
STATUTORY INSTRUMENTS

2004 No. 643

The Police (Complaints and Misconduct) Regulations 2004

Reference of complaints to the Commission

2.—(1) For the purposes of paragraph 4(1)(b) of Schedule 3 to the 2002 Act (reference to the Commission of any complaint of a specified description), the complaints set out in paragraph (2) are hereby specified.

(2) Those complaints are—

(a) any complaints not falling within paragraph 4(1)(a) of that Schedule but alleging conduct which constitutes—

(i) a serious assault, as defined in guidance issued by the Commission;

(ii) a serious sexual offence, as defined in guidance issued by the Commission;

(iii) serious corruption, as defined in guidance issued by the Commission;

(iv) a criminal offence or behaviour which is liable to lead to a disciplinary sanction and which in either case was aggravated by discriminatory behaviour on the grounds of a person's race, sex, religion, or other status identified in guidance by the Commission;

(v) a serious arrestable offence, within the meaning of section 116 of the Police and Criminal Evidence Act 1984⁽¹⁾, or

(b) complaints which arise from the same incident as one in which any conduct falling within sub-paragraph (a) or within paragraph 4(1)(a) of Schedule 3 to the 2002 Act is alleged.

(3) Where a complaint is required to be referred to the Commission under sub-paragraph (1)(a) or (b) of paragraph 4 of Schedule 3 to the 2002 Act, notification of the complaint shall be given to the Commission—

(a) not later than the end of the working day following the day on which it first becomes clear to the appropriate authority that the complaint is one to which that sub-paragraph applies, and

(b) in such manner as the Commission specifies.

(4) Where a complaint is required to be referred to the Commission under sub-paragraph (1)(c) of paragraph 4 of Schedule 3 to the 2002 Act, notification of the complaint shall be given to the Commission—

(a) not later than the end of the working day following the day on which the Commission notifies the appropriate authority that the complaint is to be referred, and

(b) in such manner as the Commission specifies.

⁽¹⁾ 1984 c. 60; section 116 was amended by section 125(1) of, paragraphs 5 and 11 of Schedule 15 to, and Part 1 of Schedule 16 to, the Terrorism Act 2000 (c. 11) and by section 456, of, and paragraphs 1 and 14 of Schedule 11 to, the Proceeds of Crime Act 2002 (c. 29).