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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Police (Complaints and Misconduct) Regulations 2012 (“the 2012 Regulations”) to give effect to sections 138 and 139 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the 2014 Act”).

Section 138 of the 2014 Act amends paragraphs 24C and 27 of Schedule 3 to the Police Reform Act 2002 (“the 2002 Act”) to make provision enabling the Independent Police Complaints Commission (“the Commission”) to recommend and direct unsatisfactory performance procedures in relation to a death or serious injury matter. This reflects the Commission’s existing powers to recommend and direct unsatisfactory performance procedures in complaint and conduct matters.

Section 139 of the 2014 Act inserts new paragraphs 28A and 28B into Schedule 3 to the 2002 Act. These provisions contain a framework in accordance with which the Commission may make recommendations to persons following the completion of an investigation and such persons are required to respond to the recommendation within the period of 56 days beginning on the day on which it was made.

Regulation 2 of these Regulations inserts new regulation 29A into, and amends regulation 36 of, the 2012 Regulations.

Paragraph 28A(4) and (5) sets out the categories of person to which the Commission may make a recommendation. Paragraph 28A(4) provides that a recommendation may be made to any person in death or serious injury matters and the other categories of matter specified in regulations. New regulation 29A specifies those categories.

New regulation 29A(1) sets out the specified conduct matters. These include matters relating to an incident in which a person has died or suffered serious injury, a serious assault or sexual assault, serious corruption and a matter in respect of which the Commission has notified the appropriate authority that the matter must be referred to the Commission for its consideration.

New regulation 29A(2) sets out the specified complaints. These include complaints alleging that the conduct complained of has resulted in death or serious injury, complaints alleging conduct that constitutes a serious assault or sexual assault, serious corruption and complaints which the Commission has notified the appropriate authority must be referred to the Commission for its consideration.

New regulation 29A(3) provides that the determination of an appeal relating to a complaint set out in new regulation 29A(2) is a specified matter.

Regulation 2 also makes a consequential amendment to regulation 36 of the 2012 Regulations to give effect to section 138 of the 2014 Act.

An impact assessment has not been prepared for this instrument as no impact on businesses, charities, voluntary bodies or the public sector is foreseen.