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STATUTORY INSTRUMENTS

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**2017 No. 1250**

**POLICE, ENGLAND AND WALES**

The Independent Office for Police Conduct  
(Transitional and Consequential) Regulations 2017

<i>Made</i>	- - - -	<i>12th December 2017</i>
<i>Laid before Parliament</i>		<i>13th December 2017</i>
<i>Coming into force</i>	- -	<i>8th January 2018</i>

The Secretary of State, in exercise of the powers conferred by sections 50 and 51 of the Police Act 1996<sup>(1)</sup>, sections 12(8) and (9), 23, 26D and 105 of, and paragraphs 19A(5), 19F(2) and (3) and 22(7) of Schedule 3 to, the Police Reform Act 2002<sup>(2)</sup> and section 180 of the Policing and Crime Act 2017<sup>(3)</sup>, makes the following Regulations.

In accordance with section 63(3)(a) and (b) of the Police Act 1996, the Secretary of State has supplied the Police Advisory Board for England and Wales with a draft of these Regulations and has taken into consideration the representations of that Board.

In accordance with section 24 of the Police Reform Act 2002, the Secretary of State has consulted with the Independent Police Complaints Commission, such persons as appear to her to represent the views of police and crime commissioners, the Mayors' Offices for Policing and Crime, the Common Council, the National Police Chiefs' Council and such other persons as the Secretary of State thinks fit.

**PART 1**

**General**

**Citation and commencement**

1. These Regulations may be cited as the Independent Office for Police Conduct (Transitional and Consequential) Regulations 2017 and come into force on 8th January 2018.

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(1) 1996 c. 16.  
(2) 2002 c. 30.  
(3) 2017 c. 3.

## Interpretation

### 2. In these Regulations—

“Commission” means the Independent Police Complaints Commission which was established under section 9 of the Police Reform Act 2002<sup>(4)</sup>; and

“Director General” means the Director General of the Independent Office for Police Conduct.

## PART 2

### Amendments to secondary legislation

#### Amendment of the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975

3. In the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975<sup>(5)</sup>, in Part II of Schedule 1, in paragraph 14E for “Any chairman, member or member of staff of the Independent Police Complaints Commission” substitute “The Director General, or any member or member of staff, of the Independent Office for Police Conduct”.

#### Amendment of Official Secrets Act 1989 (Prescription) Order 1990

### 4. In the Official Secrets Act 1989 (Prescription) Order 1990<sup>(6)</sup>, in the table in Schedule 1—

- (a) for the entry in column 1 for “the Independent Police Complaints Commission” substitute “the Independent Office for Police Conduct”; and
- (b) in the corresponding entry in column 2 for “Commission” substitute “Office”.

#### Modification of the Police (Complaints and Misconduct) Regulations 2004

5.—(1) Where the Police (Complaints and Misconduct) Regulations 2004<sup>(7)</sup> continue to have effect by virtue of regulation 2(2) of the Police (Complaints and Misconduct) Regulations 2012<sup>(8)</sup> they do so with the further modifications<sup>(9)</sup> in paragraphs (2) and (3).

### (2) For—

- (a) “Commission” in each place where it occurs substitute “Director General”;
- (b) “Commission’s” in each place where it occurs substitute “Director General’s”;
- (c) “it” in each place where it occurs and is used as a pronoun in place of “the Commission”, substitute “the Director General”;
- (d) “its” in each place where it occurs and is used to mean “the Commission’s”, substitute “the Director General’s”.

### (3) In regulation 1(2)—

- (a) omit the definition of “the Commission”; and
- (b) at the appropriate place insert—

““the Director General” means the Director General of the Independent Office for Police Conduct;”.

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<sup>(4)</sup> Section 9 was amended by the Policing and Crime Act 2017 (c. 3).

<sup>(5)</sup> S.I. 1975/1023.

<sup>(6)</sup> S.I. 1990/200.

<sup>(7)</sup> S.I. 2004/643.

<sup>(8)</sup> S.I. 2012/1204.

<sup>(9)</sup> The Police (Complaints and Misconduct) Regulations 2004 apply in the cases mentioned in regulation 2(2) of the Police (Complaints and Misconduct) Regulations 2012 with the modifications set out in regulation 2(3) and (4) of those regulations.

(4) In regulations 12(2) and 17(8) for “it” substitute “the Director General or, as the case may be, the appropriate authority”.

#### **Amendment of the Independent Police Complaints Commission (Transitional Provisions) Order 2004**

6.—(1) The Independent Police Complaints Commission (Transitional Provisions) Order 2004<sup>(10)</sup> is amended as follows.

(2) For “Commission” in each place where it occurs except in articles 1, 5, 6 and 7 substitute “Director General”.

(3) In article 1(2)—

(a) at the end of paragraph (b) omit “and”;

(b) after paragraph (c) insert—

“and

(d) “Director General means the Director General of the Independent Office for Police Conduct.”.

#### **Modification of the Police (Conduct) Regulations 2004**

7.—(1) Where the Police (Conduct) Regulations 2004<sup>(11)</sup> continue to have effect by virtue of regulation 2(2) of the Police (Conduct) Regulations 2008<sup>(12)</sup> they do so with the further modifications<sup>(13)</sup> in paragraphs (2) to (7).

(2) For—

(a) “Commission” in each place where it occurs substitute “Director General”;

(b) “Commission’s” in each place where it occurs substitute “Director General’s”;

(c) “it” in each place where it occurs and is used as a pronoun in place of “the Commission” substitute “the Director General”;

(d) “its” in each place where it occurs and is used to mean “the Commission’s” substitute “the Director General’s”.

(3) The modifications made by virtue of paragraph (2)(a) do not apply to occurrences of “Commission” amended by another provision within this regulation.

(4) In regulation 3(1)—

(a) omit the definition of “the Commission”; and

(b) at the appropriate place insert—

““the Director General” means the Director General of the Independent Office for Police Conduct;”.

(5) In regulation 4(5)(d) for “Commission decide” substitute “Director General decides”.

(6) In regulation 25(1) for “Commission may itself” substitute “Director General may”.

(7) In regulation 30(2) omit “Any member of”.

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<sup>(10)</sup> S.I. 2004/671.

<sup>(11)</sup> S.I. 2004/645.

<sup>(12)</sup> S.I. 2008/2864.

<sup>(13)</sup> The Police (Conduct) Regulations 2004 apply in the cases mentioned in regulation 2(2) of the Police (Conduct) Regulations 2008 and regulation 2(2) of the Police (Conduct) Regulations 2012 with the modifications set out in Part 2 of Schedule 1 to, the Police (Conduct) Regulations 2012.

## **Amendment of the Independent Police Complaints Commission (Staff Conduct) Regulations 2004**

**8.**—(1) The Independent Police Complaints Commission (Staff Conduct) Regulations 2004(14) are amended as follows.

(2) For—

- (a) “Commission” in each place where it occurs, except in regulation 1(1), substitute “Director General”;
- (b) “Commission’s” in each place where it occurs substitute “Office’s”;
- (c) “it” in each place where it occurs and is used as a pronoun in place of “the Commission” substitute “the Director General”.

(3) The amendments made by virtue of paragraph (2)(a) to (c) above do not apply to occurrences of “Commission”, “Commission’s” or “it” amended by another provision within this regulation.

(4) In regulation 1(2), for ““the Commission”” to the end substitute—

““Director General” means the Director General of the Independent Office for Police Conduct;  
and

“the Office” means the Independent Office for Police Conduct.”.

(5) In regulation 2(3)(a)(ii) substitute—

“(ii) has been made by a member of the Office or a member of the Office’s staff and in the view of the Director General should be recorded and dealt with as is mentioned in regulation 3;”.

(6) In regulation 4(1) omit “its”.

(7) In regulation 5—

- (a) in paragraph (1) omit “or if it determines that a complaint is not a serious complaint but it concerns the conduct of the Commission’s chief executive”; and
- (b) in paragraph (2)(a) for “Commission’s” substitute “Director General’s or the Office’s”.

(8) In regulation 6(1) for “its” substitute “the Office’s”.

## **Modification of the Ministry of Defence Police Appeal Tribunals Regulations 2004**

**9.**—(1) Where the Ministry of Defence Police Appeal Tribunals Regulations 2004(15) continue to have effect by virtue of regulation 2(2) of the Ministry of Defence Police Appeals Tribunals Regulations 2009(16) they do so with the modifications in paragraphs (2) and (3).

(2) In regulation 2—

- (a) omit the definition of “the Commission”; and
- (b) at the appropriate place insert—

““the Director General” means the Director General of the Independent Office for Police Conduct;”.

(3) In regulation 19(4)(b) for “Commission” substitute “Director General”.

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(14) S.I. 2004/660.

(15) S.I. 2004/652.

(16) S.I. 2009/3070.

## **Amendment of the Independent Police Complaints Commission (Investigatory Powers) Order 2004**

**10.**—(1) The Independent Police Complaints Commission (Investigatory Powers) Order 2004(17) is amended as follows.

(2) For—

- (a) “Independent Police Complaints Commission” in each place it occurs except in article 1 substitute “Independent Office for Police Conduct”;
- (b) “Chairman” in each place it occurs substitute “Director General”.

(3) The amendments made by virtue of paragraph (2)(a) and (b) do not apply to occurrences of “Independent Police Complaints Commission” or “Chairman” amended by another provision within this regulation.

(4) In article 1, at the appropriate places insert—

““Director General” means “Director General of the Independent Office for Police Conduct;”;  
and

““IOPC” means “Independent Office for Police Conduct;”.

(5) In article 2—

- (a) in paragraph (1) and (6) for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct”;
- (b) in paragraph (3)(b) for “other member of the Independent Police Complaints Commission” substitute “employee member of the Independent Office for Police Conduct;”;
- (c) in paragraph (3)(c) for “a person appointed as deputy chairman of the Independent Police Complaints Commission under paragraph 3(1)” substitute “an employee member of the Independent Office for Police Conduct authorised to carry out the functions of the Director General of that Office under paragraph 3A(2) or 6A”.

