



# Policing and Crime Act 2017

## 2017 CHAPTER 3

### PART 2

#### POLICE COMPLAINTS, DISCIPLINE AND INSPECTION

### CHAPTER 1

#### POLICE COMPLAINTS

#### **13 Local policing bodies: functions in relation to complaints**

In Part 2 of the Police Reform Act 2002 (complaints and misconduct), after section 13 insert—

#### **“13A Local policing bodies: functions in relation to complaints**

- (1) The local policing body that maintains a police force may give notice to the chief officer of the police force that it (rather than the chief officer) is to exercise the functions conferred on the chief officer by the provisions specified in subsection (2) or subsections (2) and (3).
- (2) The provisions specified in this subsection are—
  - (a) paragraph 2(6) to (6D) of Schedule 3, and
  - (b) paragraph 2(9) and (10) of Schedule 3 in so far as relating to a determination made for the purposes of paragraph 2(6) to (6C) of that Schedule.
- (3) The provisions specified in this subsection are—
  - (a) section 20, and
  - (b) section 21 in so far as that section relates to complaints.

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- (4) In relation to any complaint in respect of which the chief officer is the appropriate authority that is made on or after the day on which a notice under subsection (1) is given—
  - (a) the functions of the chief officer to which the notice relates become functions of the local policing body,
  - (b) references to the chief officer, including in the chief officer’s capacity as an appropriate authority, in the provisions specified in subsection (2) or (as the case may be) subsections (2) and (3) are to be read as references to the local policing body, and
  - (c) for the purpose of paragraph 6(1) of Schedule 3, the complaint is to be treated as having been recorded by the chief officer.
- (5) Where the notice under subsection (1) relates to the functions conferred on the chief officer by the provisions specified in subsections (2) and (3), subsection (4)(b) does not apply to the references to an appropriate authority in sections 20(2)(a) and (3A)(a) and 21(7)(a) and (8A)(a).
- (6) The Secretary of State may by regulations make provision in connection with the giving of notices under subsection (1) and their withdrawal.
- (7) Regulations under subsection (6) may (amongst other things) make provision about—
  - (a) the steps that a local policing body must take before giving a notice;
  - (b) the circumstances in which a notice may be withdrawn.”

#### **14 Definition of police complaint**

- (1) Section 12 of the Police Reform Act 2002 (complaints, matters and persons to which Part 2 of the Act applies) is amended as follows.
- (2) For subsection (1) substitute—
  - “(1) In this Part references to a complaint are references (subject to the following provisions of this section) to any expression of dissatisfaction with a police force which is expressed (whether in writing or otherwise) by or on behalf of a member of the public.
  - (1A) But an expression of dissatisfaction is a complaint for the purposes of this Part—
    - (a) where it relates to conduct of a person serving with the police, only if the person in question is a person falling within subsection (1B);
    - (b) in any other case, only if the person in question has been adversely affected by the matter about which dissatisfaction is expressed.
  - (1B) In relation to an expression of dissatisfaction that relates to conduct of a person serving with the police, a person falls within this subsection if the person is—
    - (a) a person who claims to be the person in relation to whom the conduct took place;
    - (b) a person not falling within paragraph (a) who claims to have been adversely affected by the conduct; or
    - (c) a person who claims to have witnessed the conduct.”
- (3) In subsection (3)—

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- (a) for “subsection (1)(b)” substitute “subsection (1B)(b)”;
  - (b) for “made by or on behalf of a person who” substitute “where the person in question”.
- (4) After subsection (4) insert—
- “(4A) In this section, “the person in question” means the person expressing dissatisfaction or the person on whose behalf dissatisfaction is being expressed.”
- (5) In subsection (6), for the words before paragraph (a) substitute “For the purposes of this Part a person is not to be taken to have authorised another person to make a complaint on his behalf unless—”.
- (6) Schedule 4 makes amendments of the Police Reform Act 2002 in consequence of the amendments of section 12 of that Act made by this section.

