
STATUTORY INSTRUMENTS

2020 No. 2

The Police (Complaints and Misconduct) Regulations 2020

PART 5

General

Definition of “disciplinary proceedings” for the purposes of Part 2 of the 2002 Act in relation to police staff members and designated police volunteers

47.—(1) In relation to a person serving with the police who is not a member of a police force or a special constable, for the purposes of Part 2 of the 2002 Act “disciplinary proceedings” means⁽¹⁾—

- (a) any proceedings or management process during which the conduct (as opposed to the performance) of such a person is considered in order to determine whether a sanction or punitive measure is to be imposed against that person in relation to that conduct, and
- (b) for the purposes of the provisions mentioned in paragraph (2) only, any proceedings or management process during which the performance of such a person is considered in order to determine whether it is unsatisfactory and whether, as a result, any action is to be taken in relation to it.

(2) The provisions are—

- (a) section 22(8) of the 2002 Act (guidance issued by the Director General);
- (b) the following provisions of Schedule 3—
 - (i) paragraph 2(6B) (complaints which must be handled in accordance with Schedule 3)⁽²⁾;
 - (ii) paragraph 6(2E) (handling of complaints other than by way of an investigation: admissibility of statements in proceedings)⁽³⁾;
 - (iii) paragraph 6A(10) (reviews relating to complaints dealt with other than by investigation: references to outcome of a complaint)⁽⁴⁾;
 - (iv) paragraph 19ZG(2) (retention of items by the Director General)⁽⁵⁾;
 - (v) paragraph 19ZH(6) (restrictions on access to items retained by the Director General)⁽⁶⁾;

(1) See paragraph (b) of the definition of “disciplinary proceedings” in section 29(1) of the 2002 Act.
(2) Paragraph 2(6B) was inserted by paragraphs 1 and 2 of Schedule 5 to the Policing and Crime Act 2017.
(3) Paragraph 6(2E) was inserted by paragraphs 5 and 6 of Schedule 5 to the Policing and Crime Act 2017.
(4) Paragraph 6A(10) was inserted by paragraphs 29 and 31 of Schedule 5 to the Policing and Crime Act 2017.
(5) Paragraph 19ZG was inserted by section 20(1) of the Policing and Crime Act 2017. Sub-paragraph (2) was amended by paragraphs 15 and 56 of Schedule 9 to that Act.
(6) Paragraph 19ZH was inserted by section 20(1) of the Policing and Crime Act 2017. Sub-paragraph (6) was amended by paragraphs 15 and 56 of Schedule 9 to that Act.

- (vi) paragraph 20(1) (restrictions on proceedings pending the conclusion of an investigation)(7);
- (vii) paragraph 22(10) (purposes for which appropriate authority may request items from person investigating)(8);
- (viii) paragraph 23(5A) (duties of Director General on receipt or completion of report on investigation)(9);
- (ix) paragraph 24(6B) (duties of appropriate authority on receipt of report on investigation)(10);
- (x) paragraph 25(4C), (4E) and (14) (reviews with respect to an investigation: powers of relevant review body and references to outcome of a complaint)(11);
- (xi) paragraph 27(2) (duties of appropriate authority following memorandum under paragraph 24C)(12).

Commencement Information

- II** Reg. 47 in force at 1.2.2020, see [reg. 1\(1\)](#)

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- (7) Paragraph 20(1) was amended by paragraphs 1 and 2 of Schedule 11, and paragraphs 1, 11 and 18 of Schedule 12, to the Serious Organised Crime and Police Act 2005 and paragraph 47 of Schedule 5, and paragraphs 15 and 56 of Schedule 9, to the Policing and Crime Act 2017.
 - (8) Paragraph 22(10) was inserted by paragraphs 1, 3 and 12 of Schedule 23 to the Criminal Justice and Immigration Act 2008.
 - (9) Paragraph 23(5A) was inserted by paragraphs 9 and 26 of Schedule 5 to the Policing and Crime Act 2017 and amended by paragraphs 15 and 56 of Schedule 9 to that Act.
 - (10) Paragraph 24(6B) was inserted by section 15(1) and (10)(a) of the Policing and Crime Act 2017.
 - (11) Paragraph 25(4C), (4E) and (14) was inserted by paragraphs 29 and 34 of Schedule 5 to the Policing and Crime Act 2017. Sub-paragraphs (4C) and (4E) were amended by paragraphs 15 and 56 of Schedule 9 to that Act.
 - (12) Paragraph 27(2) was amended by section 15(1) and (10)(b) of the Policing and Crime Act 2017.

Changes to legislation:

There are currently no known outstanding effects for the The Police (Complaints and Misconduct) Regulations 2020, Section 47.