

**Changes to legislation:** Police Reform Act 2002, Cross Heading: Investigations by the Director General... is up to date with all changes known to be in force on or before 23 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 [F1 Director General]F2...*

##### Textual Amendments

- F1** 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)
- F2** Word in Sch. 3 para. 19 heading omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 56(7) (a)**; S.I. 2017/1249, reg. 2 (with reg. 3)

- 19 (1) This paragraph applies where the [F1 Director General] has determined that [F3 the Director General] should F4 ... carry out the investigation of a complaint [F5, recordable conduct matter or DSI matter].
- [F6(2) The Director General must designate both—
- (a) a person to take charge of the investigation, and
  - (b) such members of the Office's staff as are required by the Director General to assist the person designated to take charge of the investigation.
- (2A) The person designated under sub-paragraph (2) to take charge of an investigation must be—
- (a) the Director General acting personally, or
  - (b) a person who is authorised to exercise the function of taking charge of the investigation on behalf of the Director General by virtue of paragraph 6A of Schedule 2 (delegation of Director General's functions).]

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(3) The person designated under sub-paragraph (2) to be the person to take charge 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 to be so designated under that sub-paragraph.

[<sup>F7</sup>(3A) The person designated under sub-paragraph (2) to be the person to take charge of an investigation of a DSI matter 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 to be so designated under that sub-paragraph.]

(4) A [<sup>F8</sup>person] who—

- (a) is designated under sub-paragraph (2) in relation to any investigation, but
- (b) does not already, by virtue of section 97(8) of the 1996 Act, have all the powers and privileges of a constable throughout England and Wales and the adjacent United Kingdom waters,

shall, for the purposes of the carrying out of the investigation and all purposes connected with it, have all those powers and privileges throughout England and Wales and those waters.

(5) A [<sup>F9</sup>person designated under sub-paragraph (2)] who is not a constable shall not, as a result of sub-paragraph (4), be treated as being in police service for the purposes of—

- (a) section 280 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52) (person in police service excluded from definitions of “worker” and “employee”); or
- (b) section 200 of the Employment Rights Act 1996 (c. 18) (certain provisions of that Act not to apply to persons in police service).

<sup>F10</sup>(6) The Secretary of State may by order [<sup>F11</sup>provide that—

- (a) such provisions of the 1984 Act relating to investigations of offences conducted by police officers as may be specified in the order, and
- (b) such provisions of a code of practice under section 60, 60A or 66 of that Act as may be so specified,

shall apply.]

[<sup>F12</sup>(6A) An order under sub-paragraph (6) may, in particular, provide that where a provision applied by the order allows a power to be exercised only if an authorisation is given by a police officer of or above a particular rank, the authorisation may be given by a [<sup>F13</sup>the Director General or a member of the Office's staff] of or above a specified grade.]

(7) References in this paragraph to the powers and privileges of a constable—

- (a) are references to any power or privilege conferred by or under any enactment (including one passed after the passing of this Act) on a constable; and

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

- (b) shall have effect as if every such power were exercisable, and every such privilege existed, throughout England and Wales and the adjacent United Kingdom waters (whether or not that is the case apart from this sub-paragraph).

(8) In this paragraph “United Kingdom waters” means the sea and other waters within the seaward limits of the United Kingdom’s territorial sea.

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### Textual Amendments

- F3** 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)
- F4** Word in [Sch. 3 para. 19\(1\)](#) omitted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 56\(7\)\(b\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F5** Words in [Sch. 3 para. 19\(1\)](#) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 17\(2\)](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)
- F6** [Sch. 3 para. 19\(2\)\(2A\)](#) substituted for [Sch. 3 para. 19\(2\)](#) (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\(7\)\(c\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F7** [Sch. 3 para. 19\(3A\)](#) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 17\(3\)](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)
- F8** Word in [Sch. 3 para. 19\(4\)](#) 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\(7\)\(d\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F9** Words in [Sch. 3 para. 19\(5\)](#) 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\(7\)\(e\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F10** Word in [Sch. 3 para. 19\(6\)](#) 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\(7\)\(f\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F11** Words in [Sch. 3 para. 19\(6\)](#) substituted (1.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), ss. [136\(2\)](#), 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, [art. 3\(a\)](#)
- F12** [Sch. 3 para. 19\(6A\)](#) inserted (1.10.2014) by [Anti-social Behaviour, Crime and Policing Act 2014 \(c. 12\)](#), ss. [136\(3\)](#), 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2454, [art. 3\(a\)](#)
- F13** Words in [Sch. 3 para. 19\(6A\)](#) 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\(7\)\(g\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F14** [Sch. 3 para. 19\(7\)\(aa\)](#) 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. 20](#); S.I. 2020/5, reg. 2(n) (with [art. 3\(1\)\(2\)\(4\)](#))

### Modifications etc. (not altering text)

- C1** [Sch. 3 para. 19](#) 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](#)
- C2** [Sch. 3 para. 19\(4\)\(5\)\(7\)\(8\)](#) applied (with modifications) (16.1.2012) by [The Elected Local Policing Bodies \(Complaints and Misconduct\) Regulations 2012 \(S.I. 2012/62\)](#), regs. 1, [20\(3\)](#) (with reg. 3(6))

### Commencement Information

- I1** [Sch. 3 para. 19](#) wholly in force at 1.4.2004; [Sch. 3 para. 19](#) not in force at Royal Assent see s. 108(2); [Sch. 3 para. 19](#) in force for specified purposes at 1.10.2002 by [S.I. 2002/2306](#), [art. 4\(e\)](#); [Sch. 3 para. 19](#) 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\(2\)](#)