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STATUTORY INSTRUMENTS

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**2012 No. 62**

**The Elected Local Policing Bodies (Complaints  
and Misconduct) Regulations 2012**

**PART 2**

**Initial Handling of Complaints and Conduct Matters**

**Reference of serious complaints and conduct matters to the Commission**

**13.**—(1) It shall be the duty of a police and crime panel to refer a complaint to the Commission if—

- (a) the panel determines that the complaint is a serious complaint; or
- (b) the Commission notifies the panel that it requires the complaint to be referred to the Commission for its consideration.

(2) It shall be the duty of a police and crime panel to refer a conduct matter to the Commission if—

- (a) the panel has recorded the matter under regulation 11, 12 or 16(6); or
- (b) the Commission notifies the panel that it requires the matter to be referred to the Commission for its consideration.

(3) Where a complaint or conduct matter is required to be referred to the Commission under paragraph (1)(a) or (2)(a), notification of the complaint or conduct matter shall be given to the Commission—

- (a) as soon as is practicable, and in any event not later than the end of the day following the day on which it first becomes clear to the police and crime panel that the complaint or conduct matter is one to which the paragraph (1)(a) or (2)(a) applies, and
- (b) in such manner as the Commission specifies.

(4) Where a complaint or conduct matter is required to be referred to the Commission under paragraph (1)(b) or (2)(b), notification of the complaint or conduct matter shall be given to the Commission—

- (a) as soon as is practicable, and in any event not later than the end of the day following the day on which the Commission notifies the police and crime panel that the complaint or conduct matter is to be referred, and
- (b) in such manner as the Commission specifies.

(5) The power of the Commission by virtue of paragraph (1)(b) or (2)(b) to require a complaint or conduct matter to be referred to it shall be exercisable at any time irrespective of whether the complaint or conduct matter is already being investigated by any person or has already been considered by the Commission.

(6) A police and crime panel which refers a complaint or conduct matter to the Commission under this regulation shall give a notification of the making of the reference—

- (a) to the complainant (if there is one), and

- (b) except in a case where it appears to that panel that to do so might prejudice a possible future investigation of the complaint or conduct matter, to the person to whose conduct the complaint or matter relates.
- (7) A complaint or conduct matter that has already been referred to the Commission under this regulation on a previous occasion shall not be required to be referred again unless the Commission so directs.