

Changes to legislation: Policing and Crime Act 2017, Part 2 is up to date with all changes known to be in force on or before 21 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 9

INDEPENDENT OFFICE FOR POLICE CONDUCT

PART 2

MINOR AND CONSEQUENTIAL AMENDMENTS TO THE POLICE REFORM ACT 2002

- 15 The Police Reform Act 2002 is amended in accordance with this Part of this Schedule.

Commencement Information

- I1** Sch. 9 para. 15 in force for certain purposes at Royal Assent, see s. 183
I2 Sch. 9 para. 15 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 16 For the italic heading before section 9, substitute “ The Independent Office for Police Conduct ”.

Commencement Information

- I3** Sch. 9 para. 16 in force for certain purposes at Royal Assent, see s. 183
I4 Sch. 9 para. 16 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 17 (1) Section 10 (general functions of the Commission) is amended as follows.
- (2) In subsection (1)(a) omit “itself”.
- (3) In subsection (1)(e) for “its” substitute “the Director General's”.
- (4) In subsection (1)(f) for “it” substitute “ the Director General ”.
- (5) In subsection (3) for “it” substitute “ the Director General ”.
- (6) In subsection (3A) (as inserted by this Act), for “it” substitute “ the Director General ”.
- (7) In subsection (3B) (as inserted by this Act), for “it” substitute “ the Director General ”.
- (8) In subsection (4), in paragraph (a)—
- (a) for “it”, in both places, substitute “ the Director General ”;
- (b) for “its” substitute “the Director General's”.
- (9) In subsection (6)—
- (a) for “it” substitute “ the Director General ”;
- (b) for “its” substitute “the Director General's”.

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(10) In subsection (7)—

- (a) for “it”, in both places, substitute “ the Director General ”;
- (b) for “its”, in both places, substitute “the Director General’s”.

Commencement Information

I5 Sch. 9 para. 17 in force for certain purposes at Royal Assent, see s. 183

I6 Sch. 9 para. 17 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), **reg. 2** (with **reg. 3**)

18 (1) Section 11 (reports to the Secretary of State) is amended as follows.

(2) In subsection (1)—

- (a) for “its”, in the first place it occurs, substitute “the Office’s”;
- (b) for “Commission shall” substitute “ Director General and the Office must jointly ”;
- (c) for “its”, in the second place it occurs, substitute “ their ”.

(3) For subsection (2) substitute—

- “(2) The Secretary of State may also require reports to be made (at any time)—
- (a) by the Director General about the carrying out of the Director General’s functions,
 - (b) by the Office about the carrying out of the Office’s functions, or
 - (c) jointly by the Director General and the Office about the carrying out of their functions.”

(4) After subsection (2) insert—

- “(2A) The Director General may, from time to time, make such other reports to the Secretary of State as the Director General considers appropriate for drawing the Secretary of State’s attention to matters which—
- (a) have come to the Director General’s notice, and
 - (b) are matters which the Director General considers should be drawn to the attention of the Secretary of State by reason of their gravity or of other exceptional circumstances.”

(5) In subsection (3)—

- (a) for “Commission” substitute “ Office ”;
- (b) for “Commission’s” substitute “Office’s”.

(6) After subsection (3) insert—

- “(3A) The Director General and the Office may jointly make reports under subsections (2A) and (3).”

(7) In subsection (4)—

- (a) for “Commission” substitute “ Director General ”;
- (b) for “it”, in both places, substitute “ the Director General ”;
- (c) for “its” substitute “the Director General’s”.

(8) In subsection (6) for “Commission” substitute “ Office ”.

(9) After subsection (6) insert—

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“(6A) The Director General must send a copy of every report under subsection (2A) —

- (a) to any local policing body that appears to the Director General to be concerned, and
- (b) to the chief officer of police of any police force that appears to the Director General to be concerned.”

(10) In subsection (7) for “Commission”, in both places, substitute “ Office ”.

(11) In subsection (8)—

- (a) after “subsection” insert “ (2A) or ”;
- (b) for “Commission” substitute “ Director General or the Office (as the case may be) ”.

