



Police Reform Act 2002

2002 CHAPTER 30

PART 2

COMPLAINTS AND MISCONDUCT

Co-operation, assistance and information

21 Duty to provide information for other persons

- (1) A person has an interest in being kept properly informed about the handling of a complaint [^{F1}, recordable conduct matter or DSI matter] if—
 - (a) it appears to the [^{F2}Director General] or to an appropriate authority that he is a person falling within subsection (2) [^{F3} or (2A)]; and
 - (b) that person has indicated that he consents to the provision of information to him in accordance with this section and that consent has not been withdrawn.
- (2) A person falls within this subsection if [^{F4}(in the case of a [^{F5} complaint that relates to conduct of a person serving with the police or a] recordable conduct matter)]—
 - (a) he is a relative of a person whose death is the alleged result from the conduct complained of or to which the recordable conduct matter relates;
 - (b) he is a relative of a person whose serious injury is the alleged result from that conduct and that person is incapable of making a complaint;
 - (c) he himself has suffered serious injury as the alleged result of that conduct.
- [^{F6}(2A) A person falls within this subsection if (in the case of a DSI matter)—
 - (a) he is a relative of the person who has died;
 - (b) he is a relative of the person who has suffered serious injury and that person is incapable of making a complaint;
 - (c) he himself is the person who has suffered serious injury.]
- (3) A person who does not fall within subsection (2) [^{F7} or (2A)] has an interest in being kept properly informed about the handling of a complaint [^{F8}, recordable conduct matter or DSI matter] if—

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- (a) the [F²Director General] or an appropriate authority considers that he has an interest in the handling of the complaint [F⁸, recordable conduct matter or DSI matter] which is sufficient to make it appropriate for information to be provided to him in accordance with this section; and
 - (b) he has indicated that he consents to the provision of information to him in accordance with this section.
- (4) In relation to a complaint, this section confers no rights on the complainant.
- (5) A person who has an interest in being kept properly informed about the handling of a complaint [F⁹, conduct matter or DSI matter] is referred to in this section as an “interested person”.
- (6) In any case in which there is an investigation of the complaint [F¹⁰, recordable conduct matter or DSI matter] in accordance with the provisions of Schedule 3—
- (a) by the [F²Director General], or
 - (b) under [F¹¹the Director General's][F¹²direction],
- it shall be the duty of the [F²Director General] to provide the interested person with all such information as will keep him properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in subsection (9).
- (7) In any case in which there is an investigation of the complaint [F¹⁰, recordable conduct matter or DSI matter] in accordance with the provisions of Schedule 3—
- (a) by the appropriate authority on its own behalf, F¹³...
 - F¹⁴(b)
- it shall be the duty of the appropriate authority to provide the interested person with all such information as will keep him properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in subsection (9).
- (8) Where subsection (7) applies, it shall be the duty of the [F²Director General] to give the appropriate authority all such directions as [F¹⁵the Director General] considers appropriate for securing that that authority complies with its duty under that subsection; and it shall be the duty of the appropriate authority to comply with any direction given to it under this subsection.

[F¹⁶(8A) In any case in which—

- (a) the complaint is being handled in accordance with paragraph 6(2A) of Schedule 3 otherwise than by the appropriate authority making arrangements for the complaint to be investigated by the authority on its own behalf, or
- (b) the recordable conduct matter or DSI matter is being handled in a manner determined by the appropriate authority in accordance with paragraph 10(4D), 11(3E), 14(2) or 14D(2) of Schedule 3 otherwise than by the appropriate authority making arrangements for the matter to be investigated by the authority on its own behalf,

it shall be the duty of the appropriate authority to provide the interested person with all such information as will keep him properly informed, while the complaint, recordable conduct matter or DSI matter is being handled and subsequently, of all the matters mentioned in subsection (9).]

[F¹⁷(9) The matters of which the interested person must be kept properly informed are—

- (a) the progress of the handling of the complaint, recordable conduct matter or DSI matter;

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- (b) the outcome of the handling of the complaint, recordable conduct matter or DSI matter;
 - (c) such other matters as may be specified in regulations made by the Secretary of State.
- (9A) The generality of subsection (9)(a) and (b) is not affected by any requirement to notify an interested person that is imposed by any other provision of this Part.]
- (10) The duties imposed by this section on the [F²Director General] and the appropriate authority in relation to any complaint [F¹⁸, recordable conduct matter or DSI matter] shall be performed in such manner, and shall have effect subject to such exceptions, as may be provided for by regulations made by the Secretary of State.
- (11) Subsections (6) to (9) of section 20 apply for the purposes of this section as they apply for the purposes of that section.
- [F¹⁹(11A) In any case in which there is an investigation of a complaint, recordable conduct matter or DSI matter, the [F²Director General] or the appropriate authority may comply with [F²⁰their] duty under subsection (6) or (7) (as the case may be) so far as relating to the findings of a report submitted [F²¹(or finalised)] under provision made by virtue of paragraph 20A(4)(b) of Schedule 3, or a report of the investigation submitted [F²²(or completed)] under paragraph 22 or 24A of Schedule 3, by sending an interested person a copy of the report.
- (11B) Subsection (11A) applies notwithstanding any obligation of secrecy imposed by any rule of law or otherwise but is subject to—
- (a) regulations made under subsection (10), and
 - (b) section 21A.]
- (12) In this section “relative” means a person of a description prescribed in regulations made by the Secretary of State.