## **15 Duty to keep complainant and other interested persons informed**

- (1) Part 2 of the Police Reform Act 2002 (complaints and misconduct) is amended as follows.
- (2) In section 20 (duty to keep the complainant informed), after subsection (3) insert—
- “(3A) In any case in which a complaint is being handled—
- (a) in accordance with paragraph 6(2A) of Schedule 3 otherwise than by the appropriate authority making arrangements for the complaint to be investigated by the authority on its own behalf, or
  - (b) otherwise than in accordance with Schedule 3 (as to which see paragraph 2(6C) of that Schedule),
- it shall be the duty of the appropriate authority to provide the complainant with all such information as will keep him properly informed, while the complaint is being handled and subsequently, of all the matters mentioned in subsection (4).”
- (3) In section 20, for subsection (4) substitute—
- “(4) The matters of which the complainant must be kept properly informed are—
- (a) the progress of the handling of the complaint;
  - (b) the outcome of the handling of the complaint;
  - (c) any right to apply for a review conferred on the complainant by paragraph 6A or 25 of Schedule 3 (as the case may be);
  - (d) such other matters as may be specified in regulations made by the Secretary of State.
- (4A) The generality of subsection (4)(a) and (b) is not affected by any requirement to notify the complainant that is imposed by any other provision of this Part.”
- (4) In section 20, after subsection (8) insert—
- “(8A) In any case in which there is an investigation of a complaint, the Commission or the appropriate authority may comply with its duty under subsection (1) or (2) (as the case may be) so far as relating to the findings of a report submitted under provision made by virtue of paragraph 20A(4)(b) of Schedule 3, or a

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report of the investigation submitted under paragraph 22 of Schedule 3, by sending the complainant a copy of the report.

- (8B) Subsection (8A) applies notwithstanding any obligation of secrecy imposed by any rule of law or otherwise but is subject to—
- (a) regulations made under subsection (5), and
  - (b) section 21A.”

(5) In section 20(9), after “under this Part” insert “, or who is otherwise involved in the handling of a complaint under this Part,”.

(6) In section 21 (duty to provide information for other persons), after subsection (8) insert—

“(8A) In any case in which—

- (a) the complaint is being handled in accordance with paragraph 6(2A) of Schedule 3 otherwise than by the appropriate authority making arrangements for the complaint to be investigated by the authority on its own behalf, or
- (b) the recordable conduct matter or DSI matter is being handled in a manner determined by the appropriate authority in accordance with paragraph 10(4D), 11(3E), 14(2) or 14D(2) of Schedule 3 otherwise than by the appropriate authority making arrangements for the matter to be investigated by the authority on its own behalf,

it shall be the duty of the appropriate authority to provide the interested person with all such information as will keep him properly informed, while the complaint, recordable conduct matter or DSI matter is being handled and subsequently, of all the matters mentioned in subsection (9).”

(7) In section 21, for subsection (9) substitute—

“(9) The matters of which the interested person must be kept properly informed are—

- (a) the progress of the handling of the complaint, recordable conduct matter or DSI matter;
- (b) the outcome of the handling of the complaint, recordable conduct matter or DSI matter;
- (c) such other matters as may be specified in regulations made by the Secretary of State.

(9A) The generality of subsection (9)(a) and (b) is not affected by any requirement to notify an interested person that is imposed by any other provision of this Part.”

(8) In section 21, after subsection (11) insert—

“(11A) In any case in which there is an investigation of a complaint, recordable conduct matter or DSI matter, the Commission or the appropriate authority may comply with its duty under subsection (6) or (7) (as the case may be) so far as relating to the findings of a report submitted under provision made by virtue of paragraph 20A(4)(b) of Schedule 3, or a report of the investigation submitted under paragraph 22 or 24A of Schedule 3, by sending an interested person a copy of the report.

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- (11B) Subsection (11A) applies notwithstanding any obligation of secrecy imposed by any rule of law or otherwise but is subject to—
- (a) regulations made under subsection (10), and
  - (b) section 21A.”
- (9) In Schedule 3—
- (a) in paragraph 23 (action by the Commission in response to an investigation report under paragraph 22), omit sub-paragraphs (4) and (9) to (12);
  - (b) in paragraph 24 (action by the appropriate authority in response to an investigation report under paragraph 22), omit sub-paragraphs (4) and (7) to (10).
- (10) In consequence of the repeal made by subsection (9)(b), Schedule 3 is further amended as follows—
- (a) in paragraph 24, after sub-paragraph (6A) (as inserted by Schedule 5) insert—

“(6B) It shall be the duty of the appropriate authority—

    - (a) to take the action which it determines under sub-paragraph (6) that it is required to, or will in its discretion, take, and
    - (b) in a case where that action consists of or includes the bringing of disciplinary proceedings, to secure that those proceedings, once brought, are proceeded with to a proper conclusion.”;
  - (b) in paragraph 27 (duties with respect to disciplinary proceedings etc)—
    - (i) in sub-paragraph (1), omit paragraph (a) (including the “or” at the end);
    - (ii) in sub-paragraph (2)(a), omit “which has been or is required to be notified or, as the case may be,”.
- (11) In consequence of the repeals made by subsection (9), omit the following—
- (a) in the Criminal Justice and Immigration Act 2008, in Schedule 23, paragraph 14(7) and (8);
  - (b) in the Anti-social Behaviour, Crime and Policing Act 2014, in Part 3 of Schedule 11, paragraph 95(6).

