

2006 No. 1406

POLICE, ENGLAND AND WALES

**The Police (Complaints and Misconduct) (Amendment)
Regulations 2006**

<i>Made</i> - - - -	<i>24th May 2006</i>
<i>Laid before Parliament</i>	<i>26th May 2006</i>
<i>Coming into force</i> - -	<i>22nd June 2006</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred on him by sections 13, 20(5), 21(10) and 23 of, and paragraphs 4(4), 13(4), 14C(2), 17 and 21 of Schedule 3 to, the Police Reform Act 2002(a).

In accordance with section 24 of that Act he has consulted with the Independent Police Complaints Commission, persons whom he considers to represent the interests of police authorities, persons whom he considers to represent the interests of chief officers of police and such other persons as he thinks fit.

In accordance with section 63(3)(d) of the Police Act 1996(b) he has supplied a draft of these Regulations to the Police Advisory Board for England and Wales and has taken into consideration their representations.

Citation and commencement

1. These Regulations may be cited as the Police (Complaints and Misconduct) (Amendment) Regulations 2006 and shall come into force on 22nd June 2006.

Amendment of the Police (Complaints and Misconduct) Regulations 2004

2.—(1) The Police (Complaints and Misconduct) Regulations 2004(c) are amended in accordance with this regulation.

(2) In regulation 2 (reference of complaints to the Commission), in each of paragraphs (3)(a) and (4)(a) omit “working”.

(3) In regulation 5(3) (recording and reference of conduct matters), in each of sub-paragraphs (a) and (b) omit “working”.

(4) After regulation 5 insert the following regulation—

“Reference of Death or Serious Injury (DSI) matters

(a) 2002 c.30. Sections 21 and 23, and paragraphs 17 and 21 of Schedule 3, were amended, and paragraph 14C was inserted, by section 160 of, and Schedule 12 to, the Serious Organised Crime and Police Act 2005 (c. 15).
(b) 1996 c. 16; section 63(3)(d) was inserted by section 107 of, and paragraph 17 of Schedule 7 to, the Police Reform Act 2002.
(c) S.I. 2004/643.

5A. Any DSI matter which is required to be referred to the Commission shall be referred in such manner as the Commission specifies and—

- (a) in a case where the Commission directs that the matter be referred to it, not later than the end of the day following the day on which the Commission so directs;
- (b) in any other case, not later than the end of the day following the day on which the matter first comes to the attention of the appropriate authority.”

(5) In regulation 6 (power of Commission to impose requirements in relation to an investigation which it is supervising), in each of paragraphs (1) and (2), for the words “or recordable conduct matter” substitute “, recordable conduct matter or DSI matter”.

(6) In regulation 7 (power of Commission to discontinue an investigation)—

- (a) in paragraph (2)(c) for “or conduct matters” substitute “, conduct matters or DSI matters”;
- (b) in paragraph (3) for “or conduct matter” substitute “, conduct matter or DSI matter”.

(7) In regulation 11 (manner in which duties to provide information are to be performed), in each of paragraphs (2) and (3) for “or conduct matter” substitute “, conduct matter or DSI matter”.

(8) In regulation 20(2)(a) (relinquishing the Commission’s supervision or management of an investigation), after “the complainant” insert “, any interested person within the meaning of section 21 of the 2002 Act”.

(9) In regulation 24 (keeping of records), after paragraph (b) insert the following paragraph—

- “(ab) every DSI matter recorded by it or him under paragraph 14A(a) of Schedule 3 to the 2002 Act;”.

(10) Omit regulation 26(5) (delegation of powers and duties by chief officer).

Home Office
24th May 2006

Tony McNulty
Minister of State

(a) Paragraph 14A was inserted by section 160 of, and paragraph 12 of Schedule 12 to, the Serious Organised Crime and Police Act 2005.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Paragraphs (1) and (4) to (9) of regulation 2 of these Regulations amend the Police (Complaints and Misconduct) Regulations 2004 consequent on the introduction by the Serious Organised Crime and Police Act 2005 of a third category of matter over which the Independent Police Complaints Commission has jurisdiction, namely a death or serious injury matter (referred to in the legislation as a “DSI matter”). These matters arise where a person has died or has been seriously injured following some form of contact with the police, but where there has been no complaint and there is no indication that a criminal or disciplinary offence has been committed and so the case does not come within either of the two existing categories of matters (complaints and conduct matters).

Regulation 2(2) and (3) changes the time within which a chief officer or police authority must refer complaints and conduct matters to the IPCC. Instead of having to be referred by the end of the working day following the day on which the duty to refer arises, complaints and conduct matters will have to be referred by the end of the day, whether or not a working day, following the day on which that duty arises. DSI matters will have to be referred within the same timescale.

Regulation 2(10) corrects an error in the Police (Complaints and Misconduct) Regulations 2004.

STATUTORY INSTRUMENTS

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