
STATUTORY INSTRUMENTS

2009 No. 2133

**The UK Border Agency (Complaints
and Misconduct) Regulations 2009**

PART 1

COMPLAINTS AND MISCONDUCT

Application of the Police Reform Act 2002

4.—(1) Sections 9 (the Independent Police Complaints Commission), 19 (use of investigatory powers by or on behalf of the IPCC), 22 (power of the IPCC to issue guidance), 23 (regulations), 24 (consultation on regulations) and 27 (conduct of the IPCC’s staff) of the 2002 Act shall apply in relation to the relevant appropriate authority with the following modifications.

(2) In section 22(1) of the 2002 Act—

(a) for subsection (1) substitute—

“(1) The Commission may issue guidance to the relevant appropriate authority and any person it sees fit concerning the exercise or performance, by the persons to whom the guidance is issued, of any of the powers or duties specified in subsection (2).”.

(b) In subsection (2)(2), in paragraph (b)(iii)—

“(b) (iii) for “persons serving with the police” substitute “relevant officers, relevant officials of the Secretary of State or officials exercising customs revenue functions”.

(c) for subsection (3)(3) substitute—

“(3) Before issuing any guidance under this section, the Commission shall consult the relevant appropriate authority and any person it sees fit.”.

(3) In section 23(4) of the 2002 Act—

(a) In subsection (2)(k)(5), for “a person serving with the police” substitute “a relevant officer, a relevant official of the Secretary of State, or an official exercising customs revenue functions”.

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- (1) Section 22 of the 2002 Act has been amended by section 160 of, and paragraphs 1 and 8 of Schedule 12 to, the Serious Organised Crime and Police Act 2005 (c. 15); and section 6(1) of, and paragraph 11 of Schedule 4 to, the Police and Justice Act 2006.
- (2) Section 22(2) of the 2002 Act has been amended by section 160 of, and paragraphs 1 and 8 of Schedule 12 to, the Serious Organised Crime and Police Act 2005.
- (3) Section 22(3) of the 2002 Act has been amended by section 6(1) of, and paragraph 11 of Schedule 4 to, the Police and Justice Act 2006.
- (4) Section 23 of the 2002 Act has been amended by section 160 of, and paragraphs 1 and 9 to Schedule 12 to, the Serious Organised Crime and Police Act 2005; and section 127 of, and paragraphs 1 and 2 of Schedule 23 to, the Criminal Justice and Immigration Act 2008 (c. 4).
- (5) Section 23(2) of the 2002 Act has been amended by section 160 of, and paragraphs 1 and 9 of Schedule 12 to, the Serious Organised Crime and Police Act 2005; and section 127 of, and paragraphs 1 and 2 of Schedule 23 to, the Criminal Justice and Immigration Act 2008.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) In subsection (2)(n), for “police authorities and chief officers” substitute “the Secretary of State”.
- (c) In subsection (2)(p)—
 - (i) for “chief officers” substitute “the relevant appropriate authority”; and
 - (ii) for “them” substitute “it”.
- (4) In section 24(6) of the 2002 Act—
 - (a) At the end of paragraph (a) insert “and”;
 - (b) Omit paragraphs (b) and (c).

(6) Section 24 of the 2002 Act has been amended by section 6(1) of, and paragraph 12 of Schedule 4 to, the Police and Justice Act 2006.