

Changes to legislation: Police Reform Act 2002, Paragraph 24 is up to date with all changes known to be in force on or before 20 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

*Action by the appropriate authority in response
to an investigation report [F1 under paragraph 22]*

Textual Amendments

- F1** Words in Sch. 3 para. 24 heading inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), **ss. 160, 178, Sch. 12 para. 23(1)**; S.I. 2005/1521, **art. 3(1)(w)**

- 24 (1) This paragraph applies where—
- (a) a report of an investigation is submitted to the appropriate authority in accordance with paragraph [F1 22(2)]; F2 ...
- F3(b)
- (2) On receipt of the report F4 ..., the appropriate authority—
- [F5(a) shall determine whether the conditions set out in sub-paragraphs (2A) and (2B) are satisfied in respect of the report;]
- (b) if it determines that [F6 those conditions are so satisfied], shall notify the Director of Public Prosecutions of the determination and send him a copy of the report[F7 and
- (c) shall notify the persons mentioned in sub-paragraph (5) of its determination under paragraph (a) and of any action taken by it under paragraph (b).]
- [F8(2A) The first condition is that the report indicates that a criminal offence may have been committed by a person [F9 (if any)] to whose conduct the investigation related.
- (2B) The second condition is that—

Changes to legislation: Police Reform Act 2002, Paragraph 24 is up to date with all changes known to be in force on or before 20 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

- (a) the circumstances are such that, in the opinion of the appropriate authority, it is appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions, or
- (b) any matters dealt with in the report fall within any prescribed category of matters.]

(3) The Director of Public Prosecutions shall notify the appropriate authority of any decision of his to take, or not to take, action in respect of the matters dealt with in any report a copy of which has been sent to him under sub-paragraph (2).

^{F10}(4)

(5) [^{F11}The] persons are—

- (a) in the case of a complaint, the complainant and every person entitled to be kept properly informed in relation to the complaint under section 21; and
- (b) in the case of a recordable conduct matter, every person entitled to be kept properly informed in relation to that matter under that section.

^{F12}(5A)

^{F12}(5B)

^{F12}(5C)

[^{F13}(6) ^{F14}On receipt of the report ..., the appropriate authority shall also—

- (a) in accordance with regulations under section 50 or 51 of the 1996 Act, determine—
 - (i) whether any person to whose conduct the investigation related has a case to answer in respect of misconduct or gross misconduct or has no case to answer, and
 - [^{F15}(ia) whether or not any such person's performance is unsatisfactory, and]
 - (ii) what action (if any) the authority is required to, or will in its discretion, take in respect of the matters dealt with in the report, and

[^{F16}(aa) if it considers it appropriate to do so, make a determination as to any matter dealt with in the report, being a determination other than one that it is required to make by sub-paragraph (2)(a) or paragraph (a) of this sub-paragraph, and]

[^{F17}(b) determine what action (if any), in addition to the action mentioned in paragraph (a)(ii), the authority will in its discretion take in respect of the matters dealt with in the report.]]

[^{F18}(6A) Where the report is a report of an investigation of a complaint and the appropriate authority is a local policing body, the appropriate authority may also, on receipt of the report, make a recommendation under paragraph 28ZA.]

[^{F19}(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.]

^{F20}(7)

Changes to legislation: Police Reform Act 2002, Paragraph 24 is up to date with all changes known to be in force on or before 20 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

^{F20}(8)

^{F20}(9)

^{F20}(10)

[^{F21}(11) In relation to a DSI matter in respect of which a determination has been made under paragraph 21A(2) [^{F22}, (2A)][^{F23}, (2B)] or (4), the references in this paragraph to the appropriate authority are references to the appropriate authority in relation to the person whose conduct is in question.]

Textual Amendments

- F1** Words in Sch. 3 para. 24(1)(a) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 23(2)(a)**; S.I. 2005/1521, **art. 3(1)(w)**
- F2** Word in Sch. 3 para. 24(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. 47(h)(x)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F3** Sch. 3 para. 24(1)(b) 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. 47(h)(x)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F4** Words in Sch. 3 para. 24(2) 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. 47(h)(xi)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F5** Sch. 3 para. 24(2)(a) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 14(2)(a)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)
- F6** Words in Sch. 3 para. 24(2)(b) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 14(2)(b)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)
- F7** Sch. 3 para. 24(2)(c) and word inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 14(2)(c)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)
- F8** Sch. 3 para. 24(2A)(2B) inserted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 14(3)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)
- F9** Words in Sch. 3 para. 24(2A) 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. 4 para. 8(3)**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F10** Sch. 3 para. 24(4) 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), **ss. 15(9)(b)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(c) (with art. 3(1)(2)(4))
- F11** Word in Sch. 3 para. 24(5) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 14(4)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)
- F12** Sch. 3 para. 24(5A)-(5C) 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. 47(h)(xii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F13** Sch. 3 para. 24(6) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 14(6)** (with s. 14(1)); S.I. 2008/2993, **art. 2(1)(i)(i)** (subject to art. 3)
- F14** Words in Sch. 3 para. 24(6) 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. 47(h)(xiii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F15** Sch. 3 para. 24(6)(a)(ia) inserted (22.11.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 14 para. 14(3)**; S.I. 2012/2892, art. 2(g) (with art. 6)

Changes to legislation: Police Reform Act 2002, Paragraph 24 is up to date with all changes known to be in force on or before 20 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

- F16** Sch. 3 para. 24(6)(aa) 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. 27(2)(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F17** Sch. 3 para. 24(6)(b) substituted (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. 27(2)(b)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F18** Sch. 3 para. 24(6A) 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. 27(3)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F19** Sch. 3 para. 24(6B) 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), **ss. 15(10)(a)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(c) (with art. 3(1)(2)(4))
- F20** Sch. 3 para. 24(7)-(10) 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), **ss. 15(9)(b)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(c) (with art. 3(1)(2)(4))
- F21** Sch. 3 para. 24(11) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 23(3)**; S.I. 2005/1521, **art. 3(1)(w)**
- F22** Word in Sch. 3 para. 24(11) 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. 47(h)(xiv)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F23** Word in Sch. 3 para. 24(11) inserted (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(17)**; S.I. 2017/1249, reg. 2 (with reg. 3)

Modifications etc. (not altering text)

- C1** Sch. 3 para. 24 applied (with modifications) (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

- I1** Sch. 3 para. 24 wholly in force at 1.4.2004; Sch. 3 para. 24 not in force at Royal Assent see s. 108(2); Sch. 3 para. 24 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 24 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

Changes to legislation:

Police Reform Act 2002, Paragraph 24 is up to date with all changes known to be in force on or before 20 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.

[View outstanding changes](#)

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\(2\)](#)