

**Changes to legislation:** Police Reform Act 2002, Paragraph 16 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 3

#### HANDLING OF COMPLAINTS AND CONDUCT MATTERS ETC.

##### Modifications etc. (not altering text)

- C1** Sch. 3 modified (15.12.2017) by S.I. 2012/1204, **Sch. Pt. 1** (as inserted by **The Police (Conduct, Complaints and Misconduct and Appeal Tribunal) (Amendment) Regulations 2017** (S.I. 2017/1134), reg. 1(1), **Sch. 2** (with reg. 2))
- C1** Sch. 3 applied (with modifications) by 1984 c. 55, **ss. 56A-56C** (as inserted (6.4.2023 for specified purposes) by **Building Safety Act 2022** (c. 30), **ss. 53(1)**, 170(4)(c); S.I. 2023/362, **reg. 3(1)(v)**)

### PART 3

#### INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS

##### *Investigations by the appropriate authority on its own behalf*

- 16<sup>[F1(A1)]</sup> This paragraph applies if the appropriate authority, acting in accordance with paragraph 6(2A) or in response to a recommendation under paragraph 6A(6)(b), is to make arrangements for a complaint to be investigated by the appropriate authority on its own behalf.]
- (1) This paragraph [<sup>F2</sup>also] applies if the appropriate authority is required by virtue of—
- <sup>F3</sup>(a) . . . . .
  - (b) any determination made by the [<sup>F4</sup>Director General] under paragraph 15, to make arrangements for a complaint<sup>[F5]</sup>, recordable conduct matter or DSI matter] to be investigated by the appropriate authority on its own behalf.
- (2) This paragraph also applies if—
- (a) a determination falls to be made by that authority under paragraph [<sup>F6</sup>10(4D)], or [<sup>F7</sup>11(3E)] or 14(2) in relation to any recordable conduct matter [<sup>F8</sup>or under paragraph 14D(2) in relation to any DSI matter]; and
  - (b) the appropriate authority determine that it is necessary for the matter to be investigated by the authority on its own behalf.
- (3) Subject to sub-paragraph (4) [<sup>F9</sup>or (5)], it shall be the duty of the appropriate authority to appoint—
- (a) a person serving with the police (whether under the direction and control of the chief officer of police of the relevant force or of the chief officer of another force), or
  - <sup>[F10]</sup>(d) a National Crime Agency officer,]

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to investigate the complaint or matter.

- (4) The person appointed under this paragraph to investigate any complaint or [F11conduct matter]—
- (a) in the case of an investigation relating to any conduct of a chief officer, must not be a person under that chief officer’s direction and control; and
  - (b) in the case of an investigation relating to any conduct of the Commissioner of Police of the Metropolis or of the Deputy Commissioner of Police of the Metropolis, must be the person nominated by the Secretary of State for appointment under this paragraph.
- [F12(5) The person appointed under this paragraph to investigate any DSI matter—
- (a) in relation to which the relevant officer is a chief officer, must not be a person under that chief officer's direction and control;
  - (b) in relation to which the relevant officer is the Commissioner of Police of the Metropolis or the Deputy Commissioner of Police of the Metropolis, must be the person nominated by the Secretary of State for appointment under this paragraph.]

#### Textual Amendments

- F1** Sch. 3 para. 16(A1) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 16(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F2** Word in Sch. 3 para. 16(1) inserted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 16(3)(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F3** Sch. 3 para. 16(1)(a) omitted (31.1.2017 for specified purposes, 1.2.2020 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 5 para. 16(3)(b)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F4** Words in Sch. 3 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(2)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F5** Words in Sch. 3 para. 16(1) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 14(2)**; S.I. 2005/1521, **art. 3(1)(w)**
- F6** Words in Sch. 3 para. 16(2)(a) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 11(5)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F7** Words in Sch. 3 para. 16(2)(a) substituted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 12(5)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F8** Words in Sch. 3 para. 16(2)(a) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 14(3)**; S.I. 2005/1521, **art. 3(1)(w)**
- F9** Words in Sch. 3 para. 16(3) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 14(4)**; S.I. 2005/1521, **art. 3(1)(w)**
- F10** Sch. 3 para. 16(3)(d) substituted for Sch. 3 para. 16(3)(b)(c) Sch. 3 (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 6 para. 17(2)**; S.I. 2013/1682, art. 3(q)
- F11** Words in Sch. 3 para. 16(4) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 14(5)**; S.I. 2005/1521, **art. 3(1)(w)**
- F12** Sch. 3 para. 16(5) added (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 14(6)**; S.I. 2005/1521, **art. 3(1)(w)**

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**Modifications etc. (not altering text)**

- C1** Sch. 3 para. 16 applied (with modifications) (E.W.) (28.12.2005) by virtue of [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(4\)\(6\)](#), Sch. 3

**Commencement Information**

- II** Sch. 3 para. 16 wholly in force at 1.4.2004; Sch. 3 para. 16 not in force at Royal Assent see s. 108(2); Sch. 3 para. 16 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); Sch. 3 para. 16 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(d\)](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 26F inserted by [2023 c. 41 Sch. 13 para. 6](#)
- s. 28A(6A)(6B) inserted by [2023 c. 41 s. 45\(2\)](#)