(d) after paragraph (6) insert—

“(7) In section 108(1) (interpretation of Part III), at the appropriate place insert—

“employee member of the Independent Office for Police Conduct” means a member of the Independent Office for Police Conduct appointed in accordance with paragraph 1B of Schedule 2 to the Police Reform Act 2002;”.

(6) In article 3—

- (a) in paragraph (1) for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct”;
- (b) in paragraph (3)(a) in the inserted subsection (1A) of the modifications for “Commission” insert “Independent Office for Police Conduct”;
- (c) in paragraph (3)(b), in the inserted subsection (3A)(a) of the modifications for “Commission” insert “Independent Office for Police Conduct”;
- (d) in paragraph (4)—
  - (i) in sub-paragraph (c) for “any other” substitute “an employee”;
  - (ii) in sub-paragraph (d) for “a person appointed as deputy chairman of the Independent Police Complaints Commission under paragraph 3(1)” substitute “an employee member of the Independent Office for Police Conduct authorised to carry out the functions of the Director General of that Office under paragraph 3A(2) or 6A”;

- (e) in paragraph (6)(b) for “the designated deputy of the Chairman” to the end substitute “an employee member of the Independent Office for Police Conduct authorised to carry out the functions of the Director General of the Independent Office for Police Conduct under paragraph 3A(2) or 6A of Schedule 2 to the Police Reform Act 2002, that Director General”;
- (f) in paragraph (9) for “his designated deputy” substitute “any employee member authorised to carry out the Director General’s functions under paragraph 3A(2) or 6A of Schedule 2 to the Police Reform Act 2002”;
- (g) after paragraph (9) insert—
  - “(9A) In section 48(1) (interpretation of Part II), at the appropriate place insert—
    - “employee member of the Independent Office for Police Conduct” means a member of the Independent Office for Police Conduct appointed in accordance with paragraph 1B of Schedule 2 to the Police Reform Act 2002;”.

### **Modification of the Police Appeals Tribunals Rules 2008**

**11.**—(1) Where the Police Appeals Tribunals Rules 2008(**18**) continue to have effect by virtue of regulation 2(2) of the Police Appeals Tribunals Rules 2012(**19**) they do so with the modifications in paragraphs (2) and (3).

(2) For “IPCC” in each place where it occurs substitute “Director General”.

(3) In rule 3—

- (a) omit the definition of “IPCC”; and
- (b) at the appropriate place insert—

““the Director General” means the Director General of the Independent Office for Police Conduct;”.

(4) In rule 22(6) for “Independent Police Complaints Commission” substitute “Director General”.

### **Modification of the Police (Conduct) Regulations 2008**

**12.**—(1) Where the Police (Conduct) Regulations 2008(**20**) continue to have effect by virtue of regulation 2(2) of the Police (Conduct) Regulations 2012(**21**) they do so with the further modifications(**22**) in paragraphs (2) and (3).

(2) For—

- (a) “Commission” in each place where it occurs substitute “Director General”;
- (b) “it” in each place where it occurs and is used as a pronoun in place of “the Commission” substitute “the Director General”.

(3) In regulation 3(1)—

- (a) omit the definition of “the Commission”; and
- (b) at the appropriate place insert—

““the Director General” means the Director General of the Independent Office for Police Conduct;”.

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(18) S.I. 2008/2863.

(19) S.I. 2012/2630.

(20) S.I. 2008/2864.

(21) S.I. 2012/2632.

(22) The Police (Conduct) Regulations 2008 apply in the cases mentioned in regulation 2(2) of the Police (Conduct) Regulations 2012 with the modifications set out in regulation 2(3) to (7) of, and Part 1 of Schedule 1 to, those regulations.

### **Modification of the Ministry of Defence Police (Conduct) Regulations 2009**

13.—(1) Where the Ministry of Defence Police (Conduct) Regulations 2009<sup>(23)</sup> continue to have effect by virtue of regulation 2(2) of the Ministry of Defence Police (Conduct etc.) Regulations 2015<sup>(24)</sup> they do so with the modifications in paragraphs (2) to (5).

(2) For—

- (a) “Commission” in each place where it occurs substitute “Director General”;
- (b) “it” in each place where it occurs and is used as a pronoun in place of “the Commission” substitute “the Director General”.

(3) The amendments made by virtue of paragraph (2)(a) and (b) do not apply to occurrences of “Commission” or “it” amended by another provision within this regulation.

(4) In regulation 3(1)—

- (a) omit the definition of “the Commission”; and
- (b) at the appropriate place insert—

““the Director General” means the Director General of the Independent Office for Police Conduct;”.

(5) In regulations 30(2)(a) and (b) and 51(2)(a) and (b) for “it” in each place where it occurs except for where it first occurs substitute “the Director General or Ombudsman (as the case may be)”.

### **Amendment of the Ministry of Defence Police Appeals Tribunals Regulations 2009**

14.—(1) The Ministry of Defence Police Appeals Tribunals Regulations 2009<sup>(25)</sup> are amended as follows.

(2) For “Commission” in each place where it occurs substitute “Director General”.

(3) In regulation 3, at the appropriate place insert—

““Director General” means the Director General of the Independent Office for Police Conduct;”.

### **Amendment of the Regulation of Investigatory Powers (Communications Data) Order 2010**

15. In the Regulation of Investigatory Powers (Communications Data) Order 2010<sup>(26)</sup>, in Schedule 2, in Part 1—

- (a) for the entry in column 1 for “The Independent Police Complaints Commission” substitute “The Independent Office for Police Conduct”; and
- (b) in the corresponding entry in column 2 for “Commissioner or Director” substitute “Director or equivalent grade”.

### **Amendment of the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010**

16.—(1) The Regulation of Investigatory Power (Directed Surveillance and Covert Human Intelligence Sources) Order 2010<sup>(27)</sup> is amended as follows.

(2) In the Schedule, in the table in Part 1—

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<sup>(23)</sup> S.I. 2009/3069.

<sup>(24)</sup> S.I. 2015/25.

<sup>(25)</sup> S.I. 2009/3070.

<sup>(26)</sup> S.I. 2010/480.

<sup>(27)</sup> S.I. 2010/521.

- (a) for the entry in column 1 for “The Independent Police Complaints Commission” substitute “The Independent Office for Police Conduct”; and
- (b) in the corresponding entry in column 2 for “Chairman, Deputy Chairman or Director” substitute “Director or equivalent grade”.

### **Amendment of the UK Border Agency (Complaints and Misconduct) Regulations 2010**

17.—(1) The UK Border Agency (Complaints and Misconduct) Regulations 2010(28) are amended as follows.

(2) For—

- (a) “Commission” in each place where it occurs substitute “Director General”;
- (b) “Independent Police Complaints Commission” in each place where it occurs substitute “Independent Office for Police Conduct”;
- (c) “IPCC” in each place where it occurs substitute “Director General”;
- (d) “IPCC’s” in each place where it occurs substitute “Director General’s”;
- (e) “it” in each place where it occurs and is used as a pronoun in place of “the IPCC” substitute “the Director General”;
- (f) “its” in each place where it occurs and is used to mean “the IPCC’s” substitute “the Director General’s”.

(3) The amendments made by virtue of paragraph (2)(c) to (f) do not apply to occurrences of “IPCC”, “IPCC’s”, “it” or “its” amended by another provision within this regulation.

(4) In regulation 2—

(a) in paragraph (1)—

(i) omit the definition of “IPCC”;

(ii) at the appropriate places insert—

““Director General” means the Director General of the Independent Office for Police Conduct;” and

““IOPC” means the Independent Office for Police Conduct”; and

(iii) in the definition of “serious injury” for “IPCC guidance” substitute “guidance issued by the Director General”; and

(b) in paragraph (8) omit “itself” in both places where it occurs.

(5) In regulation 5 for “IPCC” in each place where it occurs substitute “IOPC”.

(6) In regulation 6—

(a) in paragraph (1)(a) omit “itself”;

(b) after paragraph (7) insert—

“(7A) In carrying out functions in relation to the relevant appropriate authority the Director General shall have regard to any advice provided to the Director General by the IOPC (see regulation 6A(1)(a)).”; and

(c) in paragraph (9) for “IPCC” where it first occurs substitute “IOPC”.

(7) After regulation 6 insert—



**“General Functions of the IOPC**

**6A.—**(1) The functions of the IOPC in relation to the relevant appropriate authority are—

- (a) to provide support and advice to the Director General in the carrying out of the Director General’s functions under these Regulations, and
- (b) to monitor and review the carrying out of such functions.

(2) The IOPC is to perform its functions under these Regulations for the general purpose of improving the way in which the Director General’s functions under these Regulations are carried out (including by encouraging the efficient and effective use of resources in the carrying out of those functions).

(3) In carrying out its functions under these Regulations the IOPC must in particular have regard to public confidence in the existence of suitable arrangements with respect to the matters mentioned in regulation 6(2) and with the operation of the arrangements that are in fact maintained with respect to those matters.

(4) The IOPC may do anything which appears to it to be calculated to facilitate, or is incidental to, the carrying out of its functions under these Regulations.

**Efficiency etc. in exercise of functions**

**6B.** The Director General and the IOPC must carry out their functions under these Regulations efficiently and effectively.”.

(8) In regulation 7—

(a) for paragraph (1) substitute—

“(1) As soon as practicable after the end of each of the IOPC’s financial years, the Director General and the IOPC must jointly make a report to the Secretary of State on the carrying out of their functions under these Regulations during that year.”; and

(b) for paragraph (6) substitute—

“(6) The IOPC must send a copy of every report under paragraph (1) to the Secretary of State and the relevant appropriate authority.

(6A) The Director General must send a copy of every report under paragraphs (3) and (4) to the Secretary of State and the relevant appropriate authority.”.

