
STATUTORY INSTRUMENTS

2017 No. 521

**The Gangmasters and Labour Abuse Authority
(Complaints and Misconduct) Regulations 2017**

PART 2

COMPLAINTS AND MISCONDUCT

Application of the 2002 Act etc.

5.—(1) The following provisions of, or made under, the 2002 Act apply in relation to the exercise of functions by officers of the Authority in their capacity as LAPOs with the modifications set out in paragraphs (2) to (4) below:

- (a) section 9 (the Independent Police Complaints Commission);
- (b) section 19 (use of investigatory powers by or on behalf of the Commission);
- (c) section 22(1) (power of the Commission to issue guidance);
- (d) section 24 (consultation on regulations);
- (e) any regulations made under section 27 (conduct of the Commission’s staff); and
- (f) any regulations made under Schedule 2 (the Independent Police Complaints Commission).

(2) Section 22 of the 2002 Act applies as if—

- (a) for subsection (1) there were substituted—

“(1) The Commission may issue guidance—

- (a) to the Chief Executive; and
- (b) to officers of the Authority who have been authorised by the Secretary of the State for the purposes of section 114B of the Police and Criminal Evidence Act 1984,

concerning the exercise or performance, by the persons to whom the guidance is issued, of any of the powers or duties specified in subsection (2).”;

- (b) in subsection (2)(b)(iii) for “persons serving with the police” there were substituted “labour abuse prevention officers”;

- (c) for subsection (3) there were substituted—

“(3) Before issuing any guidance under this section, the Commission must consult with—

- (a) the Chief Executive; and
- (b) such other persons as it thinks fit.”;

- (d) in subsection (5)(b) for “the appropriate authority” there were substituted “the Chief Executive”; and

(1) There are amendments to section 22 not relevant to these Regulations.

- (e) in subsection (5)(f) for “paragraph 23 or 25 of Schedule 3” there were substituted “regulations 69 and 73 of the Gangmasters and Labour Abuse Authority (Complaints and Misconduct) Regulations 2017”.
- (3) Section 24 of the 2002 Act applies as if for paragraphs (b) to (d)(2) there were substituted—
 - “(b) the Authority; and
 - (c) such other persons as the Secretary of State thinks fit.”.
- (4) Where a provision listed in paragraph (1) (as modified by paragraphs (2) and (3)) contains a term that is defined in regulation 2 of these Regulations, the definition given in regulation 2 (rather than any definition contained in a provision of, or another provision made under, the 2002 Act) applies for the purposes of the application of the relevant provision in relation to the exercise of functions by officers of the Authority in their capacity as LAPOs.

(2) Paragraphs (b) to (c) were first substituted by paragraph 12 of Schedule 4 to the Police and Justice Act 2006 (c. 48). Paragraph (b), as substituted, was then substituted by paragraphs 277 and 289 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13).