## **16 Complaints, conduct matters and DSI matters: procedure**

Schedule 5 amends Schedule 3 to the Police Reform Act 2002 (handling of complaints and conduct matters etc).

## **17 Initiation of investigations by IPCC**

- (1) Schedule 3 to the Police Reform Act 2002 (handling of complaints and conduct matters etc) is amended as follows.
- (2) In paragraph 4 (reference of complaints to the Commission), in sub-paragraph (7), in the words before paragraph (a), after “occasion” insert “, or that has been treated as having been so referred by virtue of paragraph 4A”.
- (3) After paragraph 4 insert—

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*“Power of Commission to treat complaint as having been referred*

- 4A (1) The Commission may treat a complaint that comes to its attention otherwise than by having been referred to it under paragraph 4 as having been so referred.
- (2) Where the Commission treats a complaint as having been referred to it—
- (a) paragraphs 2 and 4 do not apply, or cease to apply, in relation to the complaint except to the extent provided for by paragraph 4(7), and
  - (b) paragraphs 5, 6, 6A, 15 and 25 apply in relation to the complaint as if it had been referred to the Commission by the appropriate authority under paragraph 4.
- (3) The Commission must notify the following that it is treating a complaint as having been referred to it—
- (a) the appropriate authority;
  - (b) the complainant;
  - (c) except in a case where it appears to the Commission that to do so might prejudice an investigation of the complaint (whether an existing investigation or a possible future one), the person complained against (if any).
- (4) Where an appropriate authority receives a notification under sub-paragraph (3) in respect of a complaint and the complaint has not yet been recorded, the appropriate authority must record the complaint.”
- (4) In paragraph 11 (recording etc of conduct matters otherwise than where conduct matters arise in civil proceedings), omit sub-paragraph (5).
- (5) In paragraph 13 (reference of conduct matters to the Commission), in sub-paragraph (7), in the words before paragraph (a), after “occasion” insert “, or that has been treated as having been so referred by virtue of paragraph 13A”.
- (6) After paragraph 13 insert—

*“Power of Commission to treat conduct matter as having been referred*

- 13A (1) The Commission may treat a conduct matter that comes to its attention otherwise than by having been referred to it under paragraph 13 as having been so referred.
- (2) Where the Commission treats a conduct matter as having been referred to it—
- (a) paragraphs 10, 11 and 13 do not apply, or cease to apply, in relation to the matter except to the extent provided for by paragraph 13(7), and
  - (b) paragraphs 14 and 15 apply in relation to the matter as if it had been referred to the Commission by the appropriate authority under paragraph 13.
- (3) The Commission must notify the following that it is treating a conduct matter as having been referred to it—

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- (a) the appropriate authority;
  - (b) except in a case where it appears to the Commission that to do so might prejudice an investigation of the matter (whether an existing investigation or a possible future one), the person to whose conduct the matter relates.
- (4) Where an appropriate authority receives a notification under sub-paragraph (3) in respect of a conduct matter and the matter has not yet been recorded, the appropriate authority must record the matter.”
- (7) In paragraph 14A (duty to record DSI matters), omit sub-paragraph (2).
- (8) In paragraph 14C (reference of DSI matters to the Commission), in sub-paragraph (3), after “occasion” insert “, or that has been treated as having been so referred by virtue of paragraph 14CA,”.
- (9) After paragraph 14C insert—

*“Power of Commission to treat DSI matter as having been referred*

- 14CA (1) The Commission may treat a DSI matter that comes to its attention otherwise than by having been referred to it under paragraph 14C as having been so referred.
- (2) Where the Commission treats a DSI matter as having been referred to it—
    - (a) paragraphs 14A and 14C do not apply, or cease to apply, in relation to the matter except to the extent provided for by paragraph 14C(3), and
    - (b) paragraphs 14D and 15 apply in relation to the matter as if it had been referred to the Commission by the appropriate authority under paragraph 14C.
  - (3) The Commission must notify the appropriate authority that it is treating a DSI matter as having been referred to it.
  - (4) Where an appropriate authority receives a notification under sub-paragraph (3) in respect of a DSI matter and the matter has not yet been recorded, the appropriate authority must record the matter.”
- (10) In section 29 of the Police Reform Act 2002 (interpretation of Part 2 of that Act), in subsection (1), in paragraph (a) of the definition of “recordable conduct matter”, for “or 11” substitute “, 11 or 13A”.