(12) In subsection (9)—

- (a) after “subsection” insert “ (2A) or ”;
- (b) for “Commission” substitute “ Director General or the Office (as the case may be) ”.

(13) In subsection (10) for “Commission” substitute “ Director General ”.

(14) In subsection (11)—

- (a) for “Commission”, in each place, substitute “ Director General ”;
- (b) for “it” substitute “ the Director General ”;
- (c) for “(3)” substitute “ (2A) ”.

(15) After subsection (11) insert—

“(12) The Office must send a copy of every report made or prepared by it under subsection (3) to such of the persons (in addition to those specified in the preceding subsections) who—

- (a) are referred to in the report, or
- (b) appear to the Office otherwise to have a particular interest in its contents,

as the Office thinks fit.

(13) Where a report under subsection (2A) or (3) is prepared jointly by virtue of subsection (3A), a duty under this section to send a copy of the report to any person is met if either the Director General or the Office sends a copy to that person.”

Commencement Information

17 Sch. 9 para. 18 in force for certain purposes at Royal Assent, see s. 183

18 Sch. 9 para. 18 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

19 In section 12 (complaints, matters and persons to which Part 2 applies), in subsection (6)(a) for “Commission” substitute “ Director General ”.

Commencement Information

19 Sch. 9 para. 19 in force for certain purposes at Royal Assent, see s. 183

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I10 Sch. 9 para. 19 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), **reg. 2** (with **reg. 3**)

- 20 (1) Section 13B (power of the Commission to require re-investigation) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place (including the heading), substitute “ Director General ”.
- (3) In subsection (1)—
- (a) for “it”, in both places, substitute “ the Director General ”;
 - (b) in paragraph (b), before “under” insert “ (or, in the case of an investigation carried out under paragraph 19 of Schedule 3 by the Director General personally, is otherwise completed by the Director General) ”.
- (4) In subsection (2) for “it” substitute “ the Director General ”.
- (5) In subsection (3) for “it” substitute “ the Director General ”.
- (6) In subsection (10)—
- (a) for “it” substitute “ the Director General ”;
 - (b) for “its” substitute “the Director General's”.
- (7) In subsection (11)—
- (a) for “it” substitute “ the Director General ”;
 - (b) for “its” substitute “the Director General's”.

Commencement Information

I11 Sch. 9 para. 20 in force for certain purposes at Royal Assent, see s. 183

I12 Sch. 9 para. 20 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), **reg. 2** (with **reg. 3**)

- 21 (1) Section 15 (general duties of local policing bodies, chief officers and inspectors) is amended as follows.
- (2) In subsection (3), in the words after paragraph (c) after “Director General” insert “ of the Agency ”.
- (3) In subsection (4)—
- (a) for “Commission”, in each place, substitute “ Director General ”;
 - (b) for “Commission's” substitute “Office's”.

Commencement Information

I13 Sch. 9 para. 21 in force for certain purposes at Royal Assent, see s. 183

I14 Sch. 9 para. 21 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), **reg. 2** (with **reg. 3**)

- 22 (1) Section 16 (payment for assistance with investigations) is amended as follows.
- (2) For “Commission”, in each place except as mentioned in sub-paragraph (3), substitute “ Director General ”.
- (3) In subsection (4), for “the Commission”, in the second place where it occurs, substitute “ Office ”.

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(4) In subsection (5)(b), after “Director General” insert “ of that Agency ”.

Commencement Information

I15 Sch. 9 para. 22 in force for certain purposes at Royal Assent, see s. 183

I16 Sch. 9 para. 22 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 23 (1) Section 17 (provision of information to the Commission) is amended as follows.
- (2) For “Commission”, in each place (including the heading), substitute “ Director General ”.
- (3) In subsection (2)—
- (a) for “it” substitute “ the Director General ”;
 - (b) for “its” substitute “the Director General's”.