(9) In regulation 10—

(a) in paragraph (4)(a) for “IPCC’s” substitute “IOPC’s”; and

(b) in paragraph (5) omit “itself”.

(10) In regulation 11(5) for “it” substitute “the IOPC”.

(11) In regulations 18(3)(d), 21(1)(b)(iv) and 23(2)(d) for “guidance by the IPCC” substitute “guidance issued by the Director General”.

(12) In regulation 29—

(a) in paragraph (1)—

(i) before “41” insert “or”; and

(ii) omit “or 42 (investigations by the IPCC itself)”;

(b) after paragraph (2) insert—

“(2A) If during the course of an investigation of a DSI matter being carried out by a person designated under regulation 42 the Director General determines that there is an indication that a relevant officer, relevant official of the Secretary of State, relevant

contractor, official exercising customs revenue functions or customs revenue contractor (“the person whose conduct is in question”) may have—

- (a) committed an offence, or
- (b) behaved in a manner which would justify the bringing of disciplinary proceedings,

the Director General shall proceed under paragraph (2B).

(2B) The Director General shall—

- (a) prepare a record of the determination;
- (b) notify the appropriate authority in relation to the DSI matter and (if different) the appropriate authority in relation to the person whose conduct is in question of the determination; and
- (c) send to it (or each of them) a copy of the record of the determination prepared under sub-paragraph (a).”; and

(c) in paragraph (4)(a) after “paragraph (2)” insert “or (2B)”.

(13) In regulation 42—

- (a) in paragraph (1) omit “itself”;
- (b) for paragraph (2) substitute—

“(2) The Director General shall designate both—

- (a) a person to take charge of the investigation; and
- (b) such members of the IOPC’s staff as are required by the Director General to assist the person designated to take charge of the investigation.

(2A) The person designated under paragraph (2) to take charge of an investigation shall be—

- (a) the Director General acting personally; or
- (b) a person who is authorised to exercise the function of taking charge of the investigation on behalf of the Director General by virtue of paragraph 6A of Schedule 2 to the 2002 Act (delegation of Director General’s functions).”;

(c) in paragraph (3) for “member of the IPCC’s staff” substitute “person”; and

(d) in paragraph (4) for “member of the IPCC’s staff” substitute “person designated under paragraph (2).

(14) In regulation 46(1) after “(final reports on investigations: other DSI matters)” insert “or, where under regulation 62 the Director General has personally carried out the investigation, a report has been completed by the Director General”.

(15) In regulation 49(6) for “its” substitute “their”.

(16) In regulation 51(1) after “the person investigating” where it first occurs insert “, or in the case of an investigation by a designated person under regulation 42 the Director General,”.

(17) In regulation 54—

- (a) in paragraph (4)(a) after “is likely to be submitted” insert “or, in the case of an investigation under regulation 42 by the Director General acting personally, completed”;
- (b) in paragraph (5) for “it” where it second occurs substitute “the Director General or, as the case may be, the relevant appropriate authority”.

(18) In regulation 55(2) for “it” substitute “the Director General or, as the case may be, the relevant appropriate authority”.

(19) In regulation 58(3)(b) for “they determine” substitute “the Director General determines”.

- (20) In regulation 62—
- (a) in paragraph (6)—
    - (i) omit “itself” in the first place where it occurs;
    - (ii) for “by the IPCC itself shall submit a report on it to the IPCC” substitute—  
“shall—
      - (a) submit a report on the investigation to the Director General, or
      - (b) where the person in charge of the investigation is the Director General acting personally, complete a report on the investigation.”;
  - (b) in paragraph (7) after “A person submitting” insert “or, in the case of an investigation under regulation 42 by the Director General personally, completing”; and
  - (c) in paragraph (8) after “A person who has submitted” insert “or, in the case of an investigation under regulation 42 by the Director General personally, completed”.
- (21) In regulation 63—
- (a) in paragraph (1)(b) for “it” substitute “the Director General, or is otherwise completed,”; and
  - (b) in paragraph (2) after “On receipt of the report” insert “, or on its completion by the Director General,”.

#### **Amendment of the Revenue and Customs (Complaints and Misconduct) Regulations 2010**

**18.**—(1) The Revenue and Customs (Complaints and Misconduct) Regulations 2010(**29**) are amended as follows.

- (2) For—
- (a) “IPCC” in each place where it occurs substitute “Director General”;
  - (b) “IPCC’s” in each place where it occurs substitute “Director General’s”;
  - (c) “it” in each place where it occurs and is used as a pronoun in place of “the IPCC”, substitute “the Director General”;
  - (d) “its” in each place where it occurs and is used to mean “the IPCC’s” substitute “the Director General’s”.
- (3) The amendments made by virtue of paragraph (2)(a) to (d) do not apply to occurrences of “IPCC”, “IPCC’s”, “it” or “its” amended by another provision within this regulation.
- (4) Omit “itself” in each place it occurs.
- (5) In regulation 3(1)—
- (a) omit the definition of “IPCC”;
  - (b) at the appropriate places insert—  
““Director General” means the Director General of the Independent Office for Police Conduct;” and  
““IOPC” means the Independent Office for Police Conduct;”.
- (6) In regulation 5—
- (a) in paragraph (1)—
    - (i) for “Independent Police Complaints Commission” substitute “Independent Office for Police Conduct”;

- (ii) for “IPCC’s staff” substitute “IOPC’s staff”; and
  - (b) in paragraph (2) for “Commission” in each place where it occurs substitute “Director General”.
- (7) In regulation 6(1) for “IPCC” where it second occurs substitute “Independent Office for Police Conduct”.
- (8) In regulation 7—
- (a) after paragraph (4) insert—
    - “(4A) In carrying out functions under these Regulations the Director General shall have regard to any advice provided to the Director General by the IOPC (see regulation 7A(1)(a))”; and
    - (b) in paragraph (6) for “IPCC” where it first occurs substitute “IOPC”.
- (9) After regulation 7 insert—

**“General Functions of the IOPC in relation to the Commissioners and officers**

- 7A.—**(1) The functions of the IOPC in relation to the Commissioners and officers are—
- (a) to provide support and advice to the Director General in the carrying out of the Director General’s functions under these Regulations; and
  - (b) to monitor and review the carrying out of such functions.
- (2) The IOPC is to perform its functions under these Regulations for the general purpose of improving the way in which the Director General’s functions under these Regulations are carried out (including by encouraging the efficient and effective use of resources in the carrying out of those functions).
- (3) In carrying out its functions under these Regulations the IOPC must in particular have regard to public confidence in the existence of suitable arrangements with respect to the matters mentioned in regulation 7(2) and with the operation of the arrangements that are in fact maintained with respect to those matters.
- (4) The IOPC may do anything which appears to it to be calculated to facilitate, or is incidental to, the carrying out of its functions under these Regulations.

**Efficiency etc. in exercise of functions**

- 7B.** The Director General and the IOPC must carry out their functions under these Regulations efficiently and effectively.”
- (10) In regulation 8—
- (a) for paragraph (1) substitute—
    - “(1) As soon as practicable after the end of each of the IOPC’s financial years, the Director General and the IOPC shall also jointly make a report to the Chancellor of the Exchequer (“the Chancellor”) on the carrying out of its functions during that year.”; and
    - (b) in paragraph (6) for “IPCC” substitute “IOPC”.
- (11) In regulation 12(4) for “IPCC’s” substitute “IOPC’s”.
- (12) In regulation 15 for “IPCC” in every place where it occurs substitute “the Independent Office for Police Conduct, or the Director General as the case may be,”.
- (13) In regulation 16(5) for “IPCC” where it second occurs substitute “Independent Office for Police Conduct”.

(14) In regulations 24(3)(d) and 28(1)(b)(iv) for “guidance by the IPCC” substitute “guidance issued by the Director General”.

(15) In regulation 36—

(a) in paragraph (1) omit “or 48”;

(b) after paragraph (2) insert—

“(2A) If during the course of an investigation of a DSI matter by a person designated under regulation 48 the Director General determines that the person whose conduct is in question may have—

(a) committed a criminal offence; or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings,

the Director General shall proceed under sub-paragraph (2B).

(2B) The Director General shall—

(a) prepare a record of the determination;

(b) notify the appropriate authority in relation to the DSI matter and (if different) the appropriate authority in relation to the person whose conduct is in question of the determination, and

(c) send to it (or each of them) a copy of the record of the determination prepared under paragraph (a).”; and

(c) in paragraph (5)(a), after “paragraph (2)” insert “or (2B)”.

(16) In regulation 48—

(a) for paragraph (2) substitute—

“(2) The Director General shall designate both—

(a) a person to take charge of the investigation; and

(b) such members of the IOPC’s staff as are required by the Director General to assist the person designated to take charge of the investigation.

(2A) The person designated under paragraph (2) to take charge of an investigation shall be—

(a) the Director General acting personally; or

(b) a person who is authorised to exercise the function of taking charge of the investigation on behalf of the Director General by virtue of paragraph 6A of Schedule 2 to the 2002 Act (delegation of Director General’s functions).”;

(b) in paragraph (3) for “member of the IPCC’s staff” substitute “person”; and

(c) in paragraph (4) for “member of the IPCC’s staff” substitute “person designated under paragraph (2).

(17) In regulation 52(1) after “(final reports on investigations: other DSI matters)” insert “or, where under regulation 66 the Director General has personally carried out the investigation, a report has been completed by the Director General”.

(18) In regulation 54(5) for “its” substitute “the Director General’s or that authority’s”.

(19) In regulation 56(1), after “the person investigating” in the first place where it occurs insert “or, in the case of an investigation under regulation 48, the Director General”.

