
STATUTORY INSTRUMENTS

2012 No. 1204

The Police (Complaints and Misconduct) Regulations 2012

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Police (Complaints and Misconduct) Regulations 2012 and come into force on 22 November 2012.

(2) In these Regulations—

“the 2002 Act” means the Police Reform Act 2002;

“the 2011 Act” means the Police Reform and Social Responsibility Act 2011(1);

“acting chief officer” means—

- (a) a person exercising or performing functions of a chief constable in accordance with section 41 of the 2011 Act;
- (b) a person exercising powers or duties of the Commissioner of Police of the Metropolis in accordance with section 44 or 45(4) of the 2011 Act; or
- (c) a person exercising duties of the Commissioner of Police for the City of London in accordance with section 25 of the City of London Police Act 1839(2);

“appropriate authority”—

- (a) in relation to a person serving with the police or in relation to any complaint, conduct matter or investigation relating to the conduct of such a person, means—
 - (i) if that person is the chief officer or an acting chief officer, the local policing body for the area of the police force of which he is a member; and
 - (ii) if he is not the chief officer or an acting chief officer, the chief officer under whose direction and control he is; and
- (b) in relation to a death or serious injury (DSI) matter, means—
 - (i) if the relevant officer is the chief officer or an acting chief officer, the local policing body for the area of the police force of which he is a member; and
 - (ii) if he is not the chief officer or an acting chief officer, the chief officer under whose direction and control he is;

“bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971(3) in England and Wales;

“the Commission” means the Independent Police Complaints Commission;

“the Conduct Regulations” means the Police (Conduct) Regulations 2008(4);

“direction and control matter” has the same meaning as in paragraph 29 of Schedule 3 to the 2002 Act;

“disciplinary proceedings”—

(1) 2011 c. 13.
(2) 2 & 3 Vict. x xciv.
(3) 1971 c. 80.
(4) S.I. 2008/2864, as amended by S.I. 2011/3027.

- (a) in relation to a member of a police force or a special constable means—
 - (i) disciplinary proceedings within the meaning of the Conduct Regulations; and
 - (ii) unsatisfactory performance procedures within the meaning of the Performance Regulations; and
- (b) in relation to a person serving with the police who is not a member of a police force or a special constable, means—
 - (i) misconduct proceedings; and
 - (ii) any proceedings or management process during which the performance of such a person is considered in order to determine whether it is unsatisfactory and whether, as a result, any action is to be taken in relation to it,

but this definition does not apply in relation to regulation 36, which defines disciplinary proceedings for the purposes of Part 2 of the 2002 Act;

“investigator” means a person appointed or designated to investigate under paragraph 16, 17, 18 or 19 of Schedule 3 to the 2002 Act (investigations);

“misconduct hearing” has the same meaning as in the Conduct Regulations;

“misconduct meeting” has the same meaning as in the Conduct Regulations;

“misconduct proceedings”—

- (a) in relation to a member of a police force or a special constable, means a misconduct meeting or misconduct hearing; and
- (b) in relation to a person serving with the police who is not a member of a police force or a special constable, means any proceedings or management process during which the conduct (as opposed to the performance) of such a person is considered in order to determine whether a sanction or punitive measure is to be imposed against him in relation to that conduct;

“the Performance Regulations” means the Police (Performance) Regulations 2008(5);

“police friend” means a person chosen by the person concerned in accordance with regulation 17;

“police officer” means a member of a police force or special constable;

“police staff member” means—

- (a) a member of the civilian staff of a police force, including the metropolitan police force, within the meaning of section 102(4) and (6) of the 2011 Act; or
- (b) an employee of the Common Council of the City of London who is under the direction and control of the Commissioner of the City of London Police;

“a relevant offence” means—

- (a) an offence for which the sentence is fixed by law, or
- (b) an offence for which a person of 18 years or over (not previously convicted) may be sentenced to imprisonment for a term of seven years (or might be so sentenced but for the restrictions imposed by section 33 of the Magistrates’ Courts Act 1980(6));

“senior officer” means a member of a police force holding a rank above that of chief superintendent;

“Standards of Professional Behaviour” has the same meaning as in the Conduct Regulations;

(5) S.I. 2008/2862, as amended by S.I. 2011/3027.

(6) 1980 c. 43.

“working day” means any day other than a Saturday or Sunday or a day which is a bank holiday or public holiday in England and Wales.