

## SCHEDULE 1

## Regulation 3(2)

### MODIFICATION OF SECTIONS 9 TO 29 OF THE 2002 ACT

1. At the end of section 9(3) insert—
  - “(g) any person who holds or has held office or employment as a Commissioner or officer.”.
- 2.—(1) Section 10 shall be modified as follows.
  - (2) In subsection (1) after “the Commission” insert “, in relation to the Commissioners and officers,”.
  - (3) In subsection (1)(a) for “police authorities and chief officers” substitute “the Commissioners”.
  - (4) In subsection (1)(e) omit “and also of police practice in relation to other matters,”.
  - (5) Omit subsection (1)(f).
  - (6) In subsection (2)(a) for “persons serving with the police” substitute—
    - “Commissioners or officers which the appropriate authority—
    - (i) has a duty to refer to the Commission under paragraph 4(1) of Schedule 3 or,
    - (ii) may refer to the Commission under paragraph 4(2) or (3) of Schedule 3;”.
  - (7) In subsection (2)(b) for the words from “appears that” to the end substitute—
    - “appears that—
    - (i) there may have been conduct by such persons which constitutes or involves the commission of a criminal offence or behaviour justifying disciplinary proceedings, and
    - (ii) that conduct or behaviour is conduct or behaviour which the appropriate authority has a duty to refer to the Commission under paragraph 13(1) of Schedule 3 or may refer to the Commission under paragraph 13(2) or (3) of that Schedule.”.
  - (8) In subsection (2)(ba)(1) for “a person serving with the police” insert “an officer”.
  - (9) Omit subsection (3).
  - (10) In subsection (4)(a) for “subsections (1) and (3)” insert “subsection (1)”.
  - (11) In subsection (5)(a) after “functions” insert “in relation to the Commissioners and officers”.
  - (12) Omit subsections (7)(b) and (c).
  - (13) In subsection (8) for the words from “control of a police force” to the end substitute “control of Her Majesty’s Revenue and Customs by the Commissioners”.
- 3.—(1) Section 11 shall be modified as follows.
  - (2) In subsections (1), (2), (3), and (5) for “Secretary of State” insert “Chancellor of the Exchequer”.
  - (3) Omit subsection (4)(b).
  - (4) In subsection (6) for the words from “under subsection (1)” to the end substitute “under subsection (1) to the Commissioners”.
  - (5) In subsection (7) for the words from “under subsection (3)” to the end substitute “under subsection (3) to the Commissioners”.
  - (6) Omit subsections (8) and (9).
  - (7) In subsection (10) for paragraphs (a) to (g) substitute—

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(1) Section 10(2)(ba) was inserted by the Serious Organised Crime and Police Act 2005 (c. 15), Schedule 12, paragraph 2(2).

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- “(a) the Chancellor of the Exchequer, and
- (b) the Commissioners.”.

(8) In the heading for “Reports to the Secretary of State” substitute “Reports to the Chancellor of the Exchequer”.

**4.**—(1) Section 12 shall be modified as follows.

(2) In subsections (1) and (2) for “a person serving with the police” substitute “a Commissioner or an officer”.

(3) In subsections (2B)(a), (2C)(a) and (2D)(2) for “a person serving with the police” (on each occasion the words occur) substitute “an officer”.

**5.**—(1) Section 14 shall be modified as follows.

(2) In subsection (1) for the words from “control of a police force” to the end substitute “control of Her Majesty’s Revenue and Customs by the Commissioners”.

(3) Omit subsections (2) and (3).

**6.**—(1) Section 15 shall be modified as follows.

(2) In subsection (1)—

- (a) for the words in paragraph (a) substitute “the Commissioners and ”;
- (b) omit paragraph (b);
- (c) for “it or he is” substitute “they are or he is” and for “that force” substitute “Her Majesty’s Revenue and Customs”.

(3) In subsection (3)—

(a) for paragraph (a) substitute—

“(a) the Commission requires the chief officer of a police force to provide a member of his force for appointment under paragraph 17A or 18A of Schedule 3,”;

- (b) omit paragraphs (b) and (c);
- (c) omit “or Director General”.

(4) In subsection (4)—

- (a) omit paragraphs (c) and (d), and
- (b) after paragraph (d) insert—  
“(e) the Commissioners,”.

(5) In subsection (5)—

- (a) omit paragraphs (c) and (d);
- (b) for “16, 17 or 18” substitute “17A or 18A”.

(6) After subsection (5) insert—

“(5A) It shall be the duty of the Head of the Home Civil Service, the Chairman and Commissioners to ensure that a person appointed under paragraph 16,17, 17A, 18 or 18A of Schedule 3 to carry out an investigation is given all such assistance and co-operation in the carrying out of that investigation as that person may reasonably require.”.

(7) Omit subsections (6) and (7).

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(2) Sections 12(2B) to 12(2D) were inserted by paragraph 3 of Schedule 12 to [2005 c. 15](#).

7.—(1) Section 16 shall be modified as follows.

(2) In subsection (1)—

(a) in paragraph (a)—

(i) for “one” substitute “a”;

(ii) omit “to another”;

(iii) delete “or”;

(b) at the end of paragraph (b) insert “; or”;

(c) after paragraph (b) insert—

“(c) a police force provides assistance by agreement under paragraph 17A(2) or 18A(2) of Schedule 3.”.

(3) In subsection (2)(3)—

(a) in paragraph (a) for—

(i) “one police force to another” substitute “a police force”;

(ii) “the first force (“the assisting force”)” substitute “that force”;

(iii) in sub-paragraph (i) for “a member of the other force” substitute “a Commissioner or an officer”;

(iv) in sub-paragraph (ii) for “a member of the other force” substitute “an officer”;

(b) in paragraph (b)—

(i) omit “(the assisting force)”;

(ii) in sub-paragraph (i) for “not a member of that force” substitute “a Commissioner or an officer”;

(iii) in sub-paragraph (ii) for “not a member of that force” substitute “an officer”.

