

SCHEDULES

SCHEDULE 14

POLICE: COMPLAINTS

Rights of appeal

- 19 (1) Paragraph 21 (power of the Commission to discontinue an investigation) is amended in accordance with this paragraph.
- (2) After sub-paragraph (6) (inserted by paragraph 13(7) of this Schedule) insert—
- “(7) The complainant shall have a right of appeal to the relevant appeal body against any decision by the appropriate authority under sub-paragraph (1A) to discontinue the investigation of the complaint.
- (8) But the complainant has no right of appeal if the complaint relates to a direction and control matter.
- (9) On an appeal under this paragraph, subject to sub-paragraphs (10) and (11), the relevant appeal body shall—
- (a) determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and
- (b) if the relevant appeal body finds in the complainant’s favour, give such directions as the relevant appeal body thinks appropriate to the local policing body or chief officer as to the action to be taken for investigating the complaint;
- and it shall be the duty of a local policing body or chief officer to comply with any directions given under paragraph (b).
- (10) Sub-paragraph (9) does not apply in a case where a particular chief officer of police is—
- (a) the person in respect of whose decision an appeal is made under this paragraph, and
- (b) the relevant appeal body in relation to the appeal.
- (11) In such a case—
- (a) the appeal shall determine whether any decision taken by the appropriate authority under this paragraph should have been taken in the case in question; and
- (b) if the appeal finds in the complainant’s favour, the chief officer of police must take such action as the chief officer thinks appropriate for investigating the complaint.”.