
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the Independent Police Complaints Commission (IPCC) to have oversight of serious complaints and conduct matters (including incidents where a death or serious injury has taken place) that arise as a result of UK Border Agency (UKBA) officers and officials exercising certain functions in relation to immigration, asylum and customs. They broadly mirror the arrangements for IPCC oversight of the police set out in Part 2, and Schedule 3 to the Police Reform Act 2002 and relevant secondary legislation.

The aim of the regulations is to provide for a system under which the IPCC will have oversight of UKBA officers exercising certain immigration, asylum and customs functions following the transfer of staff from Her Majesty's Revenue and Customs (HMRC) to UKBA pursuant to Part 1 of the Borders, Citizenship and Immigration Act 2009 (the 2009 Act).

The Regulations are arranged as follows:

- Part 1 Complaints & Misconduct
- Part 2 Handling of Complaints & Conduct matters etc
- Part 3 Referral of matters to the IPCC
- Part 4 Handling Death and Serious Injury Matters (DSI)
- Part 5 Investigations
- Part 6 Provision of Information
- Part 7 Reports & Recommendations
- Part 8 Appeals
- Part 9 Revocation, Saving and Transitional Provisions

The Regulations revoke and remake, with certain amendments, the Independent Police Complaints Commission (Immigration and Asylum Enforcement Functions) Regulations 2008 (the 2008 Regulations). The 2008 Regulations conferred functions on the IPCC in relation to the exercise of specified enforcement functions by immigration officers and officials of the Secretary of State in relation to immigration or asylum. These Regulations also confer functions on the IPCC in relation to the exercise of customs functions by UKBA personnel following the transfer of those functions and staff from HMRC to UKBA pursuant to Part 1 of the 2009 Act.