Commencement Information

I17 Sch. 9 para. 23 in force for certain purposes at Royal Assent, see s. 183

I18 Sch. 9 para. 23 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 24 (1) Section 18 (inspections of police premises on behalf of the Commission) is amended as follows.
- (2) For “Commission”, in each place (including the heading and provisions inserted by amendments made by this Act), substitute “ Director General ”.
- (3) In subsection (2)(b), for “its” substitute “the Director General's”.

Commencement Information

I19 Sch. 9 para. 24 in force for certain purposes at Royal Assent, see s. 183

I20 Sch. 9 para. 24 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 25 (1) Section 19 (use of investigatory powers by or on behalf of the Commission) is amended as follows.
- (2) In the heading, for “Commission” substitute “ Director General ”.
- (3) In subsection (1), for “Commission's” substitute “Director General's”.

Commencement Information

I21 Sch. 9 para. 25 in force for certain purposes at Royal Assent, see s. 183

I22 Sch. 9 para. 25 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 26 (1) Section 20 (duty to keep complainant informed) is amended as follows.
- (2) For “Commission”, in each place (including provisions inserted by amendments made by this Act), substitute “ Director General ”.
- (3) In subsection (1)(b) for “its” substitute “the Director General's”.

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- (4) In subsection (3) for “it”, where it occurs after “as”, substitute “ the Director General ”.
- (5) In subsection (8A) (as inserted by this Act)—
- (a) for “its” substitute “ their ”;
 - (b) after “submitted”, in the first place it occurs, insert “ (or finalised) ”;
 - (c) after “submitted”, in the second place it occurs, insert “ (or completed) ”.
- (6) In subsection (9) for “its” substitute “ their ”.

Commencement Information

I23 Sch. 9 para. 26 in force for certain purposes at Royal Assent, see s. 183

I24 Sch. 9 para. 26 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 27 (1) Section 21 (duty to provide information for other persons) is amended as follows.
- (2) For “Commission”, in each place (including provisions inserted by amendments made by this Act), substitute “ Director General ”.
- (3) In subsection (6)(b) for “its” substitute “the Director General's”.
- (4) In subsection (8) for “it”, where it occurs after “as”, substitute “ the Director General ”.
- (5) In subsection (11A) (as inserted by this Act)—
- (a) for “its” substitute “ their ”;
 - (b) after “submitted”, in the first place it occurs, insert “ (or finalised) ”;
 - (c) after “submitted”, in the second place it occurs, insert “ (or completed) ”.

Commencement Information

I25 Sch. 9 para. 27 in force for certain purposes at Royal Assent, see s. 183

I26 Sch. 9 para. 27 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 28 In section 21A (restriction on disclosure of sensitive information) (as inserted by this Act), for “Commission”, in each place, substitute “ Director General ”.

Commencement Information

I27 Sch. 9 para. 28 in force for certain purposes at Royal Assent, see s. 183

I28 Sch. 9 para. 28 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 29 In section 21B (provision of sensitive information to the Commission and certain investigators) (as inserted by this Act), for “Commission”, in each place (including the heading), substitute “ Director General ”.

Commencement Information

I29 Sch. 9 para. 29 in force for certain purposes at Royal Assent, see s. 183

I30 Sch. 9 para. 29 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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- 30 (1) Section 22 (power of the Commission to issue guidance) is amended as follows.
- (2) For “Commission”, in each place (including the heading), substitute “ Director General ”.
- (3) In subsection (3)(c) for “it” substitute “ the Director General ”.

Commencement Information

I31 Sch. 9 para. 30 in force for certain purposes at Royal Assent, see s. 183

I32 Sch. 9 para. 30 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), **reg. 2** (with **reg. 3**)

- 31 (1) Section 23 (regulations) is amended as follows.
- (2) For “Commission”, in each place, substitute “ Director General ”.
- (3) In subsection (2)(i) for “its” substitute “ the Director General ”.
- (4) In subsection (2)(o) for “it” substitute “ the Director General or the Office ”.