## **18 IPCC power to require re-investigation**

- (1) In Part 2 of the Police Reform Act 2002 (complaints and misconduct), after section 13A (as inserted by section 13) insert—

**“13B Power of the Commission to require re-investigation**

- (1) This section applies where—
- (a) a report on an investigation of a complaint, recordable conduct matter or DSI matter carried out under the direction of the Commission has been submitted to it under paragraph 22(3) or 24A of Schedule 3, or

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- (b) a report on an investigation of a complaint, recordable conduct matter or DSI matter carried out by a person designated by the Commission has been submitted to it under paragraph 22(5) or 24A of Schedule 3.
- (2) The Commission may at any time determine that the complaint, recordable conduct matter or DSI matter is to be re-investigated if it is satisfied that there are compelling reasons for doing so.
- (3) Where the Commission makes a determination under subsection (2), it must determine that the re-investigation is to take the form of an investigation by the Commission unless subsection (4) applies, in which case the Commission must determine that the re-investigation is to take the form described in that subsection.
- (4) This subsection applies where the Commission determines that it would be more appropriate for the re-investigation to take the form of an investigation by the appropriate authority under the direction of the Commission.
- (5) Where—
  - (a) the Commission determines under subsection (3) or (7) that a re-investigation is to take the form of an investigation by the Commission, and
  - (b) at any time after that the Commission determines that subsection (4) applies in relation to the re-investigation,the Commission may make a further determination under this section (to replace the earlier one) that the re-investigation is instead to take the form of an investigation by the appropriate authority under the direction of the Commission.
- (6) Where the Commission determines under subsection (3) or (5) that a re-investigation is to take the form of an investigation by the appropriate authority under the direction of the Commission, the Commission must keep under review whether subsection (4) continues to apply in relation to the re-investigation.
- (7) If, on such a review, the Commission determines that subsection (4) no longer applies in relation to a re-investigation, the Commission must make a further determination under this section (to replace the earlier one) that the re-investigation is instead to take the form of an investigation by the Commission.
- (8) Sub-paragraphs (6) and (7) of paragraph 15 of Schedule 3 shall apply in relation to a further determination under subsection (5) or (7) as they apply in the case of a further determination under sub-paragraph (5A) or (5B) of that paragraph.
- (9) The other provisions of Schedule 3 shall apply in relation to any re-investigation in pursuance of a determination under this section as they apply in relation to any investigation in pursuance of a determination under paragraph 15.
- (10) The Commission shall notify the appropriate authority of any determination that it makes under this section and of its reasons for making the determination.



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- (11) The Commission shall also notify the following of any determination that it makes under this section and of its reasons for making the determination—
- (a) every person entitled to be kept properly informed in relation to the complaint, recordable conduct matter or DSI matter (as the case may be) under section 21;
  - (b) where the determination is made in relation to a complaint, the complainant;
  - (c) the person to whose conduct the re-investigation will relate.
- (12) The duty imposed by subsection (11) on the Commission shall have effect subject to such exceptions as may be provided for by regulations made by the Secretary of State.
- (13) Subsections (6) to (8) of section 20 apply for the purposes of subsection (12) as they apply for the purposes of that section.
- (14) In relation to a matter that was formerly a DSI matter but was recorded as a conduct matter in pursuance of paragraph 21A(5) of Schedule 3, the reference in subsection (10) to the appropriate authority is a reference to the appropriate authority in relation to the person whose conduct was in question.
- (15) The reference to a report in subsection (1) includes a report on a re-investigation by virtue of this section or paragraph 25 of Schedule 3.”
- (2) Part 3 of Schedule 3 to the Police Reform Act 2002 (handling of complaints and conduct matters etc: investigations and subsequent proceedings) is amended as follows.
- (3) In paragraph 23 (action by the Commission in response to an investigation report under paragraph 22), after sub-paragraph (1) insert—
- “(1A) But if, following the submission of such a report, the Commission determines under section 13B that the complaint or recordable conduct matter is to be re-investigated the provisions of this paragraph other than sub-paragraph (2)(a) do not apply, or cease to apply, in relation to that report.”
- (4) In paragraph 24A (final reports on investigations: DSI matters), after sub-paragraph (5) (as inserted by Schedule 5) insert—
- “(6) But sub-paragraphs (4) and (5) and paragraphs 24B and 24C do not apply, or cease to apply, in relation to a report submitted under sub-paragraph (2) if, following the submission of the report, the Commission determines under section 13B that the DSI matter is to be re-investigated.”
- (5) In paragraph 27 (duties with respect to disciplinary proceedings etc), after sub-paragraph (1) insert—
- “(1A) But where this paragraph would otherwise apply by virtue of sub-paragraph (1)(c), it does not apply, or ceases to apply, in relation to the investigation if the Commission determines under section 13B that the DSI matter is to be re-investigated.”
- (6) In paragraph 28B (response to recommendation by the Commission under paragraph 28A), at the end insert—