(4) In subsection (3)—

(a) for “one police force to another” substitute “a police force”;

(b) for “police authority maintaining that other police force” substitute “appropriate authority”;

(c) for “the assisting force” substitute “that force”;

(d) omit “(if any)”;

(e) in paragraph (b)(i) after “generally” insert “and the Commissioners”, and

(f) in paragraph (b)(ii) omit “by one police force to another”.

(5) After subsection (3) there shall be inserted—

“(3A) Subsection (3) shall have effect in relation to assistance which a police force provides by agreement under paragraph 17A (2) or 18A (2) of Schedule 3 as if the reference in that subsection to required to be provided were a reference to provided by agreement under paragraph 17A(2) or 18A(2) of Schedule 3.”.

(6) Omit subsections (5), (6) and (7).

8.—(1) Section 17 shall be modified as follows.

(2) From the beginning of subsection (1) to the end of paragraph (b) of that subsection substitute “It shall be the duty of the Commissioners”.

(3) In subsection (2)—

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(3) Section 16(2) was amended by paragraph 5 of Schedule 12 to 2005 c. 15.

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- (a) for the words “every police authority and of every chief officer” substitute “the Commissioners”, and
  - (b) in paragraph (a) for the words “that authority and or chief officer” substitute “the Commissioners”.
- (4) In subsection (4)—
- (a) for the words “a police authority or chief officer” substitute “the Commissioners”, and
  - (b) in paragraph (a) for the words “that authority and or chief officer” substitute “the Commissioners”.
- 9.—**(1) Section 18 shall be modified as follows.
- (2) In subsection (1)(a)—
- (a) for paragraphs (i) and (ii) substitute “the Commissioners”; and
  - (b) for “that force” substitute “Her Majesty’s Revenue and Customs”.
- (3) In subsection (1) for “the authority or, as the case may be, of the chief officer” substitute “the Commissioners”.
- (4) In subsection (2)(a)(4) for “the force in question” substitute “the Commissioners”.
- (5) In subsection (3) for “the authority or chief officer” substitute “the Commissioners”.
- (6) In subsection (5)(b) for “police authorities and chief officers” substitute “the Commissioners”.
- (7) In the heading to the section for “police premises” substitute “Her Majesty’s Revenue and Customs premises”.
- 10.—**(1) Section 22 shall be modified as follows.
- (2) In subsection (1) for the words from “guidance” to the end of paragraph (c) substitute “guidance to the Commissioners and officers”.
- (3) In subsection (3)—
- (a) for paragraph (a) substitute—  
“(a) the Commissioners and”;
  - (b) omit paragraph (b).
- (4) In subsection (4) for “the Secretary of State” substitute “the Chancellor of the Exchequer”.
- (5) Omit subsection (5)(c).
- 11.** Omit sections 25 and 26.
- 12.—**(1) Section 29 shall be modified as follows.
- (2) In subsection (1)(5)—
- (a) for the definition of “the appropriate authority” substitute the following definition—  
““the appropriate authority”—
    - (a) in relation to the Chairman, the Deputy Chairman, a Commissioner or an officer or in relation to any complaint, matter or investigation relating to the conduct of such a person, means—
      - (i) if that person is the Chairman or Deputy Chairman, the Head of the Home Civil Service,

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(4) Section 18(2) was amended by paragraph 6 of Schedule 12 to 2005 c. 15.

(5) Section 29(1) was amended by paragraph 10 of Schedule 12 to 2005 c. 15.

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- (ii) if that person is a Commissioner, the Chairman, or
    - (iii) if that person is an officer, the Commissioners” and
    - (b) in relation to a death or serious injury matter and the relevant officer, means the Commissioners.”;
  - (b) after the definition of “the appropriate authority” insert—
    - ““the Chairman” means the chairman of the Commissioners”;
  - (c) after the definition of “the Commission” insert—
    - ““the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;”;
  - (d) after the definition of “conduct matter” insert—
    - ““the Deputy Chairman” means the Deputy Chairman of the Commissioners”;
  - (e) for the definition of “disciplinary proceedings” substitute—
    - ““disciplinary proceedings” means any proceedings or management process during which the conduct of the Chairman, Deputy Chairman, a Commissioner or an officer is considered in order to determine whether a sanction or punitive measure should be imposed against him in relation to that conduct;”;
  - (f) after the definition of “local resolution” insert the following definition—
    - ““officers” means officers of Revenue and Customs;”, and
  - (g) omit the definitions of “local resolution” “relevant force”, and “senior officer”.
- (3) In subsection (1A)(6) for “person serving with the police (within the meaning of section 12(7))” substitute “officer” and for “such person” substitute “such officer”.
- (4) In subsection (1B)(7) for “persons serving with the police” substitute “officers”.
- (5) Omit subsection (7).
- (6) In subsection (3) for the words from “falling within” to the end of that subsection substitute “who is a Commissioner or an officer (whether at the time of the conduct or any subsequent time)”.
- (7) In subsection (4)—
- (a) for paragraph (a) substitute—
    - “(a) a person who, at the time when the conduct was supposed to have taken place in relation to him, was a Commissioner or an officer (whether or not he was on duty in his capacity as a Commissioner or officer at that time).”;
  - (b) omit paragraph (b)(i);
  - (c) for “person falling within subsection (3)(a) to (d)” substitute “Commissioner or officer”.

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(6) Section 29(1A) was inserted by paragraph 10 of Schedule 12 to 2005 c. 15.

(7) Section 29(1B) was inserted by paragraph 10 of Schedule 12 to 2005 c. 15.