
STATUTORY INSTRUMENTS

2005 No. 3311

The Revenue and Customs (Complaints and Misconduct) Regulations 2005

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Revenue and Customs (Complaints and Misconduct) Regulations 2005 and shall come into force on 28th December 2005.

(2) These Regulations extend to England and Wales.

Interpretation

2. In these Regulations—

“2002 Act” means the Police Reform Act 2002(1);

“Commission” means the Independent Police Complaints Commission;

“Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;

“Complaints Regulations” means the Police (Complaints and Misconduct) Regulations 2004(2);

“conduct matter” has the meaning given by section 12 of the 2002 Act;

“functions” has the meaning given by section 51(2)(a) of the Commissioners for Revenue and Customs Act 2005;

“Investigatory Powers Order” means the Independent Police Complaints Commission (Investigatory Powers) Order 2004(3);

“officers” means officers of Revenue and Customs;

“Staff Conduct Regulations” means the Independent Police Complaints Commission (Staff Conduct) Regulations 2004(4).

Application of provisions of Part 2 of the 2002 Act with modifications(5)

3.—(1) The provisions specified in paragraphs (2), (3) and (4) shall apply for the purpose of conferring functions on the Commission in relation to the Commissioners and officers.

(2) Sections 9 to 29 of the 2002 Act shall have effect with the modifications made by Schedule 1 to these Regulations.

(1) [2002 c. 30.](#)

(2) [S.I.2004/643.](#)

(3) [S.I. 2004/815.](#)

(4) [S.I. 2004/660.](#)

(5) Where the Schedules to these Regulations modify amended or new provisions of Part 2 of the Police Reform Act 2002 those amendments or new provisions are cited in the Schedules. The following provisions of Part 2 of the 2002 Act (which apply but are not modified) have also been amended: section 12(2A) was amended by the Serious Organised Crime and Police Act 2005 (c. 15), Schedule 12, paragraph 3; section 13 was amended by paragraph 4 of that Schedule; sections 21(1), (2), (3), (5), (6), (7), (9) and (10) were amended by paragraph 7 of that Schedule; sections 22(2) and (5) by paragraph 8 of that Schedule; section 23(2) by paragraph 9 of that Schedule.

(3) Schedule 2 to the 2002 Act shall have effect with the modifications made by Schedule 2 to these Regulations.

(4) Paragraphs 10 to 24, 27 and 29 of Schedule 3 to the 2002 Act shall have effect with the modifications made by Schedule 3 to these Regulations.

(5) Paragraphs 1 to 9, 25, 26 and 28 of Schedule 3 to the 2002 Act shall have effect with the modifications made by Schedule 3 to these Regulations.

(6) The provisions specified in—

(a) paragraphs (2), (3) and (4) shall have effect from the date these Regulations come into force;

(b) paragraph (5) shall have effect from 1st April 2006.

(7) The references in regulations 5, 8 and 9(1) to Part 2 of the 2002 Act are references to Part 2 of the 2002 Act as modified by Schedules 1, 2 and 3 to these Regulations.

Application of the Investigatory Powers Order, the Complaints Regulations and the Staff Conduct Regulations with modifications

4.—(1) The provisions specified in paragraph (2) shall apply for the purpose of conferring functions on the Commission in relation to the Commissioners and officers.

(2) From the date these Regulations come into force—

(a) the Investigatory Powers Order shall have effect,

(b) the Complaints Regulations shall have effect with the modifications made by Part 1 of Schedule 4 to these Regulations, and

(c) the Staff Conduct Regulations shall have effect with the modifications made by Part 2 of Schedule 4 to these Regulations.

(3) The references in regulations 5, 8 and 9(1) to—

(a) the Complaints Regulations,

(b) the Staff Conduct Regulations,

are references to those Regulations as modified by Parts 1 and 2 of Schedule 4 to these Regulations.

Disclosure of information

5. Where the Commission, or any person acting on its behalf, obtains information in the course of performing a function under these Regulations it or he may not disclose it except as permitted by Part 2 of the 2002 Act or the Complaints Regulations.

Use of information

6. Where the Commission, or any person acting on its behalf, obtains information in the course of performing a function under these Regulations it or he may not use it for any purpose other than the performance of a function under these Regulations.

Payments

7.—(1) The Commissioners shall pay such amount to the Secretary of State in respect of functions performed by the Commission under these Regulations as may be agreed between the Commissioners and the Commission.

(2) In the absence of an agreement, the Commissioners shall pay such amount in respect of those functions as the Treasury, after consultation with the Secretary of State, shall determine.

Complaints about conduct occurring before 1st April 2006

8. Nothing in Part 2 of the 2002 Act, the Investigatory Powers Order, the Complaints Regulations or the Staff Conduct Regulations shall have effect in relation to a complaint made about the conduct of a Commissioner or an officer occurring before 1st April 2006.

Conduct matter occurring before 1st April 2006

9.—(1) Subject to paragraph (2), nothing in Part 2 of the 2002 Act, the Investigatory Powers Order, the Complaints Regulations or the Staff Conduct Regulations shall have effect in relation to a conduct matter relating to the conduct of a Commissioner or an officer occurring before 1st April 2006.

(2) Paragraph (1) does not apply to any conduct matter which the appropriate authority may refer to the Commission under paragraph 13(2) of Schedule 3 to the 2002 Act.

1st December 2005

Vernon Coaker
Tom Watson
Two of the Lords Commissioners of Her
Majesty's Treasury