Commencement Information

I33 Sch. 9 para. 31 in force for certain purposes at Royal Assent, see s. 183

I34 Sch. 9 para. 31 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), **reg. 2** (with **reg. 3**)

- 32 In section 24 (consultation on regulations), for paragraph (a) substitute—
- “(a) the Office;
- (aa) the Director General;”.

Commencement Information

I35 Sch. 9 para. 32 in force for certain purposes at Royal Assent, see s. 183

I36 Sch. 9 para. 32 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), **reg. 2** (with **reg. 3**)

- 33 In section 26 (forces maintained otherwise than by local policing bodies), for “Commission”, in each place, substitute “ Director General ”.

Commencement Information

I37 Sch. 9 para. 33 in force for certain purposes at Royal Assent, see s. 183

I38 Sch. 9 para. 33 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), **reg. 2** (with **reg. 3**)

- 34 In section 26BA (College of Policing), for “Commission”, in both places, substitute “ Director General ”.

Commencement Information

I39 Sch. 9 para. 34 in force for certain purposes at Royal Assent, see s. 183

I40 Sch. 9 para. 34 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), **reg. 2** (with **reg. 3**)

- 35 (1) Section 26C (the National Crime Agency) is amended as follows.
- (2) In subsection (1)—

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- (a) for “Independent Police Complaints Commission” substitute “ Director General ”;
 - (b) before “and other” insert “ of the National Crime Agency ”.
- (3) In subsection (2) for “Independent Police Complaints Commission” substitute “ the Office or in respect of its Director General ”.
- (4) In subsection (4) for “Independent Police Complaints Commission”, in both places, substitute “ Director General ”.
- (5) In subsection (5)—
- (a) for “Independent Police Complaints Commission” substitute “ Director General ”;
 - (b) for “Commission's”, in both places, substitute “Director General's”;
 - (c) for “Commission” substitute “ Director General ”.
- (6) In subsection (6) for “Independent Police Complaints Commissioner” substitute “ Director General ”.
- (7) In subsection (9) after “Director General” insert “ of the National Crime Agency ”.

Commencement Information

I41 Sch. 9 para. 35 in force for certain purposes at Royal Assent, see s. 183

I42 Sch. 9 para. 35 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), **reg. 2** (with **reg. 3**)

- 36 (1) Section 26D (labour abuse prevention officers) is amended as follows.
- (2) For “Commission”, in each place other than in subsection (2), substitute “ Director General ”.
 - (3) In subsection (2)(b) for “Commission” substitute “ Office or in respect of the Director General ”.
 - (4) In subsection (4), for “Commission's”, in both places, substitute “Director General's”.

Commencement Information

I43 Sch. 9 para. 36 in force for certain purposes at Royal Assent, see s. 183

I44 Sch. 9 para. 36 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), **reg. 2** (with **reg. 3**)

- 37 (1) Section 27 (conduct of the Commission's staff) is amended as follows.
- (2) For “Commission's”, in each place (including the heading), substitute “Office's”.
 - (3) In subsection (4) for “Commission” substitute “ Office and the Director General ”.

Commencement Information

I45 Sch. 9 para. 37 in force for certain purposes at Royal Assent, see s. 183

I46 Sch. 9 para. 37 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), **reg. 2** (with **reg. 3**)

- 38 (1) Omit section 28 (transitional arrangements in connection with establishing Commission etc).

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- (2) The repeal of section 28 does not affect an order made under that section before its repeal or the power under that section to revoke or amend any such order.

Commencement Information

- I47** Sch. 9 para. 38 in force for certain purposes at Royal Assent, see s. 183
I48 Sch. 9 para. 38 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 39 (1) Section 28A (application of Part 2 to old cases) is amended as follows.
- (2) For “Commission”, in each place other than in subsection (3) of that section, substitute “ Director General ”.
- (3) In subsection (1), for “it” substitute “ the Director General ”.
- (4) In subsection (4), for “it” substitute “ the Director General ”.

