
STATUTORY INSTRUMENTS

2012 No. 62

**The Elected Local Policing Bodies (Complaints
and Misconduct) Regulations 2012**

PART 1

General

Guidance

4. Section 22 of the 2002 Act (power of the Commission to issue guidance) shall apply in relation to the exercise or performance of the powers or duties conferred or imposed by these Regulations, modified so that it has effect as follows—

“Power of the Commission and Secretary of State to issue guidance

22.—(1) The Commission may issue guidance to—

- (a) police and crime panels,
- (b) relevant office holders, and
- (c) chief officers of police,

concerning the exercise or performance by them of any of the powers or duties conferred or imposed by the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011 (“the 2011 Regulations”), with the exception of regulations 14(2) and 15(2) and Part 4.

(2) Without prejudice to the generality of subsection (1), the guidance that may be issued under that subsection includes—

- (a) guidance about the handling of complaints which have not yet been recorded and about dealing with conduct matters that have not been recorded;
- (b) guidance about the procedure to be followed by a police and crime panel when recording a complaint or conduct matter;
- (c) guidance about the circumstances in which it is appropriate (where it is lawful to do so)—
 - (i) to disclose to any person, or to publish, any information about an investigation of a serious complaint or conduct matter; or
 - (ii) to provide any person with, or to publish, any report or other document relating to such an investigation;
- (d) guidance about the manner and timing of notifications to be given under the 2011 Regulations.

(3) Before issuing any guidance under subsection (1), the Commission shall consult with—

- (a) such persons as appear to the Commission to represent the views of police and crime panels;

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- (b) such persons as appear to the Commission to represent the views of relevant office holders;
 - (c) such persons as appear to the Commission to represent the views of chief officers of police; and
 - (d) such other persons as the Commission thinks fit.
- (4) The approval of the Secretary of State shall be required for the issue by the Commission of any guidance under subsection (1).
- (5) The Secretary of State may issue guidance to—
- (a) police and crime panels,
 - (b) relevant office holders, and
 - (c) the Greater London Authority,
- concerning the exercise or performance by them of any of the powers or duties conferred or imposed by regulations 14(2) and 15(2) and Part 4 of the 2011 Regulations.
- (6) Before issuing any guidance under subsection (5), the Secretary of State shall consult with—
- (a) such persons as appear to the Secretary of State to represent the views of police and crime panels;
 - (b) such persons as appear to the Secretary of State to represent the views of relevant office holders;
 - (c) the Greater London Authority; and
 - (d) such other persons as the Secretary of State thinks fit.
- (7) Nothing in this section shall authorise the issuing of any guidance about a particular case.
- (8) It shall be the duty of every person to whom any guidance under this section is issued to have regard to that guidance in exercising or performing the powers and duties to which the guidance relates.
- (9) In this section “police and crime panel”, “relevant office holder”, “complaint”, “serious complaint” and “conduct matter” have the same meaning as in the 2011 Regulations.”.

Commencement Information

II Reg. 4 in force at 16.1.2012, see [reg. 1](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- Regulations applied (with modifications) by [S.I. 2017/863 art. 28Sch. 1](#)
- Regulations applied (with modifications) by [S.I. 2021/112 art. 35\(1\)\(2\)Sch. 5 para. 52](#)
- Regulations words substituted by [S.I. 2017/1250 reg. 21\(2\)\(a\)](#)
- Regulations words substituted by [S.I. 2017/1250 reg. 21\(2\)\(b\)](#)
- Regulations words substituted by [S.I. 2017/1250 reg. 21\(2\)\(c\)](#)
- Regulations words substituted by [S.I. 2017/1250 reg. 21\(2\)\(d\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 3(4A) inserted by [S.I. 2017/1250 reg. 21\(5\)\(a\)](#)
- reg. 3A3B inserted by [S.I. 2017/1250 reg. 21\(6\)](#)
- reg. 20(2)(2A) substituted for reg. 20(2) by [S.I. 2017/1250 reg. 21\(10\)\(b\)](#)