

SCHEDULE 4

Regulation 4(2)

PART 1

MODIFICATION OF THE COMPLAINTS REGULATIONS

1. Omit regulation 4.
- 2.—(1) In regulation 6(2) for the words from “consent” to the end of the paragraph substitute—
“consent—
 - (i) in the case of an investigation carried out by an appointed person who is an officer, of the Director of Revenue and Customs Prosecutions, or
 - (ii) in any other case, of the Director of Public Prosecutions, to the imposition thereof.”(2) In regulation 6(3) for—
 - (a) “a chief officer” substitute “the Head of the Home Civil Service, Chairman or Commissioners”;
 - (b) “consulting him” substitute “consulting him or them”;
 - (c) “he may make” substitute “he or they may make”.
3. Omit regulations 7(2)(b) and 7(7)(c).
- 4.—(1) In regulation 8(1) for “a police authority or chief officer” substitute “the Head of the Home Civil Service, Chairman or Commissioners”.
(2) In regulation 8(2)(c) for “the police force or police authority which” substitute “the Head of the Home Civil Service, Chairman or Commissioners who”.
(3) In regulations 8(3)(a) and (7) for “police authority or chief officer” substitute “Head of the Home Civil Service, Chairman or Commissioners”.
(4) In regulation 8(5) for “A police authority or chief officer” substitute “The Head of the Home Civil Service, Chairman or Commissioners”.
5. Omit regulation 9.
- 6.—(1) Regulation 12 shall be modified as follows.
(2) After paragraph (1)(b) insert—
“(c) preventing the disclosure of any information held by the Revenue and Customs in connection with a function of the Revenue and Customs which—
 - (i) is obtained from the Head of the Home Civil Service, Chairman, Commissioners or an officer, and
 - (ii) relates to a person whose identity is specified in the disclosure or can be deduced from it.”
- (3) After paragraph (1) insert—
“(1A) Paragraph (1)(c) does not apply to any information about internal administrative arrangements of Her Majesty’s Revenue and Customs (whether relating to Commissioners, officers or others).”
- (4) After paragraph (2) insert—

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“(2A) The Commission shall consult the appropriate authority in any case under paragraph (1)(c) before deciding whether or not it is satisfied under paragraph (2).”.

(5) After paragraph (3) insert—

“(4) In this regulation “the Revenue and Customs” means—

- (a) the Commissioners;
- (b) an officer;
- (c) a person acting on behalf of the Commissioners or an officer;
- (d) a committee established by the Commissioners;
- (e) a member of a committee established by the Commissioners;
- (f) the Commissioners of Inland Revenue (or any committee or staff of theirs or anyone acting on their behalf);
- (g) the Commissioners of Customs and Excise (or any committee or staff of theirs or anyone acting on their behalf), and
- (h) a person specified in section 6(2) or 7(3) of the Commissioners for Revenue and Customs Act 2005.”.

7.—(1) In regulation 18(1) for “17 or 18” substitute “17, 17A, 18 or 18A”.

(2) Omit regulations 18(1)(d), (2) and (3).

8. In regulation 21 for “person serving with the police” substitute “Commissioner or an officer”.

9. In regulation 24—

- (a) for “Every police authority and chief officer” substitute “The Head of the Home Civil Service, Chairman and Commissioners”, and
- (b) in paragraphs (a) and (b) for “it or him” substitute “him or them”.

10.—(1) In regulation 25(1) for “a police authority or chief officer” substitute “the Head of the Home Civil Service, Chairman or Commissioners”.

(2) In regulation 25(3) for “(a) and (b)” substitute “(a), (b) and (c)”.

11.—(1) Regulation 26 shall be modified as follows.

(2) In paragraph (1) for—

- (a) “chief officer” substitute “the Head of the Home Civil Service, Chairman or Commissioners”;
- (b) “on him” substitute “on him or them”; and
- (c) “an officer” substitute “a person”.

(3) In paragraph (2) for sub-paragraphs (a) to (c) substitute—

- “(a) in the case of the Head of the Home Civil Service, to a member of the Senior Civil Service;
- (b) in the case of the Chairman, to a member of the Senior Civil Service employed in the service of the Commissioners;
- (c) in the case of the Commissioners, to an officer.”.

(4) Omit paragraph (3).

(5) For paragraph (4) substitute—

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“(4) The Head of the Home Civil Service, Chairman or Commissioners shall not, in any particular case, delegate any power or duty under paragraph (1) to a person who has acted as investigating officer in that case.”

(6) In paragraph (5) for “a chief constable” substitute “the Head of the Home Civil Service, Chairman or Commissioners”.

12. Omit regulations 28, 29 and 30.

PART 2

MODIFICATION OF THE STAFF CONDUCT REGULATIONS

1. In regulation 2(3)(a)(i) for “person serving with the police” substitute “Commissioner or officer”.