Commencement Information

- I49** Sch. 9 para. 39 in force for certain purposes at Royal Assent, see s. 183
I50 Sch. 9 para. 39 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 40 (1) Section 29 (interpretation of Part 2) is amended as follows.
- (2) In subsection (1)—
- (a) omit the definition of “the Commission”;
- (b) after the definition of “death or serious injury matter” insert—
- ““the Director General” means (unless otherwise specified) the Director General of the Office;”;
- (c) before the definition of “person complained against” insert—
- ““the Office” means the Independent Office for Police Conduct;”.
- (3) In subsection (6)—
- (a) for “Commission”, in each place, substitute “ Director General ”;
- (b) omit “itself”.

Commencement Information

- I51** Sch. 9 para. 40 in force for certain purposes at Royal Assent, see s. 183
I52 Sch. 9 para. 40 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 41 In section 29C (regulations about super-complaints) (as inserted by this Act), in subsection (3) for “Independent Police Complaints Commission”, in both places, substitute “ Director General of the Independent Office for Police Conduct ”.

Commencement Information

- I53** Sch. 9 para. 41 in force for certain purposes at Royal Assent, see s. 183
I54 Sch. 9 para. 41 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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- 42 (1) Section 29D (power to investigate concerns raised by whistle-blowers) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place, substitute “ Director General ”.
- (3) In subsection (1) for “it” substitute “ the Director General ”.

Commencement Information

I55 Sch. 9 para. 42 in force for certain purposes at Royal Assent, see s. 183

I56 Sch. 9 para. 42 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 43 (1) Section 29E (Commission's powers and duties where it decides not to investigate) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place, substitute “ Director General ”.
- (3) In the heading—
- (a) for “Commission's” substitute “Director General's”;
- (b) for “where it decides” substitute “ on decision ”.

Commencement Information

I57 Sch. 9 para. 43 in force for certain purposes at Royal Assent, see s. 183

I58 Sch. 9 para. 43 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 44 (1) Section 29F (special provision for “conduct matters”) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place, substitute “ Director General ”.
- (3) In subsection (2)—
- (a) or “it”, in both places, substitute “ the Director General ”;
- (b) for “its” substitute “ the ”.

Commencement Information

I59 Sch. 9 para. 44 in force for certain purposes at Royal Assent, see s. 183

I60 Sch. 9 para. 44 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 45 (1) Section 29G (special provision for “DSI matters”) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place, substitute “ Director General ”.
- (3) In subsection (2), for “it”, in both places, substitute “ the Director General ”.

Commencement Information

I61 Sch. 9 para. 45 in force for certain purposes at Royal Assent, see s. 183

I62 Sch. 9 para. 45 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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- 46 (1) Section 29H (Commission's powers and duties where whistle-blower is deceased) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place, substitute “ Director General ”.
- (3) In the heading for “Commission's” substitute “Director General's”.
- (4) In subsection (1) for “it” substitute “ the Director General ”.

Commencement Information

I63 Sch. 9 para. 46 in force for certain purposes at Royal Assent, see s. 183

I64 Sch. 9 para. 46 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 47 In section 29I (duty to keep whistle-blowers informed) (as inserted by this Act), in subsection (1)—
- (a) for “Commission” substitute “ Director General ”;
- (b) for “it” substitute “ the Director General ”.

Commencement Information

I65 Sch. 9 para. 47 in force for certain purposes at Royal Assent, see s. 183

I66 Sch. 9 para. 47 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 48 In section 29J (protection of anonymity of whistle-blowers) (as inserted by this Act) for “Commission”, in both places, substitute “ Director General ”.

Commencement Information

I67 Sch. 9 para. 48 in force for certain purposes at Royal Assent, see s. 183

I68 Sch. 9 para. 48 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 49 In section 29K (other restrictions on disclosure of information) (as inserted by this Act), for “Commission”, in both places, substitute “ Director General ”.

Commencement Information

I69 Sch. 9 para. 49 in force for certain purposes at Royal Assent, see s. 183

I70 Sch. 9 para. 49 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 50 In section 29L (application of provisions of Part 2) (as inserted by this Act), for “Commission”, in each place, substitute “ Director General ”.

