

**Changes to legislation:** Police Reform Act 2002, Part 2 is up to date with all changes known to be in force on or before 26 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 **U.K.**

#### 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 2 **E+W**

#### HANDLING OF CONDUCT MATTERS

##### *Conduct matters arising in civil proceedings*

- 10 (1) This paragraph applies where—
- (a) a [<sup>F1</sup>local policing body] or chief officer has received notification (whether or not under this paragraph) that civil proceedings relating to any matter have been brought by a member of the public against [<sup>F2</sup>that body] or chief officer, or it otherwise appears to a [<sup>F1</sup>local policing body] or chief officer that such proceedings are likely to be so brought; and
  - (b) it appears to [<sup>F2</sup>that body] or chief officer (whether at the time of the notification or at any time subsequently) that those proceedings involve or would involve a conduct matter.
- (2) [<sup>F3</sup>The authority] or chief officer—
- (a) shall consider whether it or, as the case may be, he is the appropriate authority in relation to the conduct matter in question; and
  - (b) if it or he is not, shall notify the person who is the appropriate authority about the proceedings, or the proposal to bring them, and about the circumstances that make it appear as mentioned in sub-paragraph (1)(b).
- (3) Where a [<sup>F4</sup>local policing body] or chief officer determines for the purposes of this paragraph that it or, as the case may be, he is the appropriate authority in relation to any conduct matter, it or he shall [<sup>F5</sup>determine whether the matter is one which it or he is required to refer to the [<sup>F6</sup>Director General] under paragraph 13 or is one which it would be appropriate to so refer].

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- [<sup>F7</sup>(4) In a case where the appropriate authority determines that the matter is one which it or he is required to refer to the [<sup>F6</sup>Director General] under paragraph 13, or is one which it would be appropriate to so refer, it or he shall record the matter.
- (4A) In any other case, the appropriate authority shall determine whether the matter falls within a description of matters specified in regulations made by the Secretary of State for the purposes of this sub-paragraph.
- (4B) In a case where the appropriate authority determines that the matter does not fall within such a description, it or he shall record the matter.
- (4C) In any other case, the appropriate authority may (but need not) record the matter.
- (4D) In a case where the appropriate authority—
- (a) records a matter under this paragraph, and
  - (b) is not required to refer the matter to the [<sup>F6</sup>Director General] under paragraph 13 and does not do so,
- the appropriate authority may deal with the matter in such other manner (if any) as it or he may determine.]
- (5) Nothing in [<sup>F8</sup>sub-paragraph (4) or (4B)] shall require the appropriate authority to record any conduct matter if it is satisfied that the matter has been, or is already being, dealt with by means of criminal or disciplinary proceedings against the person to whose conduct the matter relates.
- (6) For the purposes of this paragraph civil proceedings involve a conduct matter if—
- (a) they relate to such a matter; or
  - (b) they are proceedings that relate to a matter in relation to which a conduct matter, or evidence of a conduct matter, is or may be relevant.
- (7) The Secretary of State may by regulations provide for the times at which, or the periods within which, any requirement of this paragraph is to be complied with; and the period from which any such period is to run shall be such time as may be specified in those regulations or as may be determined in a manner set out in the regulations.

#### Textual Amendments

- F1** Words in Sch. 3 para. 10(1)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 301(2)(a)(i)**; S.I. 2011/3019, art. 3, Sch. 1
- F2** Words in Sch. 3 para. 10(1)(a)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 301(2)(a)(ii)**; S.I. 2011/3019, art. 3, Sch. 1
- F3** Words in Sch. 3 para. 10(2) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 301(2)(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F4** Words in Sch. 3 para. 10(3) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 301(2)(c)**; S.I. 2011/3019, art. 3, Sch. 1
- F5** Words in Sch. 3 para. 10(3) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 14 para. 11(2)**; S.I. 2012/2892, art. 2(g) (with art. 6)
- F6** 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)
- F7** Sch. 3 para. 10(4)-(4D) substituted for Sch. 3 para. 10(4) (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 14 para. 11(3)**; S.I. 2012/2892, art. 2(g) (with art. 6)

