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## SCHEDULES

### SCHEDULE 9

#### INDEPENDENT OFFICE FOR POLICE CONDUCT

##### PART 2

###### MINOR AND CONSEQUENTIAL AMENDMENTS TO THE POLICE REFORM ACT 2002

- 56 (1) Schedule 3 is amended as follows.
- (2) For “Commission”, in each place where it occurs, substitute “ Director General ”.
- (3) For “Commission's”, in each place where it occurs, substitute “Director General's”.
- (4) For “it”, in each place where it occurs and is used as a pronoun in place of “the Commission”, substitute “ the Director General ”.
- (5) For “its”, in each place where it occurs and is used to mean “the Commission's”, substitute “the Director General's”.
- (6) The amendments made by virtue of sub-paragraphs (2) to (5)—
- (a) include amendments of provisions of Schedule 3 that are inserted, or otherwise amended, by other provisions of this Act (whether or not those other provisions come into force before or after the coming into force of this paragraph);
- (b) do not apply if otherwise provided by another provision of this paragraph.
- (7) In paragraph 19 (investigations by the Commission itself)—
- (a) in the heading omit “itself”;
- (b) in sub-paragraph (1) omit “itself”;
- (c) for sub-paragraph (2) substitute—
- “(2) The Director General must designate both—
- (a) a person to take charge of the investigation, and
- (b) such members of the Office's staff as are required by the Director General to assist the person designated to take charge of the investigation.
- (2A) The person designated under sub-paragraph (2) to take charge of an investigation must be—
- (a) the Director General acting personally, or
- (b) a person who is authorised to exercise the function of taking charge of the investigation on behalf of the Director General by virtue of paragraph 6A of Schedule 2 (delegation of Director General's functions).”;

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- (d) in sub-paragraph (4) for “member of the Commission's staff” substitute “person”;
  - (e) in sub-paragraph (5) for “member of the Commission's staff” substitute “person designated under sub-paragraph (2)”;
  - (f) in sub-paragraph (6) for “members of the Commission's staff” substitute “persons”;
  - (g) in sub-paragraph (6A) for “member of the Commission's staff” substitute “the Director General or a member of the Office's staff”.
- (8) In paragraph 19ZH (further provision about things retained under paragraph 19ZG) (as inserted by this Act)—
- (a) in sub-paragraph (2) for “Commission's” substitute “Office's”;
  - (b) in sub-paragraph (4)(a) for “Commission's” substitute “Office's”.
- (9) In paragraph 19A (as substituted by this Act), in sub-paragraphs (2)(b) and (7)(a) after “investigating” insert “or, in the case of an investigation by a designated person under paragraph 19, the Director General,”.
- (10) In paragraph 19F (interview of persons serving with police etc during certain investigations), in sub-paragraph (1)(b) for “the Commission itself” substitute “a person designated under paragraph 19 (investigations by Director General)”.
- (11) In paragraph 20 (restrictions on proceedings pending conclusion of investigation), in sub-paragraph (1)(b) at the end insert “or, where under paragraph 19 the Director General has personally carried out the investigation, a report has been completed by the Director General”.
- (12) In paragraph 20A (as substituted by this Act)—
- (a) in sub-paragraph (1)(a) after “investigating” insert “or, in the case of an investigation by a designated person under paragraph 19, the Director General,”;
  - (b) in sub-paragraph (3) after “and” insert “(where the person investigating is not also the Director General carrying out an investigation under paragraph 19 personally)”;
  - (c) in sub-paragraph (4)(b) after “investigation” insert “or, where the investigation is carried out under paragraph 19 by the Director General personally, finalise one,”.
- (13) In paragraph 21A (procedure where conduct matter is revealed during investigation of DSI matter)—
- (a) in sub-paragraph (1), omit “or designated under paragraph 19”;
  - (b) after sub-paragraph (2A) (as inserted by this Act), insert—
    - “(2B) If during the course of an investigation of a DSI matter being carried out by a person designated under paragraph 19 the Director General determines that there is an indication that a person serving with the police (“the person whose conduct is in question”) may have—
    - (a) committed a criminal offence, or
    - (b) behaved in a manner which would justify the bringing of disciplinary proceedings,
 the Director General must proceed under sub-paragraph (2C).
- (2C) The Director General must—