Commencement Information

I71 Sch. 9 para. 50 in force for certain purposes at Royal Assent, see s. 183

I72 Sch. 9 para. 50 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 51 In section 29M (regulation-making powers: consultation) (as inserted by this Act), for “Commission” substitute “ Director General ”.

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Commencement Information

- I73** Sch. 9 para. 51 in force for certain purposes at Royal Assent, see s. 183
I74 Sch. 9 para. 51 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), **reg. 2** (with **reg. 3**)

- 52 In section 29N (interpretation) (as inserted by this Act), in subsection (1)—
- (a) omit the definition of “the Commission”;
 - (b) after the definition of “conduct” insert—

“the Director General” means the Director General of the Independent Office for Police Conduct;”.

Commencement Information

- I75** Sch. 9 para. 52 in force for certain purposes at Royal Assent, see s. 183
I76 Sch. 9 para. 52 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), **reg. 2** (with **reg. 3**)

- 53 In section 36 (conduct of disciplinary proceedings), in subsection (1)(a) for “Independent Police Complaints Commission” substitute “ Director General of the Independent Office for Police Conduct ”.

Commencement Information

- I77** Sch. 9 para. 53 in force for certain purposes at Royal Assent, see s. 183
I78 Sch. 9 para. 53 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), **reg. 2** (with **reg. 3**)

- 54 In section 105 (powers of Secretary of State to make orders and regulations), in subsection (5) for “Independent Police Complaints Commission” substitute “ Director General of the Independent Office for Police Conduct ”.

Commencement Information

- I79** Sch. 9 para. 54 in force for certain purposes at Royal Assent, see s. 183
I80 Sch. 9 para. 54 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), **reg. 2** (with **reg. 3**)

- 55 (1) Schedule 2 (the Independent Police Complaints Commission) is amended as follows.
- (2) For the title to the Schedule substitute “ The Independent Office for Police Conduct ”.
 - (3) For the italic heading before paragraph 1 substitute “ Director General ”.
 - (4) For the italic heading before paragraph 2 substitute “ Terms of appointment etc: non-executive members ”.
 - (5) In paragraph 7—
 - (a) for “Commission”, in each place, substitute “ Office ”;
 - (b) for “chairman or as a deputy chairman of the Commission” substitute “ Director General ”;
 - (c) omit “or as a member of it”.
 - (6) In paragraph 8—
 - (a) for “Commission”, in both places, substitute “ Office ”;

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- (b) for “Commission's”, in both places, substitute “Office's”.
- (7) In the heading before paragraph 9 omit “of Commission”.
- (8) In paragraph 10—
 - (a) for “Commission”, in each place, substitute “ Office ”;
 - (b) for “Commission's”, in each place, substitute “Office's”;
 - (c) in sub-paragraph (5)(c) omit “by the chief executive or”.
- (9) In paragraph 11—
 - (a) for “Commission”, in each place, substitute “ Office ”;
 - (b) in paragraph (a) for “chairman, a deputy chairman” substitute “ Director General ”;
 - (c) in paragraph (b) for “chairman” substitute “ Director General ”.
- (10) In the italic heading before paragraph 12, for “Commission's” substitute “Office's”.
- (11) In paragraph 12—
 - (a) in the words before paragraph (a), for “Commission” substitute “ Office ”;
 - (b) in paragraph (a) for “Commission” substitute “ Office ”;
 - (c) in paragraph (b) for “Commission” substitute “ Director General ”.
- (12) In paragraph 13 for “Commission” substitute “ Office ”.
- (13) In paragraph 14—
 - (a) for “Commission” substitute “ Office ”;
 - (b) in paragraph (b) for “by it in the carrying out of its functions” substitute “ in the carrying out of its or the Director General's functions ”.
- (14) In the italic heading before paragraph 15, for “Commission” substitute “ Office ”.
- (15) In paragraph 15(1)—
 - (a) for “Commission” substitute “ Office ”;
 - (b) after “its” insert “or the Director General's”.
- (16) In paragraph 16 for “Commission” substitute “ Office ”.
- (17) In paragraph 17 for “Commission”, in each place, substitute “ Office ”.
- (18) In the italic heading before paragraph 18, for “Commission” substitute “ Office ”.
- (19) In paragraph 18 for “Commission”, in both places, substitute “ Office ”.

