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STATUTORY INSTRUMENTS

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**2017 No. 1250**

The Independent Office for Police Conduct  
(Transitional and Consequential) Regulations 2017

PART 2

Amendments to secondary legislation

**Amendment of the Revenue and Customs (Complaints and Misconduct) Regulations 2010**

**18.**—(1) The Revenue and Customs (Complaints and Misconduct) Regulations 2010(1) are amended as follows.

(2) For—

- (a) “IPCC” in each place where it occurs substitute “Director General”;
- (b) “IPCC’s” in each place where it occurs substitute “Director General’s”;
- (c) “it” in each place where it occurs and is used as a pronoun in place of “the IPCC”, substitute “the Director General”;
- (d) “its” in each place where it occurs and is used to mean “the IPCC’s” substitute “the Director General’s”.

(3) The amendments made by virtue of paragraph (2)(a) to (d) do not apply to occurrences of “IPCC”, “IPCC’s”, “it” or “its” amended by another provision within this regulation.

(4) Omit “itself” in each place it occurs.

(5) In regulation 3(1)—

- (a) omit the definition of “IPCC”;
- (b) at the appropriate places insert—
  - ““Director General” means the Director General of the Independent Office for Police Conduct;”;
  - and
  - ““IOPC” means the Independent Office for Police Conduct;”.

(6) In regulation 5—

- (a) in paragraph (1)—
  - (i) for “Independent Police Complaints Commission” substitute “Independent Office for Police Conduct”;
  - (ii) for “IPCC’s staff” substitute “IOPC’s staff”; and
- (b) in paragraph (2) for “Commission” in each place where it occurs substitute “Director General”.

(7) In regulation 6(1) for “IPCC” where it second occurs substitute “Independent Office for Police Conduct”.

(8) In regulation 7—

(a) after paragraph (4) insert—

“(4A) In carrying out functions under these Regulations the Director General shall have regard to any advice provided to the Director General by the IOPC (see regulation 7A(1)(a))”; and

(b) in paragraph (6) for “IPCC” where it first occurs substitute “IOPC”.

(9) After regulation 7 insert—

**“General Functions of the IOPC in relation to the Commissioners and officers**

**7A.—**(1) The functions of the IOPC in relation to the Commissioners and officers are—

- (a) to provide support and advice to the Director General in the carrying out of the Director General’s functions under these Regulations; and
- (b) to monitor and review the carrying out of such functions.

(2) The IOPC is to perform its functions under these Regulations for the general purpose of improving the way in which the Director General’s functions under these Regulations are carried out (including by encouraging the efficient and effective use of resources in the carrying out of those functions).

(3) In carrying out its functions under these Regulations the IOPC must in particular have regard to public confidence in the existence of suitable arrangements with respect to the matters mentioned in regulation 7(2) and with the operation of the arrangements that are in fact maintained with respect to those matters.

(4) The IOPC may do anything which appears to it to be calculated to facilitate, or is incidental to, the carrying out of its functions under these Regulations.

**Efficiency etc. in exercise of functions**

**7B.** The Director General and the IOPC must carry out their functions under these Regulations efficiently and effectively.”.

(10) In regulation 8—

(a) for paragraph (1) substitute—

“(1) As soon as practicable after the end of each of the IOPC’s financial years, the Director General and the IOPC shall also jointly make a report to the Chancellor of the Exchequer (“the Chancellor”) on the carrying out of its functions during that year.”; and

(b) in paragraph (6) for “IPCC” substitute “IOPC”.

(11) In regulation 12(4) for “IPCC’s” substitute “IOPC’s”.

(12) In regulation 15 for “IPCC” in every place where it occurs substitute “the Independent Office for Police Conduct, or the Director General as the case may be,”.

(13) In regulation 16(5) for “IPCC” where it second occurs substitute “Independent Office for Police Conduct”.

(14) In regulations 24(3)(d) and 28(1)(b)(iv) for “guidance by the IPCC” substitute “guidance issued by the Director General”.

(15) In regulation 36—

(a) in paragraph (1) omit “or 48”;

(b) after paragraph (2) insert—

“(2A) If during the course of an investigation of a DSI matter by a person designated under regulation 48 the Director General determines that the person whose conduct is in question may have—

- (a) committed a criminal offence; or
- (b) behaved in a manner which would justify the bringing of disciplinary proceedings,

the Director General shall proceed under sub-paragraph (2B).

(2B) The Director General shall—

- (a) prepare a record of the determination;
- (b) notify the appropriate authority in relation to the DSI matter and (if different) the appropriate authority in relation to the person whose conduct is in question of the determination, and
- (c) send to it (or each of them) a copy of the record of the determination prepared under paragraph (a).”; and

(c) in paragraph (5)(a), after “paragraph (2)” insert “or (2B)”.

(16) In regulation 48—

(a) for paragraph (2) substitute—

“(2) The Director General shall designate both—

- (a) a person to take charge of the investigation; and
- (b) such members of the IOPC’s staff as are required by the Director General to assist the person designated to take charge of the investigation.

(2A) The person designated under paragraph (2) to take charge of an investigation shall be—

- (a) the Director General acting personally; or
- (b) a person who is authorised to exercise the function of taking charge of the investigation on behalf of the Director General by virtue of paragraph 6A of Schedule 2 to the 2002 Act (delegation of Director General’s functions).”;

(b) in paragraph (3) for “member of the IPCC’s staff” substitute “person”; and

(c) in paragraph (4) for “member of the IPCC’s staff” substitute “person designated under paragraph (2).

(17) In regulation 52(1) after “(final reports on investigations: other DSI matters)” insert “or, where under regulation 66 the Director General has personally carried out the investigation, a report has been completed by the Director General”.

(18) In regulation 54(5) for “its” substitute “the Director General’s or that authority’s”.

(19) In regulation 56(1), after “the person investigating” in the first place where it occurs insert “or, in the case of an investigation under regulation 48, the Director General”.

(20) In regulation 66—

(a) for paragraph (5) substitute—

“(5) A person designated under regulation 48 (investigations by the Director General) as the person in charge of an investigation shall—

- (a) submit a report on the investigation to the Director General; or
- (b) where the person in charge of the investigation is the Director General acting personally, complete a report on the investigation.”;

- (b) in paragraph (6) after “A person submitting” insert “or, in the case of an investigation under regulation 48 by the Director General acting personally, completing”; and
  - (c) in paragraph (7) after “A person who has submitted” insert “or, in the case of an investigation under regulation 48 by the Director General acting personally, completed”.
- (21) In regulation 67—
- (a) in paragraph (1)(b) for “it” substitute “the Director General, or is otherwise completed,”; and
  - (b) in paragraph (2) after “On receipt of the report” insert “, or on its completion by the Director General,”.
- (22) In regulation 69—
- (a) after paragraph (2) insert—
    - “(2A) Sub-paragraph (2)(a) does not apply where the person investigating is the Director General carrying out an investigation personally under regulation 48, but the Director General shall complete a report on the investigation.”; and
  - (b) in paragraph (3) for “under this regulation” insert “under sub-paragraph (2)(a) or completing one under sub-paragraph (2A)”.
- (23) In regulation 70(1) after “referred to in regulation 69” insert “(or on its completion by the Director General)”.