Textual Amendments

- F1** Words in s. 21(1) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 7\(2\)](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)
- F2** Words in s. 21 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. 27\(2\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F3** Words in s. 21(1)(a) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 7\(3\)](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)
- F4** Words in s. 21(2) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 7\(4\)](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)
- F5** Words in s. 21(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. 4 para. 4](#); S.I. 2020/5, reg. 2(m) (with [art. 3\(1\)\(2\)\(4\)](#))
- F6** S. 21(2A) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 7\(5\)](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)
- F7** Words in s. 21(3) inserted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 7\(6\)\(a\)](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)
- F8** Words in s. 21(3) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 7\(6\)\(b\)](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)
- F9** Words in s. 21(5) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 160, 178, [Sch. 12 para. 7\(7\)](#); S.I. 2005/1521, [art. 3\(1\)\(w\)](#)

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- F10** Words in s. 21(6)(7) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(8)**; S.I. 2005/1521, **art. 3(1)(w)**
- F11** Words in s. 21(6)(b) 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. 27(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F12** Word in s. 21(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. 47(d)(i)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F13** Word in s. 21(7)(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(d)(ii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F14** S. 21(7)(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(d)(ii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F15** Words in s. 21(8) 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. 27(4)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F16** S. 21(8A) 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(6)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(c) (with art. 3(1)(2)(4))
- F17** S. 21(9)(9A) substituted for s. 21(9) (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(7)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(c) (with art. 3(1)(2)(4))
- F18** Words in s. 21(10) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 7(11)**; S.I. 2005/1521, **art. 3(1)(w)**
- F19** S. 21(11A)(11B) 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(8)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(c) (with art. 3(1)(2)(4))
- F20** Word in s. 21(11A) 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. 27(5)(a)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F21** Words in s. 21(11A) 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. 27(5)(b)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F22** Words in s. 21(11A) 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. 27(5)(c)**; S.I. 2017/1249, reg. 2 (with reg. 3)

Modifications etc. (not altering text)

- C1** Pt. 2 applied (with modifications) (22.11.2012) by The Police (Complaints and Misconduct) Regulations 2012 (S.I. 2012/1204), regs. 1(1), **35(1)** (with reg. 35(2))
- C2** Pt. 2 applied (with modifications) (22.11.2012) by The Police (Complaints and Misconduct) Regulations 2012 (S.I. 2012/1204), regs. 1(1), **27**
- C3** Pt. 2 applied (with application in accordance with reg. 1(3) of the amending S.I.) by The Police (Complaints and Misconduct) Regulations 2020 (S.I. 2020/2), regs. 1(1), **43(3)**
- C4** Pt. 2 applied (with modifications) (with application in accordance with reg. 1(3) of the amending S.I.) by The Police (Complaints and Misconduct) Regulations 2020 (S.I. 2020/2), regs. 1(1), **52**
- C5** Pt. 2 applied (with modifications) (with application in accordance with reg. 1(3) of the amending S.I.) by The Police (Complaints and Misconduct) Regulations 2020 (S.I. 2020/2), regs. 1(1), 42(1), **Sch. 2**
- C6** Pt. 2 applied (with modifications) (with application in accordance with reg. 1(3) of the amending S.I.) by The Police (Complaints and Misconduct) Regulations 2020 (S.I. 2020/2), regs. 1(1), **43(1)(2)**
- C7** Pt. 2 applied (with modifications) (with application in accordance with reg. 1(3) of the amending S.I.) by The Police (Complaints and Misconduct) Regulations 2020 (S.I. 2020/2), regs. 1(1), **42(2)**

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C8 S. 21 applied (with modifications) (28.12.2005) by [The Revenue and Customs \(Complaints and Misconduct\) Regulations 2005 \(S.I. 2005/3311\)](#), [reg. 3\(2\)\(6\)](#), Sch. 1

Commencement Information

I1 S. 21 wholly in force at 1.4.2004; s. 21 not in force at Royal Assent, see s. 108(2); s. 21(10)-(12) in force for certain purposes at 1.10.2002 by S.I. 2002/2306, {art. 4(c)}; s. 21 in force in so far as not already in force at 1.4.2004 by [S.I. 2004/913](#), [art. 2\(a\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2024/414 art. 5Sch. 1 para. 12](#)

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\(2\)](#)