

Changes to legislation: Police Reform Act 2002, Cross Heading: Power of the Director General to determine the form of an investigation is up to date with all changes known to be in force on or before 19 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

Power of the [F1Director General] to determine the form of an investigation

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)

- 15 (1) This paragraph applies where—
- (a) a complaint [F2, recordable conduct matter or DSI matter] is referred to the [F1Director General]; and
 - (b) the [F1Director General] determines [F3under paragraph 5(1), 14(1) or 14D(1)] that it is necessary for the complaint or matter to be investigated.
- [F4(1A) This paragraph also applies where the [F1Director General] determines under paragraph 6A(5)(a) that it is necessary for a complaint to be investigated.]
- (2) It shall be the duty of the [F1Director General] to determine the form which the investigation should take.
- [F5(3)
- (4) The only forms which the investigation may take in accordance with a determination made under this paragraph are—
- (a) an investigation by the appropriate authority on its own behalf;
 - [F6(b)

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- (c) an investigation by that authority under the [F7direction] of the [F1Director General];
 - (d) an investigation by the [F1Director General].
- [F8(4A) In making a determination under sub-paragraph (2) the [F1Director General] must first determine whether, having regard to the seriousness of the case and the public interest, it is appropriate for the investigation to take the form of an investigation by the appropriate authority on its own behalf and if it is the [F1Director General] must determine that the investigation is to take that form.
- (4B) Where, in accordance with sub-paragraph (4A), the [F1Director General] determines that it is not appropriate for the investigation to take the form of an investigation by the appropriate authority on its own behalf, the [F1Director General] must determine that the investigation is to take the form of an investigation by the [F1Director General] unless sub-paragraph (4C) applies.
- (4C) This sub-paragraph applies where the [F1Director General] determines that it would be more appropriate for the investigation to take the form of an investigation by the appropriate authority under the direction of the [F1Director General], in which case the [F1Director General] must determine that the investigation is to take that form.]
- [F9(5) Where the [F1Director General] determines under sub-paragraph (4C) or (5B) that an investigation is to take the form of an investigation by the appropriate authority under the direction of the [F1Director General], the [F1Director General] must keep under review whether that form of investigation continues to be the most appropriate form of investigation.
- (5A) If, on such a review, the [F1Director General] determines that—
- (a) it would be more appropriate for the investigation to take the form of an investigation by the [F1Director General], the [F1Director General] must make a further determination under this paragraph (to replace the earlier one) that the investigation is instead to take that form;
 - (b) having regard to the seriousness of the case and the public interest, it would be more appropriate for the investigation to take the form of an investigation by the appropriate authority on its own behalf, the [F1Director General] may make a further determination under this paragraph (to replace the earlier one) that the investigation is instead to take that form.
- (5B) Subject to sub-paragraph (5A), if at any time the [F1Director General] determines that, were [F10the Director General] to apply sub-paragraphs (4A) to (4C) again, the form of the investigation would be different, the [F1Director General] may make a further determination under this paragraph (to replace the earlier one) such that the investigation takes that different form.]
- (6) Where a determination under this paragraph replaces an earlier determination under this paragraph, or relates to a complaint or matter in relation to which the appropriate authority has already begun an investigation on its own behalf, the [F1Director General] may give—
- (a) the appropriate authority, and
 - (b) any person previously appointed to carry out the investigation,

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such directions as ^{F10}the Director General] considers appropriate for the purpose of giving effect to the new determination.

- (7) It shall be the duty of a person to whom a direction is given under sub-paragraph (6) to comply with it.
- (8) The ^{F1}Director General] shall notify the appropriate authority of any determination that ^{F10}the Director General] makes under this paragraph in relation to a particular complaint ^{F2}, recordable conduct matter or DSI matter][^{F11}and of ^{F12}the Director General's] reasons for making the determination].
- ^{F13}(9) The ^{F1}Director General] shall also notify the following of any determination that ^{F10}the Director General] makes under this paragraph in relation to a particular complaint, recordable conduct matter or DSI matter and of ^{F12}the Director General's] reasons for making the determination—
- (a) every person entitled to be kept properly informed in relation to the complaint or matter under section 21;
 - (b) where the determination is made in relation to a complaint, the complainant;
 - (c) the person to whose conduct the investigation will relate.
- (10) The duty imposed by sub-paragraph (9) on the ^{F1}Director General] in relation to a complaint, recordable conduct matter or DSI matter shall have effect subject to such exceptions as may be provided for by regulations made by the Secretary of State.
- (11) Subsections (6) to (8) of section 20 apply for the purposes of sub-paragraph (10) as they apply for the purposes of that section.]

Textual Amendments

- F2** Words in Sch. 3 para. 15(1)(a)(8) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 13](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)
- F3** Words in Sch. 3 para. 15(1)(b) 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. 15\(2\)](#); S.I. 2020/5, [reg. 2\(n\)](#) (with [art. 3\(1\)\(2\)\(4\)](#))
- F4** [Sch. 3 para. 15\(1A\)](#) 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. 15\(3\)](#); S.I. 2020/5, [reg. 2\(n\)](#) (with [art. 3\(1\)\(2\)\(4\)](#))
- F5** [Sch. 3 para. 15\(3\)](#) 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. 15\(4\)](#); S.I. 2020/5, [reg. 2\(n\)](#) (with [art. 3\(1\)\(2\)\(4\)](#))
- F6** [Sch. 3 para. 15\(4\)\(b\)](#) 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. 15\(5\)\(a\)](#); S.I. 2020/5, [reg. 2\(n\)](#) (with [art. 3\(1\)\(2\)\(4\)](#))
- F7** Word in [Sch. 3 para. 15\(4\)\(c\)](#) 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. 15\(5\)\(b\)](#); S.I. 2020/5, [reg. 2\(n\)](#) (with [art. 3\(1\)\(2\)\(4\)](#))
- F8** [Sch. 3 para. 15\(4A\)-\(4C\)](#) 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. 15\(6\)](#); S.I. 2020/5, [reg. 2\(n\)](#) (with [art. 3\(1\)\(2\)\(4\)](#))
- F9** [Sch. 3 para. 15\(5\)-\(5B\)](#) substituted for [Sch. 3 para. 15\(5\)](#) (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. 15\(7\)](#); S.I. 2020/5, [reg. 2\(n\)](#) (with [art. 3\(1\)\(2\)\(4\)](#))

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- F10** 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)
- F11** Words in Sch. 3 para. 15(8) 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. 15(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. 15(9)-(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. 15(9)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Modifications etc. (not altering text)

- C1** Sch. 3 para. 15 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. 15 wholly in force at 1.4.2004; Sch. 3 para. 15 not in force at Royal Assent see s. 108(2); Sch. 3 para. 15 in force for specified purposes at 1.10.2002 by S.I. 2002/2306, **art. 4(e)**; Sch. 3 para. 15 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\(2\)](#)