(20) In regulation 66—

(a) for paragraph (5) substitute—

- “(5) A person designated under regulation 48 (investigations by the Director General) as the person in charge of an investigation shall—
- (a) submit a report on the investigation to the Director General; or
  - (b) where the person in charge of the investigation is the Director General acting personally, complete a report on the investigation.”;
- (b) in paragraph (6) after “A person submitting” insert “or, in the case of an investigation under regulation 48 by the Director General acting personally, completing”; and
- (c) in paragraph (7) after “A person who has submitted” insert “or, in the case of an investigation under regulation 48 by the Director General acting personally, completed”.
- (21) In regulation 67—
- (a) in paragraph (1)(b) for “it” substitute “the Director General, or is otherwise completed,”; and
  - (b) in paragraph (2) after “On receipt of the report” insert “, or on its completion by the Director General,”.
- (22) In regulation 69—
- (a) after paragraph (2) insert—
    - “(2A) Sub-paragraph (2)(a) does not apply where the person investigating is the Director General carrying out an investigation personally under regulation 48, but the Director General shall complete a report on the investigation.”; and
    - (b) in paragraph (3) for “under this regulation” insert “under sub-paragraph (2)(a) or completing one under sub-paragraph (2A)”.
- (23) In regulation 70(1) after “referred to in regulation 69” insert “(or on its completion by the Director General)”.

#### **Amendment of the Policing Protocol Order 2011**

- 19.**—(1) The Policing Protocol Order 2011(**30**) is amended as follows.
- (2) For “Independent Police Complaints Commission” in each place where it occurs substitute “Director General of the Independent Office for Police Conduct”.
- (3) In the Schedule, in paragraph 24(i) for “IPCC” substitute “Director General of the Independent Office for Police Conduct”.

#### **Amendment of the Elected Local Policing Bodies (Specified Information) Order 2011**

- 20.** In the Elected Local Policing Bodies (Specified Information) Order 2011(**31**), in the Schedule, in paragraph 1(f) for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct”.

#### **Amendment of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012**

- 21.**—(1) The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012(**32**) are amended as follows.
- (2) For—

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(30) [S.I. 2011/2744](#).

(31) [S.I. 2011/3050](#).

(32) [S.I. 2012/62](#).

- (a) “Commission” in each place where it occurs substitute “Director General”;
  - (b) “Commission’s” in each place where it occurs substitute “Director General’s”;
  - (c) “it” in each place where it occurs and is used as a pronoun in place of “the Commission” substitute “the Director General”;
  - (d) “its” in each place where it occurs and is used to mean “the Commission’s” substitute “the Director General’s”.
- (3) The amendments made by virtue of paragraph (2)(a) to (d) do not apply to occurrences of “Commission”, “Commission’s”, “it” or “its” amended by another provision within this regulation.
- (4) In regulation 2—
- (a) in paragraph (1)—
    - (i) omit the definition of “the Commission”; and
    - (ii) at the appropriate places insert—
      - ““Director General” means the Director General of the Independent Office for Police Conduct;”;
      - ““IOPC” means the Independent Office for Police Conduct;”;
  - (b) in paragraph (2) omit “itself”.
- (5) In regulation 3—
- (a) after paragraph (4) insert—
    - “(4A) In carrying out functions under these Regulations the Director General shall have regard to any advice provided to the Director General by the IOPC (see regulation 3A(1)(a))”;
  - (b) in paragraph (5) for “Commission” where it first occurs insert “IOPC”; and
  - (c) in paragraph (7)—
    - (i) for “Commission’s” in each place where it occurs substitute “IOPC’s”;
    - (ii) for “Commission” substitute “Director General or the IOPC”.
- (6) After regulation 3 insert—

**“General Functions of the IOPC**

**3A.—**(1) The functions of the IOPC in relation to relevant office holders and police and crime panels are—

- (a) to provide support and advice to the Director General in the carrying out of the Director General’s functions under these Regulations, and
- (b) to monitor and review the carrying out of such functions.

(2) The IOPC is to perform its functions under these Regulations for the general purpose of improving the way in which the Director General’s functions under these Regulations are carried out (including by encouraging the efficient and effective use of resources in the carrying out of those functions).

(3) In carrying out its functions under these Regulations the IOPC must in particular have regard to public confidence in the existence of suitable arrangements with respect to the matters mentioned in regulation 3(2) and with the operation of the arrangements that are in fact maintained with respect to those matters.

(4) The IOPC may do anything which appears to it to be calculated to facilitate, or is incidental to, the carrying out of its functions under these Regulations.

### **Efficiency etc. in exercise of functions**

**3B.** The Director General and the IOPC must carry out their functions under these Regulations efficiently and effectively.”.

- (7) In regulation 5—
- (a) for paragraph (1) substitute—
- “(1) As soon as practicable after the end of each of the IOPC’s financial years, the Director General and the IOPC shall also jointly make a report to the Secretary of State on the carrying out of its functions under these Regulations during that year.”; and
- (b) in paragraph (6) for “Commission” substitute “IOPC”.
- (8) In regulation 6(4) for “Commission’s” substitute “IOPC’s”.
- (9) In regulation 18(4)(b) omit “itself”.
- (10) In regulation 20—
- (a) in the title omit “itself”;
- (b) for paragraph (2) substitute—
- “(2) The Director General shall designate both—
- (a) a person to take charge of the investigation; and
- (b) such members of the IOPC’s staff as are required by the Director General to assist the person designated to take charge of the investigation.
- (2A) The person designated under paragraph (2) to take charge of an investigation shall be—
- (a) the Director General acting personally; or
- (b) a person who is authorised to exercise the function of taking charge of the investigation on behalf of the Director General by virtue of paragraph 6A of Schedule 2 to the 2002 Act (delegation of Director General’s functions).”;
- (c) in paragraph (3)—
- (i) for “Commission” substitute “IOPC”;
- (ii) for “Commission’s” in each place where it occurs substitute “IOPC’s”; and
- (d) in paragraph (4)—
- (i) for “Commission” where it second occurs substitute “IOPC”;
- (ii) for “Commission’s” in each place where it occurs substitute “IOPC’s”.
- (11) In regulation 23 after “(final reports on investigations)” insert “or, where the Director General has personally carried out the investigation, a report has been completed by the Director General”.
- (12) In regulation 24(7) omit “itself”.
- (13) In regulation 25—
- (a) for paragraph (3) substitute—
- “(3) A person designated under regulation 20 (investigations by the Director General) as the person in charge of an investigation shall—
- (a) submit a report on the investigation to the Director General; or
- (b) where the person in charge of the investigation is the Director General acting personally, complete a report on the investigation.”; and
- (b) in paragraph (4) after “A person submitting” insert “or, in the case of an investigation under regulation 20 by the Director General acting personally, completing”.



- (14) In regulation 26—
- (a) in paragraph (1)(b) for “it” substitute “the Director General, or is otherwise completed,”; and
  - (b) in paragraph (2) after “On receipt of the report” insert “, or on its completion by the Director General,”.
- (15) In regulation 36(5)(a)(i) omit “itself”.

### **Amendment of the Ministry of Defence Police (Performance) Regulations 2012**

**22.**—(1) The Ministry of Defence Police (Performance) Regulations 2012(33) are amended as follows.

- (2) For—
- (a) “Commission” in each place where it occurs substitute “Director General”;
  - (b) “it” in each place where it occurs and is used as a pronoun in place of “the Commission” substitute “the Director General”;
  - (c) “Commission has itself” in each place where it occurs substitute “the Director General”.
- (3) The amendments made by virtue of paragraph (2)(a) do not apply to occurrences of “Commission” amended by another provision within this regulation.
- (4) In regulation 4—
- (a) omit the definition of “the Commission”; and
  - (b) at the appropriate place insert—  
““Director General” means the Director General of the Independent Office for Police Conduct;”.
- (5) In regulation 35A(5) omit “itself”.
- (6) In regulation 35C(5) for “Comission” substitute “Director General”.

### **Amendment of the Police (Complaints and Misconduct) Regulations 2012**

**23.**—(1) The Police (Complaints and Misconduct) Regulations 2012(34) are amended as follows.

- (2) For—
- (a) “Commission” in each place where it occurs substitute “Director General”;
  - (b) “Commission’s” in each place where it occurs substitute “Director General’s”;
  - (c) “it” in each place where it occurs and is used as a pronoun in place of “the Commission” substitute “the Director General”;
  - (d) “its” in each place where it occurs and is used to mean “the Commission’s” substitute “the Director General’s”.
- (3) The amendments made by virtue of paragraph (2)(c) do not apply to occurrences of “it” amended by another provision within this regulation.
- (4) In regulation 1—
- (a) omit the definition of “the Commission”; and
  - (b) at the appropriate place insert—

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(33) S.I. 2012/808.

(34) S.I. 2012/1204.

““Director General” means the Director General of the Independent Office for Police Conduct;”.

- (5) In regulation 11—
- (a) in the following paragraphs for “it” substitute “the relevant appeal body or, as the case may be, the Director General”—
    - (i) (5), in the first place where it occurs; and
    - (ii) (7); and
  - (b) in paragraph (11) for “its” substitute “the relevant appeal body’s or, as the case may be, the Director General’s”.
- (6) In regulation 13(2) for “it” substitute “the Director General or, as the case may be, the appropriate authority”.
- (7) In regulation 18 after “investigator” in the second place where it occurs insert “or, in the case of an investigation by a designated person under paragraph 19 of Schedule 3 to the 2002 Act, the Director General”.
- (8) In regulation 19—
- (a) in paragraph (1)—
    - (i) for “where an investigator wishes to interview the person concerned as part of his investigation, he shall,” substitute—
 

“where the person concerned is required for interview as part of—

      - (a) an investigation under paragraph 19 of Schedule 3 to the 2002 Act, the Director General shall;
      - (b) an investigation under paragraph 16, 17 or 18 of Schedule 3 to the 2002 Act, the investigator shall;”; and
    - (ii) “if reasonably practicable, agree a date and time for the interview with the person concerned.” becomes full-out words; and
  - (b) after “investigator” in each place where it occurs except for in paragraph (1) insert “or, in the case of an investigation by a designated person under paragraph 19 of Schedule 3 to the 2002 Act who is not the Director General, the Director General”.
- (9) In regulation 20—
- (a) the existing text is numbered as paragraph (1);
  - (b) in (newly numbered) paragraph (1)(c), at the beginning insert “where the investigation was carried out under paragraph 16 or 17 of that Schedule;”; and
  - (c) after (newly numbered) paragraph (1) insert—
 

“(2) On completion of an investigation—

    - (a) carried out under paragraph 18 or 19 of Schedule 3 to the 2002 Act; and
    - (b) to which paragraph 19C(1) of that Schedule applies,

where the Director General notifies the appropriate authority under paragraph 23(6) of that Schedule, the Director General shall indicate in writing to the appropriate authority the Director General’s opinion as to whether there is a case to answer in respect of misconduct or gross misconduct or whether there is no case to answer.”.
- (10) In regulation 23(8) for “it” substitute “the Director General or, as the case may be, the appropriate authority”.
- (11) In regulation 25(2) for “carrying out an investigation” insert “, under paragraph 19 of Schedule 3 to the 2002 Act has designated a person to carry out, an investigation”.

