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STATUTORY INSTRUMENTS

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**2004 No. 671**

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

**Repeated complaints**

4.—(1) No complaint shall be recorded by a police authority or chief officer under paragraph 2(6) of Schedule 3 to the 2002 Act if that authority or officer is satisfied that the subject-matter of the complaint was previously submitted to the appropriate authority under section 67 of the Police Act 1996, and as respects that complaint, either—

- (a) the requirements of section 74 or 75 of the Police Act 1996 (steps to be taken after investigation) were complied with;
- (b) the complaint was informally resolved in accordance with the Police (Complaints) (Informal Resolution) Regulations 1985(1) or regulation 19 of the National Crime Squad (Complaints) Regulations 1998(2);
- (c) the Authority, under regulation 3 of the Police (Anonymous, Repetitious Etc. Complaints) Regulations 1985(3) or regulation 4 of the National Crime Squad (Dispensation from Requirement to Investigate Complaints) Regulations 2003(4) dispensed with the requirements of Chapter 1 of Part 4 of the Police Act 1996;
- (d) the complainant gave notification that he withdrew the complaint; or
- (e) the appropriate authority concluded that the complaint did not fall to be recorded under section 68(1) of the Police Act 1996.

(2) Paragraph 3(3) of Schedule 3 to the 2002 Act (right to appeal to the Commission against a failure by the police authority or chief officer to record anything etc) shall not apply in relation to a complaint which falls within paragraph (1) of this article.

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(1) S.I. 1985/671; these Regulations have effect as if made under section 81 of the Police Act 1996.  
(2) S.I. 1998/638; regulation 19 was inserted by S.I. 1999/1266; these Regulations are revoked from 1st April 2004 by regulation 29(5)(a) of the Police (Complaints and Misconduct) Regulations 2004 (S.I. 2004/643).  
(3) S.I. 1985/672 as amended by S.I. 1990/1301; these Regulations have effect as if made under section 81 of the Police Act 1996 and by virtue of S.I. 1990/1301 they may be cited as the Police (Dispensation from Requirement to Investigate Complaints) Regulations 1985.  
(4) S.I. 2003/2601; these Regulations are revoked from 1st April 2004 by regulation 29(5)(e) of the Police (Complaints and Misconduct) Regulations 2004.