

“the Act of 1984” means the Police and Criminal Evidence Act 1984;

“the appropriate authority” means the appropriate authority within the meaning of section 84(4) of the Act of 1984;

“the Authority” means the Police Complaints Authority established under section 83(1) of the Act of 1984;

“the Board” means the Police Complaints Board established under section 1 of the Police Act 1976(b);

“complaint” means a complaint made on or after 29th April 1985 to which

 (a) 1984 c. 60.

(b) 1976 c. 46.

Part IX of the Act of 1984 applies; and “copy of a complaint”, in the case of a complaint made orally, shall include a copy of the record of the complaint;

“complainant” means the member of the public by or on whose behalf a complaint is submitted.

(2) In these Regulations, unless the context otherwise requires, any reference to a Regulation shall be construed as a reference to a Regulation contained in these Regulations, any reference in a Regulation, or in the Schedule to these Regulations, to a paragraph shall be construed as a reference to a paragraph of that Regulation, or of that Schedule, and any reference in a paragraph to a sub-paragraph shall be construed as a reference to a sub-paragraph of that paragraph.

3.—(1) Where the appropriate authority is of the opinion—

- (a) that a complaint is an anonymous or a repetitious one within the meaning of paragraph 2 or 3 of the Schedule to these Regulations, or that it is not reasonably practicable to complete the investigation of a complaint, within the meaning of paragraph 4 thereof, and
- (b) that, in all the circumstances, the requirements of Part IX of the Act of 1984 (to the extent that they have not already been satisfied) should be dispensed with,

the appropriate authority may, in accordance with this Regulation, request the Authority to dispense with the said requirements as respects the complaint.

(2) The request, which shall be made in writing, shall be accompanied by—

- (a) a copy of the complaint;
- (b) a memorandum from the appropriate authority explaining the reasons for being of the opinion mentioned in paragraph (1); and
- (c) where the appropriate authority is of the opinion that the complaint is a repetitious complaint and, as respects the previous complaint, the person then the complainant gave such notification as is mentioned in Regulation 3 of the Police (Withdrawn, Anonymous Etc. Complaints) Regulations 1977^(a) or Regulation 11 of the Police (Complaints) (General) Regulations 1985^(b), a copy of that notification unless it has previously been sent to the Board or, as the case may be, the Authority in pursuance of that Regulation.

(3) If, after considering a request under this Regulation, the Authority share the opinion of the appropriate authority, they may dispense with the requirements mentioned in paragraph (1) but they shall not reject such a request except after consultation with the appropriate authority.

(4) The Authority shall, as soon as may be, notify the appropriate authority, in writing, of their decision on such a request and, where they dispense with the requirements mentioned in paragraph (1), shall inform the complainant of their action unless the complaint is an anonymous one or it otherwise appears

^(a) S.I. 1977/577; there are no amending instruments.

^(b) S.I. 1985/520.

to them to be not reasonably practicable so to inform him within a period which is reasonable in all the circumstances of the case.

Leon Brittan,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
26th April 1985.

Regulation 3(1)

SCHEDULE

COMPLAINTS WHICH ARE ANONYMOUS, REPETITIOUS OR INCAPABLE OF INVESTIGATION

1.—(1) In this Schedule any reference to an injured person other than the complainant shall have effect only in the case of a complaint against a member of a police force in respect of his conduct towards a person other than the complainant; and, in such a case, any such reference is a reference to that other person.

(2) In this Schedule any reference to action not being reasonably practicable shall include a reference to action which it does not appear reasonably practicable to take within a period which is reasonable in all the circumstances of the case.

2. For the purposes of Regulation 3 a complaint is an anonymous one if, and only if, it discloses (or purports to disclose) neither the name and address of the complainant nor that of any other injured person and it is not reasonably practicable to ascertain such a name and address.

3.—(1) For the purposes of Regulation 3 a complaint is a repetitious one if, and only if—

- (a) it is substantially the same as a previous complaint (whether made by or on behalf of the same or a different complainant);
- (b) it contains no fresh allegations which significantly affect the account of the conduct complained of;
- (c) no fresh evidence, being evidence which was not reasonably available at the time the previous complaint was made, is tendered in support of it; and
- (d) such action as is referred to in sub-paragraph (2) has been taken as respects the previous complaint.

(2) The condition in sub-paragraph (1)(d) shall be satisfied if, as respects the previous complaint, either—

- (a) the requirements of section 90(5), (6) and (7) of the Act of 1984 were complied with;
- (b) the complainant gave such a notification as is mentioned in Regulation 3(2)(c); or
- (c) the Authority, under Regulation 3, dispensed with the requirements mentioned in paragraph (1) of that Regulation.

4. For the purposes of Regulation 3 it shall not be reasonably practicable to complete the investigation of a complaint if, and only if, in the opinion of the appropriate authority or, as the case may be, of the Authority, either—

- (a) it is not reasonably practicable to communicate with the complainant or, as the case may be, the person who submitted the complaint, or any other injured person, notwithstanding that the complaint is not an anonymous one within the meaning of paragraph 2, or
- (b) it is not reasonably practicable to complete a satisfactory investigation in consequence of—
 - (i) a refusal or failure, on the part of the complainant, to make a statement or afford other reasonable assistance for the purposes of the investigation, or
 - (ii) a refusal or failure, on the part of an injured person other than the complainant, to support the complaint, evidenced either by a statement in writing (signed by him or by his solicitor or other authorised agent on his behalf) to the effect that he does not support it or by a refusal or failure, on his part, such as is mentioned in sub-paragraph (i) above, or
 - (iii) the lapse of time since the event or events forming the subject matter of the complaint.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations relate to complaints against members of a police force made on or after 29th April 1985 under Part IX of the Police and Criminal Evidence Act 1984.

They replace those provisions of the Police (Withdrawn, Anonymous Etc. Complaints) Regulations 1977 which relate to anonymous and repetitious complaints and complaints which are incapable of investigation, with amendments to take account of the replacement of the Police Complaints Board by the Police Complaints Authority established under section 83(1) of the Act of 1984 and of the arrangements for dealing with complaints against police officers of the rank of chief superintendent and above under Part IX of that Act.

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