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**F8** Words in Sch. 3 para. 10(5) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 14 para. 11\(4\)](#); S.I. 2012/2892, art. 2(g) (with art. 6)

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

**C1** Sch. 3 para. 10 excluded by [The Independent Police Complaints Commission \(Transitional Provisions\) Order 2004 \(S.I. 2004/671\), art. 4\(3\)](#) (as inserted (15.4.2004) by [The Independent Police Complaints Commission \(Transitional Provisions\) \(Amendment\) Order 2004 \(S.I. 2004/1092\), art. 2\(5\)](#))

**C2** Sch. 3 para. 10 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**

**II** Sch. 3 para. 10 wholly in force at 1.4.2004; Sch. 3 para. 10 not in force at Royal Assent see s. 108(2); Sch. 3 para. 10 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306, art. 4\(e\)](#); Sch. 3 para. 10 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913, art. 2\(d\)](#)

*Recording etc. of conduct matters in other cases*

- 11 (1) <sup>F9</sup>[This paragraph applies where—]
- (a) a conduct matter comes (otherwise than as mentioned in paragraph 10) to the attention of the <sup>F10</sup>[local policing body] or chief officer who is the appropriate authority in relation to that matter, and
  - (b) it appears to the appropriate authority that the conduct involved in that matter falls within sub-paragraph (2),
- <sup>F11</sup>.....
- (2) Conduct falls within this sub-paragraph if (assuming it to have taken place)—
- (a) it appears to have resulted in the death of any person or in serious injury to any person;
  - (b) a member of the public has been adversely affected by it; or
  - (c) it is of a description specified for the purposes of this sub-paragraph in regulations made by the Secretary of State.
- <sup>F12</sup>(3) The appropriate authority must determine whether the matter is one which it or he is required to refer to the <sup>F6</sup>[Director General] under paragraph 13, or is one which it would be appropriate to so refer.
- (3A) In a case where the appropriate authority determines that the matter is one which it or he is required to refer to the <sup>F6</sup>[Director General] under paragraph 13, or is one which it would be appropriate to so refer, it or he shall record the matter.
- (3B) In any other case, the appropriate authority shall determine whether the matter falls within a description of matters specified in regulations made by the Secretary of State for the purposes of this sub-paragraph.
- (3C) In a case where the appropriate authority determines that the matter does not fall within such a description, it or he shall record the matter.
- (3D) In any other case, the appropriate authority may (but need not) record the matter.
- (3E) In a case where the appropriate authority—
- (a) records a matter under this paragraph, and

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(b) is not required to refer the matter to the [<sup>F6</sup>Director General] under paragraph 13 and does not do so,

the appropriate authority may deal with the matter in such other manner (if any) as it or he may determine.]

(4) Nothing in [<sup>F13</sup>sub-paragraph (3A) or (3C)] shall require the appropriate authority to record any conduct matter if it is satisfied that the matter has been, or is already being, dealt with by means of criminal or disciplinary proceedings against the person to whose conduct the matter relates.

<sup>F14</sup>(5) . . . . .

#### Textual Amendments

- F6** 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)
- F9** Words in Sch. 3 para. 11(1) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 14 para. 12\(2\)\(a\)](#); S.I. 2012/2892, art. 2(g) (with art. 6)
- F10** Words in Sch. 3 para. 11(1)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 16 para. 301\(3\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F11** Words in Sch. 3 para. 11(1)(b) omitted (22.11.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 14 para. 12\(2\)\(b\)](#); S.I. 2012/2892, art. 2(g) (with art. 6)
- F12** Sch. 3 para. 11(3)-(3E) substituted for Sch. 3 para. 11(3) (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 14 para. 12\(3\)](#); S.I. 2012/2892, art. 2(g) (with art. 6)
- F13** Words in Sch. 3 para. 11(4) substituted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), [Sch. 14 para. 12\(4\)](#); S.I. 2012/2892, art. 2(g) (with art. 6)
- F14** Sch. 3 para. 11(5) 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. 17\(4\)](#), 183(1)(5)(e); S.I. 2020/5, reg. 2(e) (with art. 3(1)(2)(4))