(12) In the Schedule—

- (a) in paragraph 2(11), for “in response to” substitute “in relation to”;
- (b) in paragraph 7, in the inserted regulation 19A of the modification—
  - (i) after “investigator” where it first occurs insert “or, in the case of an investigation by a designated person under paragraph 19 of Schedule 3 to the 2002 Act who is not the Director General, the Director General”; and
  - (ii) after “investigator” where it otherwise occurs insert “or, as the case may be, the Director General”; and
- (c) in paragraph 8—
  - (i) omit sub-paragraph (a);
  - (ii) in sub-paragraph (b) omit “and the investigation was carried out under paragraph 16 or 17 of Schedule 3 to the 2002 Act”;
  - (iii) in sub-paragraph (c) the inserted paragraph of the modification becomes paragraph (1A);
  - (iv) after sub-paragraph (c) insert—
    - “(d) in paragraph (2) for “the Director General’s opinion as to whether” to the end there were substituted “the Director General’s relevant opinion or, as the case may be, opinions.”;
    - (e) after paragraph (2) there were inserted—
      - “(3) For the purposes of paragraph (2) “the Director General’s relevant opinion or, as the case may be, opinions” are—
        - (a) the Director General’s opinion as to whether there is a case to answer in respect of gross misconduct or whether there is no case to answer; and
        - (b) where the Director General’s opinion is that there is no such case to answer, the Director General’s opinion as to whether, nevertheless, there may have been a breach of the Standards of Professional Behaviour.””

**Amendment of the Police (Conduct) Regulations 2012**

24.—(1) The Police (Conduct) Regulations 2012(35) are amended as follows.

- (2) For—
  - (a) “Commission” in each place where it occurs substitute “Director General”;
  - (b) “it” in each place where it occurs and is used as a pronoun in place of “the Commission” substitute “the Director General”.
- (3) In regulation 3—
  - (a) omit the definition of “the Commission”; and
  - (b) at the appropriate place insert—
    - ““Director General” means the Director General of the Independent Office for Police Conduct;”.
- (4) In regulation 19(1)—
  - (a) at the end of sub-paragraph (a) omit “and”;

- (b) in sub-paragraph (b)—
  - (i) after “submitted” insert “or, in the case of an investigation under paragraph 19 of Schedule 3 to the 2002 Act by the Director General acting personally, completed”;
  - (ii) “in making a determination” to “dealt with in that report” moves to the beginning of the full-out words of the paragraph; and
- (c) at the end of sub-paragraph (b) insert—
  - “and—
  - (c) where the investigation was carried out under paragraph 18 or 19 of Schedule 3 to the 2002 Act, on receipt of the Director General’s opinion as to whether there is a case to answer in respect of misconduct or gross misconduct or whether there is no case to answer given under regulation 20 of the Police (Complaints and Misconduct) Regulations 2012.”.
- (5) In regulation 21(1)(c)—
  - (a) in paragraph (i) omit “and”; and
  - (b) after paragraph (ii) insert—
    - “and
    - (iii) a copy of the opinion given under regulation 20 of the Police (Complaints and Misconduct) Regulations 2012.”.
- (6) In regulation 27(1)(a) after “21(1)” insert “except not any given under regulation 21(1)(c) (iii)”.
- (7) In Schedule 3, in paragraph 2, in the inserted regulation 4B(2)(d) and (5)(c) of the modifications, after “submitted to” insert “or, in the case of an investigation under paragraph 19 of Schedule 3 to the 2002 Act (independent investigations) carried out by the Director General personally, completed by”.

#### **Amendment of the Police Appeals Tribunals Rules 2012**

- 25.**—(1) The Police Appeals Tribunals Rules 2012(**36**) are amended as follows.
- (2) For “IPCC” in each place where it occurs substitute “Director General”.
- (3) In regulation 3—
  - (a) omit the definition of “IPCC”; and
  - (b) at the appropriate place insert—
    - ““Director General” means the Director General of the Independent Office for Police Conduct;”.

#### **Amendment of the Police Performance Regulations 2012**

- 26.**—(1) The Police Performance Regulations 2012(**37**) are amended as follows.
- (2) For—
  - (a) “Commission” in each place where it occurs substitute “Director General”;
  - (b) “it” in each place where it occurs and is used as a pronoun in place of “the Commission” substitute “the Director General”.

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(36) S.I. 2012/2630.

(37) S.I. 2012/2631.

(3) The amendments made by virtue of paragraph (2)(a) do not apply to occurrences of “Commission” amended by another provision within this regulation.

(4) In regulation 4—

(a) omit the definition of “the Commission”; and

(b) at the appropriate place insert—

““Director General” means the Director General of the Independent Office for Police Conduct;”.

### **Amendment of the Police (Complaints and Conduct) Regulations 2013**

**27.** The Police (Complaints and Conduct) Regulations 2013(**38**) are amended as follows.

(1) In regulation 1, at the appropriate place insert —

““Director General” means the Director General of the Independent Office for Police Conduct;”.

(2) In regulation 2—

(a) for paragraph (1) substitute—

“(1) For the purposes of paragraph 19F(2) of Schedule 3 to the 2002 Act (interview of persons serving with the police etc during certain investigations) where a serving officer is required for interview as part of—

(a) an investigation under paragraph 19 of Schedule 3 to the 2002 Act, the Director General shall,

(b) an investigation under paragraph 18 of Schedule 3 to the 2002 Act, the investigator shall,

give written notice to the serving officer that the interview will take place in accordance with this regulation, and if reasonably practicable, agree a date and time for the interview with the serving officer.”;

(b) after “investigator” insert “or, in the case of an investigation by a designated person under paragraph 19 of Schedule 3 to the 2002 Act who is not the Director General, the Director General” in the following paragraphs—

(i) (2);

(ii) (4)(b);

(iii) (6) (in the first place where it occurs); and

(iv) (11)(a); and

(c) in paragraph (6) after “investigator” in the second place where it occurs insert “or, as the case may be, the Director General”.

### **Amendment of the Official Statistics Order 2013**

**28.** In the Official Statistics Order 2013(**39**), in the Schedule for “Independent Police Complaints Commission” substitute “Independent Office for Police Conduct”.

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(38) S.I. 2013/281.

(39) S.I. 2013/1163.

### **Amendment of the Police (Complaints and Misconduct) (Old Cases) Regulations 2013**

**29.** In the Police (Complaints and Misconduct) (Old Cases) Regulations 2013(40) for “Commission” in each place where it occurs substitute “Director General”.

### **Amendment of the National Crime Agency (Complaints and Misconduct) Regulations 2013**

**30.**—(1) The National Crime Agency (Complaints and Misconduct) Regulations 2013(41) are amended as follows.

(2) For—

- (a) “Commission” in each place where it occurs substitute “IOPC DG”;
- (b) “Commission’s” in each place where it occurs substitute “IOPC DG’s”;
- (c) “it” in each place where it occurs and is used as a pronoun in place of “the Commission” substitute “the IOPC DG”;
- (d) “its” in each place where it occurs and is used to mean “the Commission’s” substitute “the IOPC DG’s”.

(3) The amendments made by virtue of paragraph (2)(a) to (d) above do not apply to occurrences of “Commission”, “Commission’s”, “it” or “its” amended by another provision within this regulation.

(4) In regulation 2—

- (a) omit the definition of “the Commission”; and
- (b) at the appropriate place insert—

““IOPC” means the Independent Office for Police Conduct;”

““IOPC DG” means the Director General of the Independent Office for Police Conduct;”.

(5) In regulation 5(1)—

- (a) for “Independent Police Complaints Commission” substitute “Independent Office for Police Conduct”; and
- (b) for “Commission’s” substitute “Office’s”.

(6) In regulation 6—

(a) after paragraph (4) insert—

“(4A) In carrying out functions under these Regulations the IOPC DG shall have regard to any advice provided to the IOPC DG by the IOPC (see regulation 6A(1)(a)).”; and

(b) in paragraph (6) for “Commission” where it first occurs insert “IOPC”.

(7) After regulation 6 insert—

#### **“General Functions of the IOPC under these Regulations**

**6A.**—(1) The functions of the IOPC are—

- (a) to provide support and advice to the IOPC DG in the carrying out of the IOPC DG’s functions under these Regulations; and
- (b) to monitor and review the carrying out of such functions.

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(40) S.I. 2013/1778.

(41) S.I. 2013/2325.

(2) The IOPC is to perform its functions under these Regulations for the general purpose of improving the way in which the IOPC DG's functions are carried out (including by encouraging the efficient and effective use of resources in the carrying out of those functions).

(3) In carrying out its functions under these Regulations the IOPC must in particular have regard to public confidence in the existence of suitable arrangements with respect to the matters mentioned in regulation 6(2) and with the operation of the arrangements that are in fact maintained with respect to those matters.