Commencement Information

181 Sch. 9 para. 55 in force for certain purposes at Royal Assent, see s. 183

182 Sch. 9 para. 55 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

- 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”.

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- (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).”;
 - (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) ”.

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- (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—
 - (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

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- (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 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 ”.

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- (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) ”.

Commencement Information

I83 Sch. 9 para. 56 in force for certain purposes at Royal Assent, see s. 183

I84 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](#))

- 57 (1) Schedule 3 is further amended as follows (but an amendment made by sub-paragraph (2), (3), (4) or (5) applies only if this Schedule comes into force before the coming into force of paragraph 21, 23, 24 or 26 (as the case may be) of Schedule 5 to this Act).
- (2) In paragraph 19B (assessment of seriousness of conduct under investigation), in sub-paragraph (1) after “investigating” insert “ or, in the case of an investigation by a designated person under paragraph 19, the Director General, ”.
- (3) In paragraph 20A (accelerated procedure in special cases)—
- (a) in sub-paragraph (1)—
 - (i) for “his” substitute “ an ”;
 - (ii) after “conduct matter” insert “ or, in the case of an investigation by a designated person under paragraph 19, the Director General, ”;
 - (iii) for “he” substitute “ the person investigating ”;
 - (b) in sub-paragraph (3) for “his belief” substitute “ the belief referred to in sub-paragraph (1) ”.
- (4) In paragraph 21 (power to discontinue an investigation), in sub-paragraph (4)(b) omit “itself”.
- (5) In paragraph 23 (action by the Commission in response to an investigation report), in sub-paragraph (6) after “receipt of the report” insert “ (or on its completion by the Director General) ”.

Commencement Information

I85 Sch. 9 para. 57 in force for certain purposes at Royal Assent, see s. 183

I86 Sch. 9 para. 57 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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- 58 (1) Schedule 3A (whistle-blowing investigations: procedure) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place, substitute “ Director General ”.
- (3) In paragraph 1(1)—
- (a) after “, (2)” insert “, (2A) ”;
 - (b) omit “itself”.
- (4) In paragraph 4(1)—
- (a) in the words before paragraph (a), for “it appears to the person in charge” substitute “ the Director General determines ”;
 - (b) for the words after paragraph (b) substitute “ the Director General must proceed under sub-paragraph (2) ”.
- (5) For paragraph 4(2) substitute—
- “(2) The Director General must—
- (a) prepare a record of the determination,
 - (b) notify the appropriate authority in relation to the person whose conduct is in question of the determination, and
 - (c) send to it a copy of the record of the determination prepared under paragraph (a).”
- (6) In paragraph 5(1)—
- (a) for “it appears to the person in charge” substitute “ the Director General determines ”;
 - (b) for “the person must make a submission to that effect to the Commission” substitute “ the Director General must proceed under sub-paragraph (2) ”.
- (7) For paragraph 5(2) substitute—
- “(0) The Director General must—
- (a) prepare a record of the determination,
 - (b) notify the appropriate authority in relation to the DSI matter, and
 - (c) send to it a copy of the determination prepared under paragraph (a).”
- (8) After paragraph 6(1) insert—
- “(1A) Sub-paragraph (1) does not apply where the person in charge of the investigation is the Director General acting personally, but the Director General must complete a report on the investigation.”
- (9) In paragraph 6(2)(a) for “the report” substitute “ a report submitted under sub-paragraph (1) or completed under sub-paragraph (1A) ”.
- (10) In paragraph 7(1) after “paragraph 6” insert “ (1) or on its completion by the Director General under paragraph 6(1A) ”.

Commencement Information

187 Sch. 9 para. 58 in force for certain purposes at Royal Assent, see s. 183

188 Sch. 9 para. 58 in force at 8.1.2018 in so far as not already in force by [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

Changes to legislation:

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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](#)