



Police (Complaints and Conduct) Act 2012

2012 CHAPTER 22

1 Interviews of serving officers during investigations

- (1) The Police Reform Act 2002 is amended as follows.
- (2) In Schedule 3 (handling of complaints and conduct matters etc) after paragraph 19E insert—

“Interview of persons serving with the police etc during certain investigations

- 19F
- (1) This paragraph applies to an investigation of a complaint, recordable conduct matter or DSI matter which—
 - (a) is carried out by the appropriate authority under the management of the Commission, or
 - (b) is carried out by the Commission itself.
 - (2) The Secretary of State may by regulations make provision as to the procedure to be followed in connection with an interview which—
 - (a) is held with a serving officer during the course of the investigation by the person investigating the complaint or matter, and
 - (b) is not within paragraph 19D(1).
 - (3) Regulations under sub-paragraph (2) may in particular make provision—
 - (a) requiring a serving officer to attend an interview,
 - (b) for determining how the time at which an interview is to be held is to be agreed or decided,
 - (c) about the information that must be provided to a serving officer being interviewed,
 - (d) for enabling a serving officer to be accompanied at the interview by a person of a prescribed description.
 - (4) “Serving officer” means a person who—
 - (a) is serving with the police, or
 - (b) is serving with an additional police body.

Changes to legislation: There are currently no known outstanding effects for the Police (Complaints and Conduct) Act 2012, Section 1. (See end of Document for details)

- (5) A person is serving with an additional police body if the person is a member of, or is employed or otherwise engaged for the purposes of, that body (subject to sub-paragraph (6)).
- (6) The Secretary of State may by regulations provide, in relation to an additional police body, that a person is serving with that body only if the person—
- (a) is a member of, or is employed or otherwise engaged for the purposes of, that body, and
 - (b) is of a prescribed description.
- (7) An “additional police body” means—
- (a) a body of constables which is maintained by an authority other than a local policing body and is prescribed in regulations made by the Secretary of State under this sub-paragraph, or
 - (b) a body required by section 26A or 26B to enter into an agreement with the Commission.
- (8) The Secretary of State must obtain the consent of the Northern Ireland Assembly before making provision in regulations under this paragraph which would be within the legislative competence of the Northern Ireland Assembly.
- (9) But consent under sub-paragraph (8) is not required in relation to a provision if—
- (a) a Bill for an Act of the Northern Ireland Assembly containing the provision would require the consent of the Secretary of State under section 8 of the Northern Ireland Act 1998, and
 - (b) the provision does not affect, other than incidentally, a transferred matter (within the meaning of that Act).
- (10) Nothing in this paragraph prevents or restricts the holding of interviews to which regulations under this paragraph do not apply during the course of any investigation under this Schedule.”

^{F1}(3)

- (4) In section 108(7) (provisions of Act which extend to the United Kingdom) before paragraph (a) insert—
- “(za) the provision contained in paragraph 19F of Schedule 3 (and any interpretative or other supplementary provision as it has effect for the purposes of that provision);”.

Textual Amendments

F1 S. 1(3) omitted (31.3.2017 for specified purposes, 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 \(c. 3\)](#), ss., 183(5)(e), [Sch. 5 para. 52](#); [S.I. 2020/5](#), reg. 2(n) (with art. 3(1)(2)(4))

Changes to legislation:

There are currently no known outstanding effects for the Police (Complaints and Conduct) Act 2012, Section 1.