(4) The IOPC may do anything which appears to it to be calculated to facilitate, or is incidental to, the carrying out of its functions under these Regulations.

### **Efficiency etc. in exercise of functions**

**6B.** The IOPC DG and the IOPC must carry out their functions under these Regulations efficiently and effectively.”.

(8) In regulation 7—

(a) for paragraph (1) substitute—

“(1) As soon as practicable after the end of each of the IOPC's financial years, the IOPC DG and the IOPC shall jointly make a report to the Secretary of State on the carrying out of their functions under these Regulations during that year.”; and

(b) in paragraph (6) for “The Commission shall send a copy of every annual report under paragraph (1) and” substitute “The IOPC shall send a copy of every annual report under paragraph (1), and the IOPC DG shall send a copy of”.

(9) In regulation 9(7) for “Commission's” substitute “IOPC's”.

(10) In regulation 10(4) for “Commission” where it occurs second substitute “IOPC”.

(11) In regulation 12(5)(a)(i) omit “itself”.

(12) In regulation 16(2) for “it” substitute “the IOPC DG or, as the case may be, the appropriate authority”.

(13) In regulation 44—

(a) in paragraph (1) omit “itself”;

(b) for paragraph (2) substitute—

“(2) The IOPC DG shall designate both—

(a) a person to take charge of the investigation; and

(b) such members of the IOPC's staff as are required by the IOPC DG to assist the person designated to take charge of the investigation.

(2A) The person designated under paragraph (2) to take charge of an investigation shall be—

(a) the IOPC DG acting personally; or

(b) a person who is authorised to exercise the function of taking charge of the investigation on behalf of the IOPC DG by virtue of paragraph 6A of Schedule 2 to the 2002 Act (delegation of Director General's functions).”;

(c) in paragraph (3) for “member of the Commission's staff” substitute “person”; and

(d) in paragraph (4) for “member of the Commission's staff” substitute “person designated under paragraph (2).

(14) In regulation 45(2) for “carrying out an investigation” insert “, under paragraph 19 of Schedule 3 to the 2002 Act has designated a person to carry out, an investigation”.

(15) In regulation 48(8) for “it” substitute “the IOPC DG or appropriate authority”.

(16) In regulation 49(1) after “the person investigating” in both places where it occurs insert “or, in the case of an investigation by a designated person under regulation 44 the IOPC DG,”.

(17) In regulation 54(1)(b) for “the Commission itself” substitute “a person designated under regulation 44”.

(18) In regulation 55(1)(b) after “regulation 66 or 69” insert “or, in the case of an investigation under regulation 44 by the IOPC DG acting personally, a report has been completed by the IOPC DG”.

(19) In regulation 56—

(a) in paragraph (1)—

(i) after “the person investigating a complaint or recordable conduct matter” insert “or, in the case of an investigation by a designated person under regulation 44 the IOPC DG,”; and

(ii) after “person” where it second occurs insert “investigating”;

(b) in paragraph (3) for “that person’s belief” substitute “the belief referred to in paragraph (1)”.

(20) In regulation 64(7) and (14)(b) omit “itself”.

(21) In regulation 65—

(a) in paragraph (1) omit “or designated under regulation 44”;

(b) after paragraph (2) insert—

“(2A) If during the course of an investigation of a DSI matter being carried out by a person designated under regulation 44 the IOPC DG determines that there is an indication that the Director General or an NCA officer (“the person whose conduct is in question”) may have—

(a) committed a criminal offence; or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings,

the IOPC DG shall proceed under paragraph (2B).

(2B) The IOPC DG shall—

(a) prepare a record of the determination;

(b) notify the appropriate authority in relation to the DSI matter and (if different) the appropriate authority in relation to the person whose conduct is in question of the determination; and

(c) send to it (or each of them) a copy of the record of the determination prepared under paragraph (a).”; and

(c) in paragraph (5)(a), after “paragraph (2)” insert “or (2B)”.

(22) In regulation 66—

(a) in paragraph (5)—

(i) omit “itself” where it first occurs; and

(ii) for “by the Commission” where it second occurs to the end substitute—

“shall—

(a) submit a report to the IOPC DG; or



- (b) where the person in charge of the investigation is the IOPC DG acting personally, complete a report on the investigation;”;
  - (b) in paragraph (6) after “A person submitting” insert “or, in the case of an investigation under regulation 44 by the IOPC DG personally, completing”; and
  - (c) in paragraph (8) after “A person who has submitted” insert “or, in the case of an investigation under regulation 44 by the IOPC DG personally, completed”.
- (23) In regulation 67—
- (a) in paragraph (1)(b), before “under paragraph (5)” insert “or is otherwise completed”;
  - (b) in paragraph (2), after “On receipt of the report” insert “or on its completion by the IOPC DG”; and
  - (c) in paragraph (15), after “65(2)” insert “, (2A)”.
- (24) In regulation 69—
- (a) in paragraph (1), after “65(2)” insert “, (2A)”;
  - (b) after paragraph (2) insert—
    - “(2A) Paragraph (2)(a) does not apply where the person investigating is the IOPC DG carrying out an investigation personally under regulation 44, but the IOPC DG shall complete a report on the investigation.”;
  - (c) in paragraph (3) for “this regulation” substitute “paragraph (2) or completing one under paragraph (2A)”;
  - (d) in paragraph (4), after “On receipt of the report” insert “(or on its completion by the IOPC DG)”.
- (25) In regulation 72(1)(b) for “commission” substitute “IOPC DG”.

#### **Amendment of the Independent Police Complaints Commission (Investigation of Offences) Order 2014**

- 31.**—(1) The Independent Police Complaints Commission (Investigation of Offences) Order 2014<sup>(42)</sup> is amended as follows.
- (2) In article 1(2) for “members of the Commission’s staff” substitute “a person”.
  - (3) In article 3 for “a member of the Commission’s staff” in each place where it occurs substitute “a member of the IOPC’s staff”.

#### **Amendment of the Ministry of Defence Police (Conduct etc.) Regulations 2015**

- 32.**—(1) The Ministry of Defence Police (Conduct etc.) Regulations 2015<sup>(43)</sup> are amended as follows.
- (2) For “Commission” in each place where it occurs, except in Schedules 2 and 3, substitute “Director General”.
  - (3) The amendment made by virtue of paragraph (2) does not apply to occurrences of “Commission” amended by another provision within this regulation.
  - (4) In regulation 3—
    - (a) omit the definition of “the Commission”;
    - (b) at the appropriate place insert—

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<sup>(42)</sup> S.I. 2014/2402.

<sup>(43)</sup> S.I. 2015/25.

““Director General” means the Director General of the Independent Office for Police Conduct;”.

- (5) In regulation 33—
- (a) in paragraphs (1)(a) and (7)(b) omit “itself”; and
  - (b) in paragraphs (3)(a) and (4) for “it” in each place where it occurs substitute “the Director General or Ombudsman (as the case may be)”.
- (6) In regulation 54 in paragraphs (3)(a) and (4) for “it” in each place where it occurs substitute “the Director General or Ombudsman (as the case may be)”.

**Amendment of the Independent Police Complaints Commission (Complaints and Misconduct) (Contractors) Regulations 2015**

**33.**—(1) The Independent Police Complaints Commission (Complaints and Misconduct) (Contractors) Regulations 2015(**44**) are amended as follows.

- (2) For—
- (a) “Commission” in each place where it occurs, except in regulation 1, substitute “Director General”;
  - (b) “Commission’s” in each place where it occurs substitute “Director General’s”;
  - (c) “it” in each place where it occurs and is used as a pronoun in place of “the Commission” substitute “the Director General”;
  - (d) “its” in each place where it occurs and is used to mean “the Commission’s” substitute “the Director General’s”.
- (3) The amendments made by virtue of paragraph (2)(a), (b) and (d) do not apply to occurrences of “Commission”, “Commission’s” or “its” amended by another provision within this regulation.
- (4) In regulation 2, at the appropriate places insert—
- ““Director General” means the Director General of the Independent Office for Police Conduct;”; and
- ““IOPC” means the Independent Office for Police Conduct”.
- (5) In regulation 6—
- (a) in paragraph (1)(a) omit “itself”;
  - (b) after paragraph (4) insert—
    - “(4A) In carrying out functions under these Regulations the Director General shall have regard to any advice provided to the Director General by the Office (see regulation 6A(1)(a))”; and
  - (c) in paragraph (6) for “Commission” where it first occurs substitute “IOPC”.
- (6) After regulation 6 insert—

**“General Functions of the IOPC under these Regulations**

- 6A.**—(1) The functions of the IOPC are—
- (a) to provide support and advice to the Director General in the carrying out of the Director General’s functions under these Regulations; and
  - (b) to monitor and review the carrying out of such functions.

(2) The IOPC is to perform its functions under these Regulations for the general purpose of improving the way in which the Director General's functions are carried out under these Regulations (including by encouraging the efficient and effective use of resources in the carrying out of those functions).

(3) In carrying out its functions under these Regulations the IOPC must in particular have regard to public confidence in the existence of suitable arrangements with respect to the matters mentioned in regulation 6(2) and with the operation of the arrangements that are in fact maintained with respect to those matters.

(4) The IOPC may do anything which appears to it to be calculated to facilitate, or is incidental or conducive to, the carrying out of its functions under these Regulations.

### **Efficiency etc. in exercise of functions**

**6B.** The Director General and the IOPC must carry out their functions under these Regulations efficiently and effectively.”

(7) In regulation 7—

(a) for paragraph (1) and (2) substitute—

“(1) As soon as practicable after the end of each of the IOPC's financial years, the Director General and the IOPC shall also jointly make a report to the Secretary of State on the carrying out of their functions during that year.

(2) The Secretary of State may also require reports to be made (at any time) by the Director General about the carrying out of the Director General's functions.”; and

(b) in paragraph (6) for “Commission” substitute “IOPC”.

