

*This Statutory Instrument has been made in consequence of a defect in S.I. 2004/671 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**2004 No.1092**

**POLICE, ENGLAND AND WALES**

**The Independent Police Complaints Commission (Transitional Provisions) (Amendment) Order 2004**

<i>Made</i> - - - -	<i>7th April 2004</i>
<i>Laid before Parliament</i>	<i>13th April 2004</i>
<i>Coming into force</i> - -	<i>15th April 2004</i>

The Secretary of State, in exercise of the powers conferred upon him by section 28 of the Police Reform Act 2002(a) hereby makes the following Order:

1. This Order may be cited as the Independent Police Complaints Commission (Transitional Provisions) (Amendment) Order 2004 and shall come into force on 15th April 2004.

2.—(1) The Independent Police Complaints Commission (Transitional Provisions) Order 2004(b) is amended in accordance with the following provisions of this article.

(2) In article 2(1) after the words “April 2004” insert “or a matter was referred to the Authority under section 71 of the Police Act 1996(c) before that date”.

(3) In each of paragraphs (2), (3) and (4) of article 2 after the word “complaint” insert “or matter”.

(4) In article 4(1)—

(a) for “under section 67” substitute “or referred to the Authority under Chapter 1 of Part 4”; and

(b) after “that complaint” insert “or matter”.

(5) After article 4(2) insert the following paragraph—

“(3) No conduct matter shall be recorded under paragraph 10 or 11 of Schedule 3 to the 2002 Act if its subject-matter was previously submitted to the appropriate authority or referred to the Authority under Chapter 1 of Part 4 of the Police Act 1996 and as respects that complaint or matter any of the events mentioned in paragraph (1)(a) to (e) occurred.”

Home Office  
6th April 2004

*Scotland of Asthal, Q.C.*  
Minister of State

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(a) 2002 c. 30.

(b) S.I. 2004/671.

(c) 1996 c. 16; Chapter 1 of Part 4 was repealed by section 107(2) of and Schedule 8 to the Police Reform Act 2002.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order rectifies an omission in the Independent Police Complaints Commission (Transitional Provisions) Order 2004 (S.I. 2004/671) which makes transitional provision in connection with the coming into force of a new system of handling complaints against the police.

This Order provides that the Independent Police Complaints Commission will take over not only the supervision of complaints which had previously been referred to the Police Complaints Authority (as is already provided for in that earlier Order), but will also take over the supervision of other matters which had been voluntarily referred to the Authority by a police authority or chief officer of police. Where such a matter has already been dealt with by the Police Complaints Authority, it may not then be recorded as a complaint or a conduct matter under the new regime.

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