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- (a) prepare a record of the determination,
    - (b) notify the appropriate authority in relation to the DSI matter and (if different) the appropriate authority in relation to the person whose conduct is in question of the determination, and
    - (c) send to it (or each of them) a copy of the record of the determination prepared under paragraph (a).”;
  - (c) in sub-paragraph (5), after paragraph (a) insert—
    - “(aa) is notified of a determination by the Director General under sub-paragraph (2C),”.
- (14) In paragraph 22 (final reports on investigations: complaints, conduct matters and certain DSI matters)—
  - (a) for sub-paragraph (5) substitute—
    - “(5) A person designated under paragraph 19 as the person in charge of an investigation must—
      - (a) submit a report on the investigation to the Director General, or
      - (b) where the person in charge of the investigation is the Director General acting personally, complete a report on the investigation.”;
    - (b) in sub-paragraph (6) after “submitting” insert “ or, in the case of an investigation under paragraph 19 by the Director General personally, completing ”;
    - (c) in sub-paragraph (8) after “submitted” insert “ or, in the case of an investigation under paragraph 19 by the Director General personally, completed ”.
- (15) In the italic heading before paragraph 23 (action by the Commission in response to investigation reports), for “response” substitute “ relation ”.
- (16) In paragraph 23—
  - (a) in sub-paragraph (1)(b) before “under” insert “ , or is otherwise completed, ”;
  - (b) in sub-paragraph (1A) (as inserted by this Act), after “submission” insert “ or completion ”;
  - (c) in each of the following places, after “receipt of the report” insert “ (or on its completion by the Director General) ”
    - (i) sub-paragraph (2);
    - (ii) sub-paragraph (5A) (as inserted by this Act);
    - (iii) sub-paragraph (5F) (as inserted by this Act);
    - (iv) in sub-paragraph (13), before “or (4)” insert “ , (2B) ”.
- (17) In paragraph 24 (action by appropriate authority in response to an investigation report), in sub-paragraph (11) before “or (4)” insert “ , (2B) ”.
- (18) In paragraph 24A (final reports on investigations: other DSI matters)—
  - (a) in sub-paragraph (1), before “or (4)” insert “ , (2B) ”;
  - (b) after sub-paragraph (2) insert—
    - “(2A) Sub-paragraph (2)(a) does not apply where the person investigating is the Director General carrying out an investigation personally

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- under paragraph 19, but the Director General must complete a report on the investigation.”;
- (c) in sub-paragraph (3) for “this paragraph” substitute “ sub-paragraph (2) or completing one under sub-paragraph (2A) ”;
  - (d) in sub-paragraph (4) after “receipt of the report” insert “ (or on its completion by the Director General) ”;
  - (e) in sub-paragraph (5) (as inserted by this Act) after “receipt of the report” insert “ (or on its completion by the Director General) ”;
  - (f) in sub-paragraph (6) (as inserted by this Act)—
    - (i) after “sub-paragraph (2)” insert “ or completed under sub-paragraph (2A) ”;
    - (ii) after “submission” insert “ or completion ”.
- (19) In the italic heading before paragraph 24B (action by the Commission in response to an investigation report under paragraph 24A), for “response” substitute “ relation ”.
- (20) In paragraph 28ZA (recommendations by the Commission or a local policing body) (as inserted by this Act), in sub-paragraph (3)(b), after “submission” insert “ or completion ”.
- (21) In paragraph 28A (recommendations by the Commission)—
- (a) in sub-paragraph (1)—
    - (i) after “received a report” insert “ (or otherwise completed one in relation to an investigation carried out under paragraph 19 by the Director General personally) ”;
    - (ii) in paragraph (b) for “Commission itself” substitute “ or on behalf of the Director General ”;
    - (iii) in paragraph (c) after “24A(2)” insert “ or (2A) ”;
  - (b) in sub-paragraph (4)(a) after “receipt” insert “ or completion ”.
- (22) In paragraph 28B (response to recommendation), in sub-paragraph (12) (as inserted by this Act) after “received a report on” insert “ (or otherwise completed one on in relation to an investigation carried out under paragraph 19 by the Director General personally) ”.

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**Commencement Information**

- I1** Sch. 9 para. 56 in force for certain purposes at Royal Assent, see s. 183
- I2** Sch. 9 para. 56 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

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**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](#)