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

- C3** Sch. 3 para. 11 excluded (15.4.2004) by [The Independent Police Complaints Commission \(Transitional Provisions\) Order 2004 \(S.I. 2004/671\)](#), art. 4(3) (as inserted (15.4.2004) by [The Independent Police Complaints Commission \(Transitional Provisions\) \(Amendment\) Order 2004 \(S.I. 2004/1092\)](#), [art. 2\(5\)](#))
- C4** Sch. 3 para. 11 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

- I2** Sch. 3 para. 11 wholly in force at 1.4.2004; Sch. 3 para. 11 not in force at Royal Assent see s. 108(2); Sch. 3 para. 11 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, [art. 4\(e\)](#); Sch. 3 para. 11 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, [art. 2\(d\)](#)

#### *Duties to preserve evidence relating to conduct matters*

- 12 (1) Where a recordable conduct matter that relates to the conduct of a chief officer comes to the attention of the [<sup>F15</sup>local policing body] maintaining his force, it shall be the duty of [<sup>F16</sup>that body] to secure that all such steps as are appropriate for the purposes of Part 2 of this Act are taken, both initially and from time to time after that, for obtaining and preserving evidence relating to that matter.

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- (2) Where a chief officer becomes aware of any recordable conduct matter relating to the conduct of a person under his direction and control, it shall be his duty to take all such steps as appear to him to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving evidence relating to that matter.
- (3) The chief officer's duty under sub-paragraph (2) must be performed as soon as practicable after he becomes aware of the matter in question.
- (4) After that, he shall be under a duty, until he is satisfied that it is no longer necessary to do so, to continue to take the steps from time to time appearing to him to be appropriate for the purposes of Part 2 of this Act for obtaining and preserving evidence relating to the matter.
- (5) It shall be the duty of a [<sup>F17</sup>local policing body] to comply with all such directions as may be given to it by the [<sup>F6</sup>Director General] in relation to the performance of any duty imposed on it by virtue of sub-paragraph (1).
- (6) It shall be the duty of the chief officer to take all such specific steps for obtaining or preserving evidence relating to any recordable conduct matter as he may be directed to take for the purposes of this paragraph by the [<sup>F18</sup>local policing body] maintaining his force or by the [<sup>F6</sup>Director General].

#### Textual Amendments

- F6** 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)
- F15** Words in Sch. 3 para. 12(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(4)(a)(i)**; S.I. 2011/3019, art. 3, Sch. 1
- F16** Words in Sch. 3 para. 12(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(4)(a)(ii)**; S.I. 2011/3019, art. 3, Sch. 1
- F17** Words in Sch. 3 para. 12(5) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(4)(b)**; S.I. 2011/3019, art. 3, Sch. 1
- F18** Words in Sch. 3 para. 12(6) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 301(4)(c)**; S.I. 2011/3019, art. 3, Sch. 1

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

- C5** Sch. 3 para. 12 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

- I3** Sch. 3 para. 12 wholly in force at 1.4.2004; Sch. 3 para. 12 not in force at Royal Assent see s. 108(2); Sch. 3 para. 12 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 12 in force in so far as not already in force at 1.4.2004 by S.I. 2004/913, **art. 2(d)**

#### *Reference of conduct matters to the [<sup>F6</sup>Director General]*

- 13 (1) It shall be the duty of a [<sup>F19</sup>local policing body] or a chief officer to refer a recordable conduct matter to the [<sup>F6</sup>Director General] if, in a case (whether or not falling within paragraph 10) in which [<sup>F20</sup>the body] or chief officer is the appropriate authority—

