
Changes to legislation: Policing and Crime Act 2017, Paragraph 37 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 5

COMPLAINTS, CONDUCT MATTERS AND DSI MATTERS: PROCEDURE

PART 4

REVIEWS

- 37 (1) Paragraph 26 (reviews and re-investigations following an appeal) is amended as follows.
- (2) Omit sub-paragraph (1).
 - (3) In sub-paragraph (2), omit “or sub-paragraph (1)”.
 - (4) In sub-paragraph (3), for “(3)” substitute “ (4) ”.
 - (5) After sub-paragraph (3) insert—
 - “(3A) Where, following a recommendation under paragraph 25(4E)(a) in relation to a complaint, the appropriate authority determines that it is appropriate for it to re-investigate the complaint on its own behalf, sub-paragraphs (3) to (5) of paragraph 16 shall apply in relation to the re-investigation as they apply in relation to an investigation to which paragraph 16 applies.”
 - (6) In sub-paragraph (4)—
 - (a) for “25(8)” substitute “ 25(4C)(b) ”;
 - (b) omit “or sub-paragraph (1) of this paragraph”;
 - (c) before “as they apply” insert “ and any re-investigation of the type described in sub-paragraph (3A) of this paragraph ”.
 - (7) After sub-paragraph (4) insert—
 - “(4A) Where the Commission determines under sub-paragraph (2) that the re-investigation should take the form of an investigation by the appropriate authority on its own behalf, the Commission may also give the appropriate authority such directions as to the handling of the matter in future as the Commission thinks fit.”
 - (8) For sub-paragraph (5) substitute—
 - “(5) The Commission shall notify the appropriate authority of any determination that it makes under this paragraph and of its reasons for making the determination.
 - (5A) The Commission shall also notify the following of any determination that it makes under this paragraph and of its reasons for making the determination—

Changes to legislation: *Policing and Crime Act 2017, Paragraph 37 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) the complainant;
- (b) every person entitled to be kept properly informed in relation to the complaint under section 21;
- (c) the person complained against (if any).

(5B) The duty imposed by sub-paragraph (5A) on the Commission shall have effect subject to such exceptions as may be provided for by regulations made by the Secretary of State.

(5C) Subsections (6) to (8) of section 20 apply for the purposes of sub-paragraph (5B) as they apply for the purposes of that section.”

(9) Omit sub-paragraph (6).

Commencement Information

- I1** Sch. 5 para. 37 in force for certain purposes at Royal Assent, see s. 183
- I2** Sch. 5 para. 37 in force at 1.2.2020 in so far as not already in force by S.I. 2020/5, reg. 2(n) (with art. 3(1)(2)(4))

Changes to legislation:

Policing and Crime Act 2017, Paragraph 37 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing S.I. 2017/1139, reg. 2 by [S.I. 2017/1162 reg. 2](#)