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“(12) This paragraph does not apply, or ceases to apply, in relation to a recommendation made by virtue of paragraph 28A(1) if the Commission determines under section 13B that the complaint, recordable conduct matter or DSI matter that the Commission received a report on is to be re-investigated.”

## **19 Sensitive information received by IPCC: restriction on disclosure**

- (1) Part 2 of the Police Reform Act 2002 (complaints and misconduct) is amended as follows.
- (2) After section 21 insert—

### **“21A Restriction on disclosure of sensitive information**

- (1) Where the Commission receives information within subsection (3), the Commission must not disclose (whether under section 11, 20 or 21 or otherwise) the information, or the fact that it has been received, unless the relevant authority consents to the disclosure.
- (2) Where a person appointed under paragraph 18 of Schedule 3 to investigate a complaint or matter (a “paragraph 18 investigator”) receives information within subsection (3), the paragraph 18 investigator must not disclose the information, or the fact that it has been received, to any person other than the Commission unless the relevant authority consents to the disclosure.
- (3) The information is—
  - (a) intelligence service information;
  - (b) protected information relating to a relevant warrant;
  - (c) information obtained from a government department which, at the time it is provided to the Commission or the paragraph 18 investigator, is identified by the department as information the disclosure of which may, in the opinion of the relevant authority—
    - (i) cause damage to national security, international relations or the economic interests of the United Kingdom or any part of the United Kingdom, or
    - (ii) jeopardise the safety of any person.
- (4) Where the Commission or a paragraph 18 investigator discloses to another person information within subsection (3), or the fact that the Commission or the paragraph 18 investigator has received it, the other person must not disclose that information or that fact unless the relevant authority consents to the disclosure.
- (5) In this section—
 

“government department” means a department of Her Majesty’s Government but does not include—

  - (a) the Security Service,
  - (b) the Secret Intelligence Service, or
  - (c) the Government Communications Headquarters (“GCHQ”);

“intelligence service information” means information that was obtained (directly or indirectly) from or that relates to—

  - (a) the Security Service,

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- (b) the Secret Intelligence Service,
- (c) GCHQ, or
- (d) any part of Her Majesty’s forces, or of the Ministry of Defence, which engages in intelligence activities;

“Minister of the Crown” includes the Treasury;

“paragraph 18 investigator” has the meaning given by subsection (2);

“protected information”, in relation to a relevant warrant, means information relating to any of the matters mentioned in section 57(4) of the Investigatory Powers Act 2016 in relation to the warrant;

“relevant authority” means—

- (a) in the case of intelligence service information obtained (directly or indirectly) from or relating to the Security Service, the Director-General of the Security Service;
- (b) in the case of intelligence service information obtained (directly or indirectly) from or relating to the Secret Intelligence Service, the Chief of the Secret Intelligence Service;
- (c) in the case of intelligence service information obtained (directly or indirectly) from or relating to GCHQ, the Director of GCHQ;
- (d) in the case of intelligence service information obtained (directly or indirectly) from or relating to Her Majesty’s forces or the Ministry of Defence, the Secretary of State;
- (e) in the case of protected information relating to a relevant warrant, the person to whom the relevant warrant is or was addressed;
- (f) in the case of information within subsection (3)(c)—
  - (i) the Secretary of State, or
  - (ii) the Minister of the Crown in charge of the government department from which the information was obtained (if that Minister is not a Secretary of State);

“relevant warrant” means—

- (a) a warrant under Chapter 1 of Part 2 of the Investigatory Powers Act 2016, or
- (b) a warrant under Chapter 1 of Part 6 of that Act.

