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**Changes to legislation:** There are currently no known outstanding effects for the Police Reform and Social Responsibility Act 2011, Paragraph 9. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 14

#### POLICE: COMPLAINTS

##### *Handling of complaints by the appropriate authority*

- 9 (1) In Schedule 3 (handling of complaints and conduct matters), for paragraph 6 (handling of complaints by the appropriate authority) substitute—
- “6 (1) This paragraph applies where a complaint has been recorded by the appropriate authority.
- (2) But this paragraph does not apply to a complaint if it is one that has been, or must be, referred to the Commission under paragraph 4, unless the complaint is for the time being—
- (a) referred back to the authority under paragraph 5, or
- (b) the subject of a determination under paragraph 15.
- (3) Subject to paragraph 7, the appropriate authority shall determine whether or not the complaint is suitable for being subjected to local resolution.
- (4) If the appropriate authority determines that the complaint is suitable for being subjected to local resolution, it shall make arrangements for it to be so subjected.
- (5) If the appropriate authority determines that the complaint is not so suitable, it shall make arrangements for the complaint to be investigated by the authority on its own behalf.
- (6) A determination that a complaint is suitable for being subjected to local resolution may not be made unless the following conditions are both met.
- (7) The first condition is that the appropriate authority is satisfied that the conduct complained of (even if it were proved) would not justify the bringing of any criminal or disciplinary proceedings against the person whose conduct is complained of.
- (8) The second condition is that the appropriate authority is satisfied that the conduct complained of (even if it were proved) would not involve the infringement of a person's rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998).
- (9) In a case where this paragraph applies to a complaint by virtue of subparagraph (2)(b), a determination that the complaint is suitable for being subjected to local resolution may not be made unless the Commission approves the determination.
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(10) No more than one application may be made to the Commission for the purposes of sub-paragraph (9) in respect of the same complaint.

(11) Sub-paragraph (9) (where applicable) is in addition to sub-paragraphs (6) to (8).”.

<sup>F1</sup>(2) .....

(3) In section 22 (power of the Commission to issue guidance), in subsection (5)(c), omit sub-paragraph (ii) (and the word “and” at the end of sub-paragraph (i)).”.

**Textual Amendments**

**F1** Sch. 14 para. 9(2) 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. 51(a)**; S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

**Commencement Information**

**I1** Sch. 14 para. 9 in force at 22.11.2012 by S.I. 2012/2892, **art. 2(g)** (with art. 6)

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