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- (a) that matter relates to any incident or circumstances in or in consequence of which any person has died or suffered serious injury;
  - (b) that matter is of a description specified for the purposes of this sub-paragraph in regulations made by the Secretary of State; or
  - (c) the [F6Director General] notifies the appropriate authority that [F21the Director General] requires that matter to be referred to the [F6Director General] for [F22the Director General's] consideration.
- (2) In any case where there is no obligation under sub-paragraph (1) to make a reference, the appropriate authority may refer a recordable conduct matter to the [F6Director General] if that authority considers that it would be appropriate to do so by reason of—
- (a) the gravity of the matter; or
  - (b) any exceptional circumstances.
- (3) In a case in which a reference under sub-paragraph (1) or (2) is neither made nor required to be made, a [F23local policing body] maintaining any police force may refer any recordable conduct matter to the [F6Director General] if—
- (a) it is one in relation to which the chief officer of police of that force is the appropriate authority; and
  - (b) the [F24local policing body] considers that it would be appropriate to do so by reason of—
    - (i) the gravity of the matter; or
    - (ii) any exceptional circumstances.
- (4) Where there is an obligation under this paragraph to refer any matter to the [F6Director General], it must be so referred within such period as may be provided for by regulations made by the Secretary of State.
- (5) Subject to sub-paragraph (7), the following powers—
- (a) the power of the [F6Director General] by virtue of sub-paragraph (1)(c) to require a matter to be referred to [F21the Director General], and
  - (b) the power of a [F25local policing body] or chief officer to refer any matter to the [F6Director General] under sub-paragraph (2) or (3),
- shall each be exercisable at any time irrespective of whether the matter is already being investigated by any person or has already been considered by the [F6Director General].
- (6) Where—
- (a) a [F26local policing body] or chief officer refers a matter to the [F6Director General] under this paragraph, and
  - (b) [F27that body] or chief officer does not consider that to do so might prejudice [F28an investigation of that matter (whether an existing investigation or a possible future one)],
- [F27that body] or chief officer shall give a notification of the making of the reference to the person to whose conduct that matter relates.



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- (7) A matter that has already been referred to the [<sup>F6</sup>Director General] under this paragraph on a previous occasion [<sup>F29</sup>, or that has been treated as having been so referred by virtue of paragraph 13A]—
- (a) shall not be required to be referred again under this paragraph unless the [<sup>F6</sup>Director General] so directs; and
  - (b) shall not be referred in exercise of any power conferred by this paragraph unless the [<sup>F6</sup>Director General] consents.

#### Textual Amendments

- F19** Words in Sch. 3 para. 13(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 301\(5\)\(a\)\(i\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F20** Words in Sch. 3 para. 13(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 301\(5\)\(a\)\(ii\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F21** 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)
- F22** 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)
- F23** Words in Sch. 3 para. 13(3) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 301\(5\)\(b\)\(i\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F24** Words in Sch. 3 para. 13(3)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 301\(5\)\(b\)\(ii\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F25** Words in Sch. 3 para. 13(5)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 301\(5\)\(c\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F26** Words in Sch. 3 para. 13(6) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 301\(5\)\(d\)\(i\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F27** Words in Sch. 3 para. 13(6) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 301\(5\)\(d\)\(ii\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F28** Words in Sch. 3 para. 13(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. 12](#); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F29** Words in Sch. 3 para. 13(7) 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. 17\(5\), 183\(1\)\(5\)\(e\)](#); S.I. 2020/5, reg. 2(e) (with art. 3(1)(2)(4))

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

- C6** Sch. 3 para. 13 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

- I4** Sch. 3 para. 13 wholly in force at 1.4.2004; Sch. 3 para. 13 not in force at Royal Assent see s. 108(2); Sch. 3 para. 13 in force for specified purposes at 1.10.2002 by [S.I. 2002/2306, art. 4\(e\)](#); Sch. 3 para. 13 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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*[<sup>F30</sup>Power of [<sup>F6</sup>Director General] to treat conduct matter as having been referred*

**Textual Amendments**

**F30** Sch. 3 para. 13A and cross-heading 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. 17(6), 183(1)(5)(e); S.I. 2020/5, reg. 2(e) (with art. 3(1)(2)(4))

