



Police Reform Act 2002

2002 CHAPTER 30

PART 2

COMPLAINTS AND MISCONDUCT

[^{F1}The Independent Office for Police Conduct]

9 [^{F1}The Independent Office for Police Conduct]

[^{F2}(1) The body corporate previously known as the Independent Police Complaints Commission—

- (a) is to continue to exist, and
- (b) is to be known instead as the Independent Office for Police Conduct.]

[^{F3}(2) The Office is to consist of—

- (a) a Director General appointed by Her Majesty, and
- (b) at least six other members.

(2A) The other members must consist of—

- (a) persons appointed as non-executive members (see paragraph 1A of Schedule 2), and
- (b) persons appointed as employee members (see paragraph 1B of that Schedule), but the powers of appointment under those paragraphs must be exercised so as to secure that a majority of members of the Office (including the Director General) are non-executive members.]

(3) A person shall not be appointed as the [^{F4}Director General]^{F5}... if—

- (a) he holds or has held office as a constable in any part of the United Kingdom;
- (b) he is or has been under the direction and control of a chief officer or of any person holding an equivalent office in Scotland or Northern Ireland;
- (c) he is a person in relation to whom a designation under section 39 is or has been in force;

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- (d) he is a person in relation to whom an accreditation under section 41 [^{F6}or 41A] is or has been in force;
- [^{F7}(da) he ^{F8}... has been the chairman or a member of, or a member of the staff of, the Serious Organised Crime Agency;]
- [^{F9}(db) he ^{F10}... has been—
- (i) the chairman or chief executive of, or
 - (ii) another member of, or
 - (iii) another member of the staff of,
- the National Policing Improvement Agency;]
- [^{F11}(dc) the person is, or has been, a National Crime Agency officer;]
- (e) he ^{F12}... has been a member of the National Criminal Intelligence Service or the National Crime Squad; or
- (f) he is or has at any time been a member of a body of constables which at the time of his membership is or was a body of constables in relation to which any procedures are or were in force by virtue of an agreement or order under—
- (i) section 26 of this Act; or
 - (ii) section 78 of the 1996 Act or section 96 of the 1984 Act (which made provision corresponding to that made by section 26 of this Act).
- (4) An appointment made in contravention of subsection (3) shall have no effect.
- (5) [^{F13}Neither the Office nor the Director General shall—
- (a) be regarded as the servant or agent of the Crown; or
 - (b) enjoy any status, privilege or immunity of the Crown;
- and the [^{F14}Office's] property shall not be regarded as property of, or property held on behalf of, the Crown.
- (6) Schedule 2 (which makes further provision in relation to the [^{F15}Office]) shall have effect.
- (7) The Police Complaints Authority shall cease to exist on such day as the Secretary of State may by order appoint.

Textual Amendments

- F1** S. 9 heading substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 33(3)**, 183(1)(5)(e); S.I. 2017/1249, reg. 2 (with reg. 3)
- F2** S. 9(1) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 33(4)**, 183(1)(5)(e); S.I. 2017/1249, reg. 2 (with reg. 3)
- F3** S. 9(2)(2A) substituted for s. 9(2) (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 33(5)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, **Sch. para. 6**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F4** Words in s. 9(3) substituted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 33(6)(a)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, **Sch. para. 6**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F5** Words in s. 9(3) omitted (31.1.2017 for specified purposes, 3.4.2017 for specified purposes, 8.1.2018 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 33(6)(b)**, 183(1)(5)(e); S.I. 2017/399, reg. 2, **Sch. para. 6**; S.I. 2017/1249, reg. 2 (with reg. 3)
- F6** Words in s. 9(3)(d) inserted (1.4.2007) by [Police and Justice Act 2006 \(c. 48\)](#), **ss. 52, 53**, **Sch. 14 para. 40**; S.I. 2007/709, **art. 3(p)** (subject to arts. 6, 7)

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- F7** S. 9(3)(da) inserted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 178, **Sch. 2 para. 2(a)**; S.I. 2006/378, **art. 4(1)**, Sch. para. 8 (subject to art. 4(2)-(7))
- F8** Words in s. 9(3)(da) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 153(1)(a)**; S.I. 2013/1682, art. 3(v)
- F9** S. 9(3)(db) inserted (1.4.2007) by Police and Justice Act 2006 (c. 48), ss. 1, 53, **Sch. 1 para. 81**; S.I. 2007/709, **art. 3(a)** (subject to arts. 6, 7)
- F10** Words in s. 9(3)(db) omitted (7.10.2013) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 153(1)(b)**; S.I. 2013/1682, art. 3(v)
- F11** S. 9(3)(dc) inserted (7.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(2), **Sch. 8 para. 153(1)(c)**; S.I. 2013/1682, art. 3(v)
- F12** Words in s. 9(3)(e) repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 55, 174, 178, Sch. 2 para. 2(b), **Sch. 17 Pt. 2**; S.I. 2006/378, **art. 4(1)**, Sch. paras. 8, 12, 13(oo) (subject to art. 4(2)-(7))
- F13** Words in s. 9(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), **ss. 33(7)(a)**, 183(1)(5)(e); S.I. 2017/1249, **reg. 2** (with reg. 3)
- F14** Word in s. 9(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), **ss. 33(7)(b)**, 183(1)(5)(e); S.I. 2017/1249, **reg. 2** (with reg. 3)
- F15** Word in s. 9(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), **ss. 33(8)**, 183(1)(5)(e); S.I. 2017/1249, **reg. 2** (with reg. 3)

Modifications etc. (not altering text)

- C1** Pt. 2: power to amend conferred (E.W.) (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by 2009 c. 20, **s. 107EE(4)** (as inserted by Policing and Crime Act 2017 (c. 3), **ss. 8(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(a))
- C2** 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**)
- C3** S. 9 applied (with modifications) (E.W.) (28.12.2005) by The Revenue and Customs (Complaints and Misconduct) Regulations 2005 (S.I. 2005/3311), **reg. 3(2)(6)**, Sch. 1
- C4** S. 9 applied (with modifications) (5.8.2009) by The UK Border Agency (Complaints and Misconduct) Regulations 2009 (S.I. 2009/2133), **reg. 4**
- C5** S. 9 applied (with modifications) (7.4.2010) by The UK Border Agency (Complaints and Misconduct) Regulations 2010 (S.I. 2010/782), **reg. 4**
- C6** S. 9 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)
- C7** S. 9 applied (with modifications) (7.10.2013) by The National Crime Agency (Complaints and Misconduct) Regulations 2013 (S.I. 2013/2325), regs. 1(1), **5**
- C8** S. 9 applied (with modifications) (30.4.2017) by The Gangmasters and Labour Abuse Authority (Complaints and Misconduct) Regulations 2017 (S.I. 2017/521), regs. 1, **5**

Commencement Information

- I1** S. 9 wholly in force at 1.4.2003; s. 9 not in force at Royal Assent, see s. 108(2); s. 9(2)-(4)(6) in force for certain purposes at 1.10.2002 by S.I. 2002/2306, {art. 2(b)(i)}; s. 9 in force in so far as not already in force at 1.4.2003 by S.I. 2003/808, **art. 2(a)**

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\(2\)](#)