### **21B Provision of sensitive information to the Commission and certain investigators**

- (1) A person who provides information that is intelligence service information or protected information relating to a relevant warrant to the Commission or a paragraph 18 investigator (whether under a provision of this Part or otherwise) must—
  - (a) make the Commission or the paragraph 18 investigator aware that the information is intelligence service information or (as the case may be) protected information relating to a relevant warrant, and
  - (b) provide the Commission or the paragraph 18 investigator with such additional information as will enable the Commission or the paragraph 18 investigator to identify the relevant authority in relation to the information.

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- (2) In this section, “intelligence service information”, “protected information relating to a relevant warrant”, “paragraph 18 investigator” and “relevant authority” have the same meaning as in section 21A.”
- (3) In Schedule 3 (handling of complaints and conduct matters etc), in Part 3 (investigations and subsequent proceedings)—
- (a) omit paragraph 19ZD (sensitive information: restriction on further disclosure of information received under an information notice);
  - (b) in paragraph 22 (final reports on investigations: complaints, conduct matters and certain DSI matters)—
    - (i) after sub-paragraph (6) insert—
 

“(6A) Where a person would contravene section 21A by submitting, or (as the case may be) sending a copy of, a report in its entirety to the appropriate authority under sub-paragraph (2) or (3)(b), the person must instead submit, or send a copy of, the report after having removed or obscured the information which by virtue of section 21A the person must not disclose.”;
    - (ii) in sub-paragraph (8), at the end insert “except so far as the person is prevented from doing so by section 21A”;
  - (c) in paragraph 23 (action by the Commission in response to an investigation report under paragraph 22)—
    - (i) in sub-paragraph (1A) (as inserted by section 18), after “sub-paragraph (2)(a)” insert “(read with sub-paragraph (2ZA))”;
    - (ii) after sub-paragraph (2) insert—
 

“(2ZA) Where the Commission would contravene section 21A by sending a copy of a report in its entirety to the appropriate authority under sub-paragraph (2)(a) or to the Director of Public Prosecutions under sub-paragraph (2)(c), the Commission must instead send a copy of the report after having removed or obscured the information which by virtue of section 21A the Commission must not disclose.”;
  - (d) in paragraph 24A (final reports on investigations: other DSI matters), after sub-paragraph (3) insert—
 

“(3A) Where a person would contravene section 21A by sending a copy of a report in its entirety to the appropriate authority under sub-paragraph (2)(b), the person must instead send a copy of the report after having removed or obscured the information which by virtue of section 21A the person must not disclose.”;
  - (e) in paragraph 24B (action by the Commission in response to an investigation report under paragraph 24A), after sub-paragraph (1) insert—
 

“(1A) Sub-paragraph (3A) of paragraph 24A applies for the purposes of sub-paragraph (1) of this paragraph as it applies for the purposes of sub-paragraph (2)(b) of that paragraph.”

## **20 Investigations by IPCC: powers of seizure and retention**

- (1) In Schedule 3 to the Police Reform Act 2002 (handling of complaints and conduct matters etc), in Part 3 (investigations and subsequent proceedings), before paragraph 19A insert—

### *“Investigations by the Commission: power of seizure*

- 19ZE (1) The powers conferred by this paragraph are exercisable by a person—
- (a) who is designated under paragraph 19(2) in relation to an investigation (the “designated person”), and
  - (b) who is lawfully on any premises for the purposes of the investigation.
- (2) The designated person may seize anything which is on the premises if the designated person has reasonable grounds for believing—
- (a) that it is evidence relating to the conduct or other matter to which the investigation relates, and
  - (b) that it is necessary to seize it in order to prevent the evidence being concealed, lost, altered or destroyed.
- (3) The designated person may require any information which is stored in any electronic form and is accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible, or from which it can readily be produced in a visible and legible form, if the designated person has reasonable grounds for believing—
- (a) that it is evidence relating to the conduct or other matter to which the investigation relates, and
  - (b) that it is necessary to do so in order to prevent the evidence being concealed, lost, tampered with or destroyed.
- (4) The powers conferred by this paragraph do not authorise the seizure of an item which the designated person exercising the power has reasonable grounds for believing to be an item subject to legal privilege within the meaning of the 1984 Act (see section 10 of that Act).
- (5) Where a designated person has the power to seize a thing or require information to be produced under this paragraph and under section 19 of the 1984 Act (by virtue of section 97(8) of the 1996 Act or paragraph 19(4)), the designated person is to be treated for all purposes as acting in exercise of the power conferred by section 19 of the 1984 Act.
- (6) In this paragraph “premises” has the same meaning as in the 1984 Act (see section 23 of that Act).