(8) In regulation 9(7) for “Commission's” substitute “IOPC's”.

(9) In regulation 10(4) for “Commission” where it second occurs substitute “IOPC”.

(10) In regulation 12(5)(a)(i) omit “itself”.

(11) In regulation 13(5) for “its” substitute “their”.

(12) In regulation 16(3) for “it” substitute “the Director General or, as the case may be, the appropriate authority”.

(13) In regulations 22(1)(b)(iv), 30(4)(d), 33(2)(d), 81(5)(c)(iv) and (f)(iv) for “guidance by the Commission” substitute “guidance issued by the Director General”.

(14) In regulation 30 omit paragraph (12).

(15) In regulation 45—

(a) in paragraph (1) omit “itself”;

(b) for paragraph (2) substitute—

“(2) The Director General shall designate both—

(a) a person to take charge of the investigation; and

(b) such members of the IOPC's staff as are required by the Director General to assist the person designated to take charge of the investigation.

(2A) The person designated under paragraph (2) to take charge of an investigation shall be—

(a) the Director General acting personally; or

(b) a person who is authorised to exercise the function of taking charge of the investigation on behalf of the Director General by virtue of paragraph 6A of Schedule 2 to the 2002 Act (delegation of Director General's functions).”;

- (c) in paragraph (5) for “member of the Commission’s staff” substitute “person”; and
  - (d) in paragraph (6) for “member of the Commission’s staff” substitute “person designated under paragraph (2).
- (16) In regulation 50(2) for “carrying out an investigation” substitute “, under paragraph 19 of Schedule 3 to the 2002 Act has designated a person to carry out, an investigation”.
- (17) In regulation 53(8) for “it” substitute “the Director General or, as the case may be, the appropriate authority”.
- (18) In regulation 54(1) after “the person investigating” in both places where it occurs insert “or, in the case of an investigation by a designated person under regulation 45 the Director General,”.
- (19) In regulation 55(2)(a) after “the person investigating the complaint or matter” insert “or, in the case of an investigation by a designated person under regulation 45 the Director General,”.
- (20) In regulation 56—
- (a) in paragraph (2)—
    - (i) for “where an investigator wishes to interview the person concerned as part of his investigation, he shall,” substitute—
      - “Where the person concerned is required for interview as part of—
        - (a) an investigation under regulation 45, the Director General shall;
        - (b) an investigation under regulation 42, 43 or 44, the investigator shall;”;
    - (ii) “if reasonably practicable, agree a date and time for the interview with the person concerned.” becomes full-out words; and
  - (b) after “investigator” in each place where it occurs except for in paragraph (1) insert “or, in the case of an investigation by a designated person under regulation 45 who is not the Director General, the Director General”.
- (21) In regulation 59—
- (a) in paragraph (1)(b) for “the Commission itself” substitute “a person designated under regulation 45”;
  - (b) for paragraph (3) substitute—
    - “(3) Where a contractor is required for interview as part of—
      - (a) an investigation under regulation 45, the Director General shall;
      - (b) an investigation under regulation 44, the investigator shall,
 give written notice to the contractor that the interview will take place in accordance with this regulation, and if reasonably practicable, agree a date and time for the interview with the contractor.”;
  - (c) after “investigator” insert “or, in the case of an investigation under regulation 45 by a designated person who is not the Director General, the Director General” in the following paragraphs—
    - (i) (4);
    - (ii) (6)(b);
    - (iii) (8) (in the first place where it occurs); and
    - (iv) (12)(a); and
  - (d) in paragraph (8) after “investigator” in the second place where it occurs insert “or, as the case may be, the Director General”.

(22) In regulation 60(1)(b) after “regulation 72 or 75” insert “or, in the case of an investigation under regulation 45 by the Director General acting personally, a report has been completed by the Director General”.

(23) In regulation 61—

(a) in paragraph (1)—

(i) after “the person investigating a complaint or recordable conduct matter” insert “or, in the case of an investigation by a designated person under regulation 45 the Director General.”; and

(ii) after “person” where it second occurs insert “investigating”;

(b) in paragraph (3) for “that person’s belief” substitute “the belief referred to in paragraph (1)”.

(24) In regulations 69(7) and 70(4)(b) omit “itself”.

(25) In regulation 71—

(a) in paragraph (1) omit “or designated under regulation 45”;

(b) after paragraph (2) insert—

“(2A) If during the course of an investigation of a DSI matter being carried out by a person designated under regulation 45 the Director General determines that there is an indication that a person (“the person whose conduct is in question”) may have—

(a) committed a criminal offence; or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings,

the Director General shall proceed under paragraph (2B).

(2B) The Director General shall—

(a) prepare a record of the determination;

(b) notify the appropriate authority in relation to the DSI matter and (if different) the appropriate authority in relation to the person whose conduct is in question of the determination; and

(c) send to it (or each of them) a copy of the record of the determination prepared under paragraph (a).”; and

(c) in paragraph (5)(a), after “paragraph (2)” insert “or (2B)”.

(26) In regulation 72—

(a) in paragraph (5)—

(i) omit “itself” where it first occurs; and

(ii) for “by the Commission” where it second occurs to the end substitute—

“shall—

(a) submit a report to the Director General, or

(b) where the person in charge of the investigation is the Director General acting personally, complete a report on the investigation.”;

(b) in paragraph (6) after “A person submitting” insert “or, in the case of an investigation under regulation 45 by the Director General personally, completing”;

(c) in paragraph (7)(c), at the beginning insert “where the investigation was carried out under regulation 42 or 43.”;

(d) after paragraph (7) insert—

- “(7A) On completion of an investigation—
- (a) carried out under regulation 44 or 45; and
  - (b) to which regulation 55(1) applies,
- where the Director General notifies the appropriate authority under regulation 73(8), the Director General shall indicate in writing to the appropriate authority the Director General’s opinion as to whether there is a case to answer in respect of misconduct or gross misconduct or whether there is no case to answer.”; and
- (e) in paragraph (8) after “A person who has submitted” insert “or, in the case of an investigation under regulation 45 by the Director General personally, completed”.
- (27) In regulation 73—
- (a) in paragraph (1)(b), before “under paragraph (5)” insert “, or is otherwise completed,”;
  - (b) in paragraphs (2) and (8), after “On receipt of the report” insert “, or on its completion by the Director General,”; and
  - (c) in paragraph (15), after “71(2)” insert “, (2A)”.
- (28) In regulation 75—
- (a) in paragraph (1), after “71(2)” insert “, (2A)”;
  - (b) after paragraph (2) insert—
    - “(2A) Paragraph (2)(a) does not apply where the person investigating is the Director General carrying out an investigation personally under regulation 45, but the Director General shall complete a report on the investigation.”;
  - (c) in paragraph (3) for “this paragraph” substitute “paragraph (2) or completing one under paragraph (2A)”;
  - (d) in paragraph (4), after “On receipt of the report” insert “(or on its completion by the Director General)”.
- (29) In regulation 81—
- (a) in paragraph (1)—
    - (i) after “has received a report” insert “ (or otherwise completed one in relation to an investigation carried out under regulation 45 by the Director General personally)”;
    - (ii) in sub-paragraph (b) for “Commission itself” substitute “, or on behalf of, the Director General”; and
    - (iii) in sub-paragraph (c), after “75(2)” insert “, or (2A)”;
  - (b) in paragraph (4), after “the receipt” insert “, or completion,”.

### **Amendment of the Police Pensions Regulations 2015**

- 34.** In the Police Pensions Regulations 2015(45) in—
- (a) the table in regulation 5;
  - (b) the table in regulation 7;
  - (c) regulation 13; and
  - (d) the table in regulation 210,

for “Independent Police Complaints Commission” substitute “Independent Office for Police Conduct”.

### **The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017**

**35.**—(1) The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017(**46**) is amended as follows.

(2) In article 35, in paragraph 4(1)(b) of the modification for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct”.

(3) In article 51(2)(f), in the inserted paragraph 24A of the modification for “IPCC” substitute “Director General of the Independent Office for Police Conduct”.

### **The Gangmasters and Labour Abuse Authority (Complaints and Misconduct) Regulations 2017**

**36.**—(1) The Gangmasters and Labour Abuse Authority (Complaints and Misconduct) Regulations 2017(**47**) are amended as follows.

(2) For—

- (a) “Commission” in each place where it occurs substitute “Director General”;
- (b) “Commission’s” in each place where it occurs substitute “Director General’s”;
- (c) “it” in each place where it occurs and is used as a pronoun in place of “the Commission” substitute “the Director General”;
- (d) “its” in each place where it occurs and is used to mean “the Commission’s” substitute “the Director General’s”.

(3) Omit “itself” in each place where it occurs.

(4) The amendments made by virtue of paragraphs (2)(a), (b) and (d) and (3) do not apply to occurrences of “Commission”, “Commission’s”, “its” or “itself” amended by another provision within this regulation.

(5) In regulation 2—

- (a) omit the definition of “the Commission”;
- (b) at the appropriate places insert—
  - ““Director General” means the Director General of the Independent Office for Police Conduct;”;
  - and
  - ““IOPC” means the Independent Office for Police Conduct”.

(6) In regulation 5(1) for “Independent Police Complaints Commission” in both places where it occurs substitute “Independent Office for Police Conduct”.

(7) In regulation 6—

- (a) after paragraph (3) insert—
  - “(3A) In carrying out functions under these Regulations the Director General must have regard to any advice provided to the Director General by the Office (see regulation 6A(1)(a))”; and
- (b) in paragraph (5) for “Commission” where it first occurs substitute “IOPC”.

(8) After regulation 6 insert—

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(46) S.I. 2017/470.  
(47) S.I. 2017/521.

**“General Functions of the IOPC under these Regulations**

**6A.**—(1) The functions of the IOPC are—

- (a) to provide support and advice to the Director General in the carrying out of the Director General’s functions, and
- (b) to monitor and review the carrying out of such functions.

