

SCHEDULES

SCHEDULE 7

Section 31

REGULATIONS ABOUT COMPLAINTS AND CONDUCT MATTERS

Introduction

- 1 (1) In this Schedule—
- “conduct matter” has the same meaning as in section 31;
 - “police force” means a police force maintained for a police area in England or Wales or any other police force which exercises functions in England or Wales;
 - “qualifying complaint” has the same meaning as in section 31;
 - “regulations” means regulations under section 31.
- (2) The provisions of this Schedule that confer power to make particular kinds of regulations do not affect the generality of the power conferred by section 31.

Investigation of serious complaints

- 2 (1) This paragraph applies to—
- (a) serious complaints, and
 - (b) conduct matters,
- which relate to any relevant office holder.
- (2) Regulations must provide for serious complaints and conduct matters to be investigated—
- (a) by the Independent Police Complaints Commission, or
 - (b) by a police force, in an investigation that is under the management of the Independent Police Complaints Commission.
- (3) This paragraph does not prevent regulations from making provision about the receipt or initial handling of serious complaints or conduct matters otherwise than by the Independent Police Complaints Commission or a police force.
- (4) This paragraph does not prevent regulations from making provision about—
- (a) circumstances in which serious complaints or conduct matters are not to be investigated; and
 - (b) circumstances in which investigations of serious complaints or conduct matters are to be discontinued;
- including provision about the determination of such matters (whether by the Independent Police Complaints Commission, a police force or otherwise).
- (5) Regulations may make provision about what is to be taken to be a criminal offence for the purposes of sub-paragraph (6).

Status: This is the original version (as it was originally enacted).

- (6) In this paragraph “serious complaint” means a qualifying complaint made about conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence.

Resolution of other complaints

- 3 (1) This paragraph applies in relation to qualifying complaints which—
- (a) relate to a holder of the office of—
 - (i) police and crime commissioner,
 - (ii) deputy police and crime commissioner, or
 - (iii) Deputy Mayor for Policing and Crime (unless the holder of that office is a member of the London Assembly), and
 - (b) are not, or cease to be, investigated by the Independent Police Complaints Commission or a police force.
- (2) Regulations—
- (a) may not provide for the investigation of such complaints; but
 - (b) must provide for police and crime panels to engage in informal resolution of such complaints.
- (3) This paragraph does not prevent regulations from making provision about the receipt or initial handling of qualifying complaints otherwise than by police and crime panels.
- (4) This paragraph does not prevent regulations from making provision about—
- (a) circumstances in which police and crime panels are not required to engage in informal resolution of such complaints; and
 - (b) circumstances in which informal resolution of such complaints is to be discontinued;
- including provision about the determination of such matters (whether by police and crime panels or otherwise).
- (5) In this Schedule—
- (a) references to engaging in informal resolution of a complaint are references to encouraging, facilitating, or otherwise assisting in, the resolution of the complaint otherwise than by legal proceedings; and
 - (b) references to informal resolution of a complaint are to be construed accordingly.
- 4 (1) This paragraph applies in relation to qualifying complaints which—
- (a) relate to a holder of the office of—
 - (i) the Mayor’s Office for Policing and Crime, or
 - (ii) Deputy Mayor for Policing and Crime, if the holder of that office is a member of the London Assembly, and
 - (b) are not, or cease to be, investigated by the Independent Police Complaints Commission or a police force.
- (2) Regulations must secure that such complaints are dealt with in accordance with Part 3 of the Local Government Act 2000.

Conferral of functions

- 5 (1) Regulations may confer functions on—
- (a) the Independent Police Complaints Commission,
 - (b) a police force,
 - (c) police and crime panels,
 - (d) the Secretary of State, or
 - (e) any other person.
- (2) That includes functions involving the exercise of a discretion.

No power to terminate holding of office or employment

- 6 (1) Regulations may not provide for a relevant office holder—
- (a) to cease to hold office, or
 - (b) to be required to cease to hold office.
- (2) But that does not apply to regulations under, or for the purposes of, paragraph 4.

Application and amendment of other enactments

- 7 (1) Regulations may apply (with or without modifications), or amend or otherwise modify, Part 2 of the Police Reform Act 2002.
- (2) Regulations may apply (with or without modifications) such other enactments, or make such amendments or other modifications of other enactments, as appear to the Secretary of State to be necessary or expedient—
- (a) in connection with, or in consequence of, regulations, or
 - (b) for the purposes of paragraph 4.