### *Further provision about seizure under paragraph 19ZE*

- 19ZF (1) This paragraph applies where a designated person seizes anything under paragraph 19ZE(2).
- (2) The designated person must provide a notice in relation to the thing seized if requested to do so by a person showing himself—
- (a) to be the occupier of the premises on which it was seized, or

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- (b) to have had custody or control of it immediately before the seizure.
- (3) The notice must state what has been seized and the reason for its seizure.
- (4) The notice must be provided within a reasonable time from the making of the request for it.
- (5) In this paragraph “designated person” has the same meaning as in paragraph 19ZE.

*Investigations by the Commission: power of retention*

- 19ZG (1) This paragraph applies to anything which, for the purposes of an investigation in accordance with paragraph 19—
- (a) has been seized under paragraph 19ZE(2) or taken away following a requirement imposed under paragraph 19ZE(3), or
  - (b) is otherwise lawfully in the possession of the Commission.
- (2) Anything to which this paragraph applies may be retained by the Commission for as long as is necessary in all the circumstances, including (amongst other things) so that it may be used as evidence in criminal or disciplinary proceedings or in an inquest held under Part 1 of the Coroners and Justice Act 2009.
- (3) For the purposes of sub-paragraph (2), the retention of anything to which this paragraph applies is not necessary if having a photograph or copy of the thing would suffice (and the Commission may arrange for the thing to be photographed or copied before it ceases to be retained).

*Further provision about things retained under paragraph 19ZG*

- 19ZH (1) This paragraph applies to anything which—
- (a) has been seized (whether under paragraph 19ZE(2) or otherwise), and
  - (b) is being retained by the Commission under paragraph 19ZG.
- (2) If a request for permission to be granted access to a thing to which this paragraph applies is made to the Commission by—
- (a) a person who had custody or control of the thing immediately before it was seized, or
  - (b) someone acting on behalf of such a person,
- the Commission must allow the person who made the request access to it under the supervision of a member of the Commission’s staff.
- (3) Sub-paragraph (4) applies if a request for a photograph or copy of a thing to which this paragraph applies is made to the Commission by—
- (a) a person who had custody or control of the thing immediately before it was seized, or
  - (b) someone acting on behalf of such a person.
- (4) The Commission must either—

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- (a) allow the person who made the request access to the thing under the supervision of a member of the Commission’s staff for the purpose of photographing or copying it, or
  - (b) arrange for the thing to be photographed or copied.
- (5) If the Commission acts under sub-paragraph (4)(b), the Commission must supply the photograph or copy to the person who made the request within a reasonable time from the making of the request.
- (6) The Commission is not obliged to do anything in response to a request under sub-paragraph (2) or (3) if the Commission has reasonable grounds for believing that to do so would prejudice—
  - (a) any investigation being carried out in accordance with this Schedule, or
  - (b) any criminal or disciplinary proceedings or any inquest held under Part 1 of the Coroners and Justice Act 2009.”
- (2) In section 21 of the Police and Criminal Evidence Act 1984 (access and copying), at the end insert—
  - “(10) The references to a constable in subsections (1) and (2) do not include a constable who has seized a thing under paragraph 19ZE of Schedule 3 to the Police Reform Act 2002.”

## **21 References to England and Wales in connection with IPCC functions**

- (1) In section 29 of the Police Reform Act 2002 (interpretation of Part 2), at the end insert—
  - “(8) References in sections 26, 26BA and 26C to England and Wales include the sea and other waters within the seaward limits of the territorial sea adjacent to England and Wales.”
- (2) In section 28 of the Commissioners for Revenue and Customs Act 2005 (complaints and misconduct: England and Wales), in subsection (6), at the end insert “, including the sea and other waters within the seaward limits of the territorial sea adjacent to England and Wales”.
- (3) In section 41 of the Police and Justice Act 2006 (immigration and asylum enforcement functions and customs functions: complaints and misconduct), in subsection (7), at the end insert “, including the sea and other waters within the seaward limits of the territorial sea adjacent to England and Wales”.