- 13A (1) The [<sup>F6</sup>Director General] may treat a conduct matter that comes to [<sup>F22</sup>the Director General's] attention otherwise than by having been referred to [<sup>F21</sup>the Director General] under paragraph 13 as having been so referred.
- (2) Where the [<sup>F6</sup>Director General] treats a conduct matter as having been referred to [<sup>F21</sup>the Director General]—
- (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 [<sup>F6</sup>Director General] by the appropriate authority under paragraph 13.
- (3) The [<sup>F6</sup>Director General] must notify the following that [<sup>F21</sup>the Director General] is treating a conduct matter as having been referred to [<sup>F21</sup>the Director General]—
- (a) the appropriate authority;
  - (b) except in a case where it appears to the [<sup>F6</sup>Director General] 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.]

**Textual Amendments**

**F21** 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)

**F22** 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)

*Duties of [<sup>F6</sup>Director General] on references under paragraph 13*

- 14 (1) It shall be the duty of the [<sup>F6</sup>Director General], in the case of every recordable conduct matter referred to [<sup>F21</sup>the Director General] by a [<sup>F31</sup>local policing body] or chief officer under paragraph 13, to determine whether or not it is necessary for the matter to be investigated.
- [<sup>F32</sup>(1A) The Secretary of State may by regulations provide that the [<sup>F6</sup>Director General] must determine that it is necessary for recordable conduct matters referred to



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**Changes to legislation:** *Police Reform Act 2002, Part 2 is up to date with all changes known to be in force on or before 26 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*

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[<sup>F21</sup>the Director General] that relate to the conduct of a chief officer or the Deputy Commissioner of Police of the Metropolis to be investigated.

(1B) Regulations under sub-paragraph (1A) may provide that the duty on the [<sup>F6</sup>Director General] applies only in relation to recordable conduct matters relating to the conduct of a chief officer or the Deputy Commissioner of Police of the Metropolis that are of a description specified in the regulations.

(1C) Regulations under sub-paragraph (1A) may also provide that, where the [<sup>F6</sup>Director General] is required by the regulations to determine that it is necessary for a recordable conduct matter to be investigated, paragraph 15 is to apply in relation to the matter as if sub-paragraphs (4)(a), (4A) and (5A)(b) were omitted.]

(2) Where the [<sup>F6</sup>Director General] determines under this paragraph that it is not necessary for a recordable conduct matter to be investigated [<sup>F33</sup>—

(a) in a case where the recordable conduct matter is already being investigated by the appropriate authority on its own behalf (and notwithstanding the [<sup>F34</sup>Director General's] determination), the [<sup>F6</sup> Director General] must refer the matter back to the appropriate authority for the investigation to be completed, and

(b) in any other case, the [<sup>F6</sup>Director General] may, if [<sup>F21</sup>the Director General] thinks fit, refer the matter back to the appropriate authority to be dealt with by that authority in such manner (if any) as that authority may determine.]

(3) Where—

(a) the [<sup>F6</sup>Director General] refers a matter back to the appropriate authority under this paragraph, and

(b) the [<sup>F6</sup>Director General] does not consider that to do so might prejudice [<sup>F35</sup>an investigation of that matter (whether an existing investigation or a possible future one)],

the [<sup>F6</sup>Director General] shall give a notification of the making of the reference to the person to whose conduct that matter relates.

#### Textual Amendments

**F21** 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)

**F31** Words in Sch. 3 para. 14(1) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), Sch. 16 para. 301(6); S.I. 2011/3019, art. 3, Sch. 1

**F32** Sch. 3 para. 14(1A)-(1C) 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. 13(2); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

**F33** Words in Sch. 3 para. 14(2) 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. 13(3); S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

**F34** 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(3) (with Sch. 9 para. 56(6)); S.I. 2017/1249, reg. 2 (with reg. 3)

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**F35** Words in Sch. 3 para. 14(3)(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. 13(4)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

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

**C7** Sch. 3 para. 14 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**

**I5** Sch. 3 para. 14 wholly in force at 1.4.2004; Sch. 3 para. 14 not in force at Royal Assent see s. 108(2); Sch. 3 para. 14 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 14 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:**

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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\(2\)](#)