
STATUTORY INSTRUMENTS

2010 No. 782

**The UK Border Agency (Complaints
and Misconduct) Regulations 2010**

PART 5

INVESTIGATIONS

Investigations by the IPCC itself

42.—(1) This regulation applies where the IPCC has determined that it should itself carry out the investigation of a complaint or recordable conduct matter or DSI matter.

(2) The IPCC shall designate both—

- (a) a member of the IPCC’s staff to take charge of the investigation on behalf of the IPCC, and
- (b) all such other members of the IPCC’s staff as are required by the IPCC to assist that member.

(3) A member of the IPCC’s staff who—

- (a) is designated under paragraph (2) in relation to any investigation, but
- (b) does not already, by virtue of section 97(8) (police officers engaged on service outside their force) of the Police Act 1996⁽¹⁾ have all the powers and privileges of a constable throughout England and Wales and the adjacent United Kingdom waters,

shall for the purposes of the carrying out of the investigation and all purposes connected with it, have all those powers and privileges throughout England and Wales and those waters.

(4) A member of the IPCC’s staff who is not a constable shall not, as a result of paragraph (3), be treated as being in police service for the purposes of—

- (a) section 280 (police service) of the Trade Union and Labour Relations (Consolidation) Act 1992⁽²⁾; or
- (b) section 200 (police officers) of the Employment Rights Act 1996⁽³⁾.

(5) References in this regulation to the powers and privileges of a constable—

- (a) are references to any power or privilege conferred by or under any enactment (including one passed after the making of these Regulations) on a constable; and
- (b) shall have effect as if every such power were exercisable, and every such privilege existed, throughout England and Wales and the adjacent United Kingdom waters (whether or not that is the case apart from this paragraph).

(6) In this regulation “United Kingdom waters” means the sea and other waters within the seaward limits of the United Kingdom’s territorial sea.

(1) 1996 c.16.
(2) 1992 c.52.
(3) 1996 c.18.

Status: *This is the original version (as it was originally made).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