## **22 Oversight functions of local policing bodies**

- (1) In section 1 of the Police Reform and Social Responsibility Act 2011 (police and crime commissioners), in subsection (8) (duty to hold chief constable to account), after paragraph (c) insert—
  - “(ca) the exercise of the chief constable’s functions under Part 2 of the Police Reform Act 2002 in relation to the handling of complaints;”.
- (2) In section 3 of that Act (Mayor’s Office for Policing and Crime), in subsection (8) (duty to hold Commissioner of Police of the Metropolis to account), after paragraph (c) insert—

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*Status: This is the original version (as it was originally enacted).*

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“(ca) the exercise of the Commissioner’s functions under Part 2 of the Police Reform Act 2002 in relation to the handling of complaints;”.

(3) In section 6ZA of the Police Act 1996 (power to confer particular functions on the Common Council), in subsection (2), after paragraph (a) insert—

“(aa) to hold the Commissioner of Police for the City of London to account for the exercise of the Commissioner’s functions under Part 2 of the Police Reform Act 2002 in relation to the handling of complaints;”.

## **23 Delegation of functions by local policing bodies**

(1) In section 23 of the Police Reform Act 2002 (Part 2 regulations), in subsection (2), after paragraph (p) insert—

“(pa) for local policing bodies to have power to delegate the exercise or performance of powers and duties conferred or imposed on them by or under this Part (including powers and duties that are acquired by virtue of giving a notice under section 13A);”.

(2) In section 18 of the Police Reform and Social Responsibility Act 2011 (delegation of functions by police and crime commissioners), in subsection (3), after paragraph (a) insert—

“(aa) arrange, under subsection (1)(b) or (2), for the deputy police and crime commissioner or any other person to exercise a function that the police and crime commissioner has under or by virtue of Part 2 of the Police Reform Act 2002 (see instead section 23(2)(pa) of that Act and regulations made under that provision);”.

(3) In section 19 of the Police Reform and Social Responsibility Act 2011 (delegation of functions by Mayor’s Office for Policing and Crime), in subsection (3), after paragraph (a) insert—

“(aa) arrange, under subsection (1)(b) or (2), for the Deputy Mayor for Policing and Crime or any other person to exercise a function that the Mayor’s Office for Policing and Crime has under or by virtue of Part 2 of the Police Reform Act 2002 (see instead section 23(2)(pa) of that Act and regulations made under that provision);”.

(4) In section 107 of the Local Government Act 1972 (application of sections 101 to 106 of that Act to the Common Council)—

(a) in subsection (2), omit the words from the beginning to “and” in the first place it occurs;

(b) after subsection (2) insert—

“(2A) The Common Council may not, under section 101(1)(a), arrange for any person to exercise a function that the Common Council has under or by virtue of Part 2 of the Police Reform Act 2002 (see instead section 23(2)(pa) of that Act and regulations made under that provision).”

## **24 Transfer of staff to local policing bodies**

(1) A local policing body may make one or more schemes for the transfer to itself from the chief officer of police of the police force maintained by the local policing body of rights and liabilities under, or in connection with, a relevant contract of employment



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provided that the condition in subsection (2) is satisfied in relation to each such scheme.

- (2) The condition referred to in subsection (1) is that it is desirable to make the scheme to enable the local policing body to discharge functions that are, or are to be, conferred on it under or by virtue of the Police Reform Act 2002 as a result of the amendments of that Act made by section 13 of, and paragraph 39 of Schedule 5 to, this Act.
- (3) For the purposes of this section a contract of employment is a relevant contract of employment if it is a contract of employment of a member of the civilian staff of the police force (within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011) and the staff member is not designated under section 38 of the Police Reform Act 2002.
- (4) The local policing body must obtain the consent of the chief officer of police to the making of the scheme.
- (5) Where the chief officer of police does not consent to the making of the scheme, the local policing body may make the scheme notwithstanding subsection (4) if the Secretary of State consents to the making of the scheme.
- (6) A scheme under subsection (1) must make provision that has the same or similar effect as the Transfer of Undertakings (Protection of Employment) Regulations 2006 ([S.I. 2006/246](#)) (so far as those regulations do not apply in relation to the transfer).