
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the process to be followed under Part 2 of the Police Reform Act 2002 (“the Act”) in relation to complaints against persons serving with the police and misconduct by such persons.

Regulation 2 sets out descriptions of complaint which must be referred by the appropriate authority (the police authority, in the case of a complaint against an officer above the rank of chief superintendent, or the chief officer in any other case) to the Independent Police Complaints Commission (“the Commission”).

Regulation 3 prescribes categories of complaints which the Commission may permit an appropriate authority to handle in whatever manner the authority thinks fit. These categories include complaints that were unreported for over a year old, complaints that are anonymous, vexatious, repetitious or have already been investigated, and complaints that cannot reasonably practicably be investigated.

Regulation 4 sets out procedural requirements which are to be met when complaints are subjected to a local resolution procedure.

Regulation 5 sets out descriptions of conduct by persons serving with the police which must be recorded by an appropriate authority and referred to the Commission. These include assaults causing actual bodily harm, serious corruption, misconduct aggravated by discriminatory behaviour, serious arrestable offences, and other grave or exceptional conduct.

Regulation 6 allows the Commission to specify the requirements which it can impose on a person conducting an investigation which is supervised by the Commission.

Regulation 7 sets out descriptions of complaints or conduct matters into which an investigation can be discontinued by order of the Commission. These include investigations where the complainant refuses to co-operate or agrees to the local resolution procedure, and complaints that are vexatious, repetitious or cannot reasonably practicably be investigated. The procedural consequences of a discontinuance are also set out.

Regulations 8 to 10 set out the procedures to be followed if an appeal is made to the Commission against a failure to record a complaint, against the conduct of the local resolution of a complaint or in relation to the investigation of a complaint.

Regulation 11 sets out the duties imposed on the Commission and on appropriate authorities to keep complainants and other interested persons informed about the investigation of a complaint or conduct matter.

Regulation 12 sets out the exceptions to those duties.

Regulation 13 defines the word “relative” for the purposes of identifying the persons who are to be regarded as interested persons and accordingly must, if they have indicated that they so consent, be kept informed about the handling of a complaint or conduct matter.

Regulation 14 requires an appropriate authority to supply a complainant with a copy of the record made of his complaint, and (subject to exceptions) to supply to a person complained against a copy of that complaint.

Regulation 15 sets out the procedure to be followed if a complainant withdraws his complaint or indicates that he does not wish any further steps to be taken as a result of his complaint. This procedure includes a requirement on the appropriate authority or Commission to consider whether

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the subject-matter of the complaint should be treated as a recordable conduct matter, in which case it can continue to be subject to an investigation.

Regulation 16 allows the Commission to direct an investigation to be suspended while another investigation or procedure takes place.

Regulation 17 sets out the procedure to be followed if the investigation of a complaint has been suspended until the conclusion of criminal proceedings. In these circumstances an appropriate authority need not resume the investigation if the complainant fails to indicate that he wishes this to happen.

Regulation 18 imposes requirements and restrictions on the categories of persons who may carry out investigations of complaints and conduct matters.

Regulation 19 provides for the combining of more than one investigation into a single investigation, and for the splitting of a single investigation into two or more separate investigations.

Regulation 20 sets out the procedure to be followed if the Commission relinquishes control of an investigation that it has been supervising or managing.

Regulation 21 explains how the Regulations apply if a complaint is made against a person who subsequently ceases to serve with the police.

Regulation 22 explains how the Regulations apply if a complaint is made against a person serving with the police whose identity is not ascertained.

Regulation 23 imposes requirements on the Commission to inform interested parties of any steps it takes in relation to disciplinary proceedings or criminal prosecution, when an investigation is completed.

Regulation 24 requires police authorities and chief officers to keep records relating to complaints and conduct matters.

Regulation 25 requires the Commission to keep a register of the information which it receives from police authorities and chief officers, and sets out the circumstances in which information stored on that register can be disclosed.

Regulation 26 gives chief officers power to delegate functions conferred on them by the Act. This is without prejudice to the power of a police chief at common law to delegate powers to suitable officers for whom the chief officer is answerable.

Regulation 27 provides that the timescale and manner in which various notifications must be made under the Act can be determined by the Commission in guidance.

Regulation 28 provides that Part 2 of the Act and these Regulations apply to contracted-out staff designated as detention officers or escort officers in the carrying out of their functions.

Regulation 29 provides that Part 2 of the Act and these Regulations apply to members of the National Criminal Intelligence Service and the National Crime Squad.

Regulation 30 identifies the proceedings which are to constitute disciplinary proceedings for police staff for the purposes of the definition of “disciplinary proceedings” in section 29(1) of the Act.