

Changes to legislation: Police Reform Act 2002, Paragraph 26 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

[^{F1}Re-investigations following a review]

Textual Amendments

- F1** Sch. 3 para. 26 cross-heading 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. 36**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

26 ^{F1}(1)

(2) Where the [^{F2}Director General] directs under paragraph 25 ^{F3}... that a complaint be re-investigated, [^{F4}the Director General] shall make a determination of the form that the re-investigation should take.

(3) Sub-paragraphs [^{F5}(4)] to (7) of paragraph 15 shall apply in relation to a determination under sub-paragraph (2) as they apply in the case of a determination under that paragraph.

[^{F6}(3A) Where, following a recommendation under paragraph 25(4E)(a) in relation to a complaint, the appropriate authority determines that it is appropriate for it to re-investigate the complaint on its own behalf, sub-paragraphs (3) to (5) of paragraph 16 shall apply in relation to the re-investigation as they apply in relation to an investigation to which paragraph 16 applies.]

(4) The other provisions of this Schedule (including this paragraph) shall apply in relation to any re-investigation in pursuance of a direction under paragraph [^{F7}25(4C) (b)]^{F8} ... [^{F9}and any re-investigation of the type described in sub-paragraph (3A) of

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this paragraph] as they apply in relation to any investigation in pursuance of a determination under paragraph 15.

[^{F10}(4A) Where the [^{F2}Director General] determines under sub-paragraph (2) that the re-investigation should take the form of an investigation by the appropriate authority on its own behalf, the [^{F2}Director General] may also give the appropriate authority such directions as to the handling of the matter in future as the [^{F2}Director General] thinks fit.]

[^{F11}(5) The [^{F2}Director General] shall notify the appropriate authority of any determination that [^{F4}the Director General] makes under this paragraph and of [^{F12}the Director General's] reasons for making the determination.

(5A) The [^{F2}Director General] shall also notify the following of any determination that [^{F4}the Director General] makes under this paragraph and of [^{F12}the Director General's] reasons for making the determination—

- (a) the complainant;
- (b) every person entitled to be kept properly informed in relation to the complaint under section 21;
- (c) the person complained against (if any).

(5B) The duty imposed by sub-paragraph (5A) on the [^{F2}Director General] shall have effect subject to such exceptions as may be provided for by regulations made by the Secretary of State.

(5C) Subsections (6) to (8) of section 20 apply for the purposes of sub-paragraph (5B) as they apply for the purposes of that section.]

^{F13}(6)

Textual Amendments

- F1** Sch. 3 para. 26(1) 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. 37(2)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F2** 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)
- F3** Words in Sch. 3 para. 26(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. 37(3)**; 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(4)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F5** Word in Sch. 3 para. 26(3) 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. 37(4)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F6** Sch. 3 para. 26(3A) 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. 37(5)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F7** Word in Sch. 3 para. 26(4) 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. 37(6)(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

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- F8** Words in Sch. 3 para. 26(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), s. 183(1)(5)(e), **Sch. 5 para. 37(6)(b)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F9** Words in Sch. 3 para. 26(4) 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. 37(6)(c)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F10** Sch. 3 para. 26(4A) 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. 37(7)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F11** Sch. 3 para. 26(5)-(5C) substituted for Sch. 3 para. 26(5) (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. 37(8)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F12** 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(5)** (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)
- F13** Sch. 3 para. 26(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. 37(9)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

- C1** Sch. 3 para. 26 applied (with modifications) (1.4.2006) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(5)(6)**, Sch. 3

Commencement Information

- I1** Sch. 3 para. 26 wholly in force at 1.4.2004; Sch. 3 para. 26 not in force at Royal Assent see s. 108(2); Sch. 3 para. 26 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 26 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\(2\)](#)