



# Police Reform Act 2002

## 2002 CHAPTER 30

### PART 2

#### COMPLAINTS AND MISCONDUCT

##### *Guidance and regulations*

### 23 Regulations

- (1) The Secretary of State may make regulations as to the procedure to be followed under any provision of this Part.
- (2) Without prejudice to the generality of the power conferred by subsection (1) or of any other power to make regulations conferred by any provision of this Part, the Secretary of State may also by regulations provide—
  - (a) for the appropriate authority, in the case of a complaint [<sup>F1</sup>that relates to conduct of a person serving with the police], to be required, in accordance with procedures provided for in the regulations—
    - (i) to supply the person complained against with a copy of the complaint; and
    - (ii) to supply the complainant with a copy of the record made of that complaint;
  - (b) for the matters to be taken into account in making any determination as to which procedure to adopt for handling complaints and dealing with recordable conduct matters [<sup>F2</sup>and DSI matters];
  - (c) for any procedure for the purposes of this Part to be discontinued where—
    - (i) a complaint is withdrawn;
    - (ii) the complainant indicates that he does not wish any further steps to be taken; or
    - (iii) the whole or part of the investigation of the complaint has been postponed until the conclusion of criminal proceedings and the complainant fails to indicate after the conclusion of those proceedings that he wishes the investigation to be resumed;

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- and for the manner in which any such withdrawal or indication is to be effected or given, and for the circumstances in which it is to be taken as effected or given;
- (d) for requiring the subject-matter of a complaint that has been withdrawn to be treated for the purposes of this Part, in the cases and to the extent specified in the regulations, as a recordable conduct matter;
- (e) for the manner in which any procedure for the purposes of this Part is to be discontinued in a case where it is discontinued in accordance with the regulations, and for the consequences of any such discontinuance;
- (f) for the circumstances in which any investigation or other procedure under this Part may be or must be suspended to allow any other investigation or proceedings to continue, and for the consequences of such a suspension;
- (g) for the regulation of the appointment of persons to carry out investigations under this Part or to assist with the carrying out of such investigations, for limiting the persons who may be appointed and for the regulation of the carrying out of any such investigation;
- <sup>F3</sup>(h) for combining into a single investigation the investigation of any complaint, conduct matter or DSI matter with the investigation or investigations of any one or more, or any combination, of the following—
- (i) complaints (whether or not relating to the same conduct),
  - (ii) conduct matters, or
  - (iii) DSI matters,
- and for splitting a single investigation into two or more separate investigations;]
- (i) for the procedure to be followed in cases in which the <sup>F4</sup>Director General] relinquishes the <sup>F5</sup>...<sup>F6</sup>direction] of any investigation and for the consequences of <sup>F7</sup>the Director General] doing so;
- (j) for the manner in which any reference of a complaint <sup>F8</sup>, conduct matter or DSI matter] to the <sup>F4</sup>Director General] is to be made;
- (k) for applying the provisions of this Part with such modifications as the Secretary of State thinks fit in cases where a complaint or recordable conduct matter relates to the conduct of a person who has ceased to be a person serving with the police since the time of the conduct;
- (l) for applying the provisions of this Part with such modifications as the Secretary of State thinks fit in cases where a complaint or conduct matter relates to the conduct of a person—
- (i) whose identity is unascertained at the time at which a complaint is made or a conduct matter is recorded;
  - (ii) whose identity is not ascertained during, or subsequent to, the investigation of a complaint or recordable conduct matter;
- <sup>F9</sup>(m) .....
- (n) for the records to be kept by <sup>F10</sup>local policing bodies] and chief officers—
- (i) with respect to complaints and purported complaints;
  - (ii) with respect to recordable conduct matters <sup>F11</sup>or DSI matters]; and
  - (iii) with respect to the exercise and performance of their powers and duties under this Part;
- (o) for the <sup>F4</sup>Director General] to be required to establish and maintain a register of such information provided to <sup>F12</sup>the Director General or the Office] in accordance with this Part as may be of a description specified in the

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- regulations and for regulating the extent to which information stored on that register may be published or otherwise disclosed to any person by the [<sup>F4</sup>Director General];
- (p) for chief officers to have power to delegate the exercise or performance of powers and duties conferred or imposed on them by or under this Part;
- [<sup>F13</sup>(pa) for local policing bodies to have power to delegate the exercise or performance of powers and duties conferred or imposed on them by or under this Part (including powers and duties that are acquired by virtue of giving a notice under section 13A);]
- (q) for the manner in which any notification for the purposes of any provision of this Part is to be given and the time at which, or period within which, any such notification must be given.
- [<sup>F14</sup>(r) for enabling representations on behalf of a person to whose conduct an investigation relates to be made to the [<sup>F4</sup>Director General] by a person who is not that person's legal representative but is of a description specified in the regulations.]

#### Textual Amendments

- F1** Words in s. 23(2)(a) 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. 5**; S.I. 2020/5, reg. 2(m) (with art. 3(1)(2)(4))
- F2** Words in s. 23(2)(b) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 9(2)**; S.I. 2005/1521, art. 3(1)(w)
- F3** S. 23(2)(h) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 9(3)**; S.I. 2005/1521, art. 3(1)(w)
- F4** Words in s. 23 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. 31(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F5** Words in s. 23(2)(i) 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(f)(i)(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F6** Word in s. 23(2)(i) 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(f)(i)(b)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F7** Words in s. 23(2)(i) 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. 31(3)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F8** Words in s. 23(2)(j) substituted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 9(4)**; S.I. 2005/1521, art. 3(1)(w)
- F9** S. 23(2)(m) 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(f)(ii)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))
- F10** Words in s. 23(2)(n) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 288**; S.I. 2011/3019, art. 3, Sch. 1
- F11** Words in s. 23(2)(n)(ii) inserted (1.7.2005) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 160, 178, **Sch. 12 para. 9(5)**; S.I. 2005/1521, art. 3(1)(w)
- F12** Words in s. 23(2)(o) 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. 31(4)**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F13** S. 23(2)(pa) 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. 23(1)**, 183(1)(5)(e); S.I. 2020/5, reg. 2(j) (with art. 3(1)(2)(4))

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- F14** S. 23(2)(r) inserted (3.11.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 127, 153, **Sch. 23 para. 2**; S.I. 2008/2712, art. 2, **Sch. para. 17(a)** (subject to arts. 3, 4)

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

- C1** Pt. 2: power to amend conferred (E.W.) (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by 2004 c. 21, s. **4K(2)(4)** (as inserted by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 5**; S.I. 2017/399, reg. 2, **Sch. para. 38**)
- C2** 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)**
- C3** 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**
- 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), 42(1), **Sch. 2**
- 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), **43(1)(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), **42(2)**
- C7** S. 23 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
- C8** S. 23 applied (with modifications) (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 4**
- C9** S. 23 applied (with modifications) (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 4**
- C10** S. 23 applied (with modifications) (5.8.2010) by The Revenue and Customs (Complaints and Misconduct) Regulations 2010 (S.I. 2010/1813), **reg. 5** (with reg. 11)

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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\(2\)](#)