(2) The IOPC is to perform its functions under these Regulations for the general purpose of improving the way in which the Director General’s functions are carried out (including by encouraging the efficient and effective use of resources in the carrying out of those functions).

(3) In carrying out its functions under these Regulations the IOPC must in particular have regard to public confidence in the existence of suitable arrangements with respect to the matters mentioned in regulation 6(2) and with the operation of the arrangements that are in fact maintained with respect to those matters.

(4) The IOPC may do anything which appears to it to be calculated to facilitate, or is incidental or conducive to, the carrying out of its functions under these Regulations.

**Efficiency etc. in exercise of functions**

**6B.** The Director General and the IOPC must carry out their functions under these Regulations efficiently and effectively.”.

(9) In regulation 7—

(a) for paragraphs (1) and (2) substitute—

“(1) As soon as practicable after the end of each of the IOPC’s financial years, the Director General and the IOPC must also jointly make a report to the Secretary of State on the carrying out of their functions during that year.

(2) The Secretary of State may also require reports to be made (at any time) by the Director General about the carrying out of the Director General’s functions.”; and

(b) for paragraph (6) substitute—

“(6) The IOPC must send a copy of every report under paragraph (1) to the Chief Executive.

(6A) The Director General must send a copy of every report under paragraph (3) to the Chief Executive.”.

(10) In regulation 9(2) for “Commission’s” substitute “IOPC’s”.

(11) In regulation 10—

(a) in paragraph (1)(c) for “Commission’s” substitute “IOPC’s”; and

(b) in paragraph (3) for “Commission” where it first occurs substitute “IOPC”.

(12) In regulation 23, for paragraph (3) substitute—

“(3) Subject to regulations 24 and 25 (disapplication of the requirements of these Regulations), the Chief Executive must determine whether or not the complaint is suitable for being subjected to local resolution.”.

(13) In regulations 29(3)(d) and 32(2)(d) for “guidance by the Commission” substitute “guidance issued by the Director General”.

(14) In regulation 44—

(a) for paragraph (2) substitute—

“(2) The Director General must designate both—

- (a) a person to take charge of the investigation; and



- (b) such members of the IOPC’s staff as are required by the Director General to assist the person designated to take charge of the investigation.
  - (2A) The person designated under paragraph (2) to take charge of an investigation must be—
    - (a) the Director General acting personally; or
    - (b) a person who is authorised to exercise the function of taking charge of the investigation on behalf of the Director General by virtue of paragraph 6A of Schedule 2 to the 2002 Act (delegation of Director General’s functions).”;
  - (b) in paragraph (3) for “member of the Commission’s staff” substitute “person”; and
  - (c) in paragraph (4) for “member of the Commission’s staff” substitute “person designated under paragraph (2).
  - (15) In regulation 53(1) after “the person investigating” in both places where it occurs insert “, or in the case of an investigation by a designated person under regulation 44 the Director General,”.
  - (16) In Regulation 58(1)(b) for “the Commission itself” substitute “a person designated under regulation 44”.
  - (17) In regulation 60—
    - (a) in paragraph (1), after “or recordable conduct matter” insert “or, in the case of an investigation by a designated person under regulation 44, the Director General”; and
    - (b) in paragraph (3)(a) for “that person’s belief” substitute “the belief referred to in paragraph (1).
  - (18) In regulation 67—
    - (a) in paragraph (1) omit “or designated under regulation 44 (investigations by the Commission itself)”;
    - (b) after paragraph (2) insert—
      - “(2A) If during the course of an investigation of a DSI matter by a person designated under regulation 44 the Director General determines that the person whose conduct is in question may have—
        - (a) committed a criminal offence; or
        - (b) behaved in a manner which would justify the bringing of disciplinary proceedings,
- the Director General must proceed under sub-paragraph (2B).
- (2B) The Director General must—
    - (a) prepare a record of the determination;
    - (b) notify the Chief Executive of the determination; and
    - (c) send to the Chief Executive a copy of the record of the determination prepared under paragraph (a).”;
  - (c) in paragraph (5)(a), after “paragraph (2)” insert “or (2B)”.
- (19) In regulation 68—
  - (a) for paragraph (4) substitute—
    - “(4) A person designated under regulation 44 as the person in charge of an investigation (investigations by the Director General) must—
      - (a) submit a report on the investigation to the Director General; or

- (b) where the person in charge of the investigation is the Director General acting personally, complete a report on the investigation.”;
  - (b) in paragraph (5), after “a person submitting” insert “or, in the case of an investigation under regulation 44 by the Director General acting personally, completing”; and
  - (c) in paragraph (7), after “a person who has submitted” insert “or, in the case of an investigation under regulation 44 by the Director General acting personally, completed”.
- (20) In regulation 71—
- (a) for paragraph (2)(a) substitute—
    - “(a) submit a report on the investigation to the Director General or, where the person in charge of the investigation is the Director General acting personally, complete a report on the investigation;”;
  - (b) in paragraph (3), after “A person submitting” insert “or, where the person in charge of the investigation is the Director General acting personally, completing”; and
  - (c) in paragraph (4), after “On receipt” insert “, or completion,”.

## PART 3

### Transitional provisions

**37.**—(1) Anything done (or having effect as if done) before the coming into force of these Regulations by, or in relation to, a transferor in connection with a function transferred to the Director General by these Regulations is to have effect, so far as necessary for continuing its effect after the coming into force of these Regulations, as if done by, or in relation to, the Director General.

(2) Anything which, immediately before the coming into force of these Regulations, is in the process of being done by, or in relation to, a transferor in connection with a function transferred to the Director General by these Regulations may be continued by, or in relation to, the Director General.

(3) Any enactment, instrument or other document passed or made before the coming into force of these Regulations is to have effect, so far as necessary for the purposes of or in consequence of paragraphs (1) and (2), as if any references (however expressed) to a transferor were references to the Director General.

(4) Anything which immediately before the coming into force of these Regulations, is in the process of being done by, or in relation to, the Commission in connection with a function which after the coming into force of these Regulations is exercisable by that body (as renamed the Independent Office for Police Conduct<sup>(48)</sup>) and the Director General jointly may be continued by, or in relation to, that body and the Director General acting jointly.

(5) In this regulation “transferor” means—

- (a) the Commission;
- (b) any other person from whom a function is transferred to the Director General by these Regulations.

**38.**—(1) Any person who, before the date on which these Regulations come into force, has been designated by the Commission under a relevant provision in respect of an investigation is, if the investigation is not completed or discontinued before that date, to be treated on or after that

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<sup>(48)</sup> The Independent Police Complaints Commission was renamed the Independent Office for Police Conduct by virtue of section 9(2) of the Police Reform 2002 Act (c. 30).

date as having been designated by the Director General under that provision (as amended by these regulations) whether or not the person satisfies any conditions for designation under that provision.

(2) For the purposes of paragraph (1), the relevant provisions are—

- (a) regulation 42 of the UK Border Agency (Complaints and Misconduct) Regulations 2010(**49**);
- (b) regulation 48 of the Revenue and Customs (Complaints and Misconduct) Regulations 2010(**50**);
- (c) regulation 20 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012(**51**);
- (d) regulation 44 of the National Crime Agency (Complaints and Misconduct) Regulations 2013(**52**);
- (e) regulation 45 of the Independent Police Complaints Commission (Complaints and Misconduct) (Contractors) Regulations 2015(**53**); and
- (f) regulation 44 of the Gangmasters and Labour Abuse Authority (Complaints and Misconduct) Regulations 2017(**54**).

(3) Paragraph (1) does not prevent the Director General from making a further designation in respect of an investigation under any of the relevant provisions after the coming into force of these Regulations.

12th December 2017

*Nick Hurd*  
Minister of State  
Home Office

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(49) S.I. 2010/782.  
(50) S.I. 2010/1813.  
(51) S.I. 2012/62.  
(52) S.I. 2013/2325.  
(53) S.I. 2015/431.  
(54) S.I. 2017/521.

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

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments to secondary legislation, mainly consequential to amendments to the Police Reform Act 2002 made by the Policing and Crime Act 2017.

The amendments made by regulations 23(7) and (8), 27(2), 33(20), (21)(b) and (c) and (26)(c) and (d) transfer responsibility for certain actions (in certain circumstances) from the person carrying out an investigation into a complaint or matter to the Director General of the Independent Office for Police Conduct.

Regulation 23(9) adds a requirement into regulation 20 of the Police (Complaints and Misconduct) Regulations 2012 that the Director General provide an opinion as to whether or not there is a case to answer in respect of misconduct or gross misconduct.

In regulation 24, paragraphs (4), (5) and (6) make amendments to the Police (Conduct) Regulations 2012 consequential to the amendment made to regulation 23(9) above.

Regulation 36(12) corrects an error in 23(3) of the Gangmasters and Labour Abuse Authority (Complaints and Misconduct) Regulations 2017 to provide that the Chief Executive must determine whether or not the complaint is suitable for being subjected to local resolution.

Part 3 makes transitional provisions.

Regulation 37(1) and (2) provide that actions by, and in relation to, the Commission, or any other person, carried out before, or ongoing at the time of, the commencement of the relevant provisions of the Policing and Crime Act 2017 which following commencement will be carried out by, or in relation to the Director General of the Independent Office for Police Conduct are treated as having been carried out by, or in relation to, the Director General.

Regulation 37(3) provides that various references to the Commission, or another person from whom functions have been transferred to the Director General, are, for the purposes of regulation 38(1) and (2) to be read as references to the Director General.

Regulation 37(4) provides that where, at the time of commencement anything is in the process of being done by, or in relation to, the Commission which after commencement will be done by the Office and the Director General jointly, it can continue to be done by, or in relation to, the Office and Director General.

Regulation 38 provides that where a person is designated to carry out an investigation under the provisions specified in paragraph (2) of that regulation before commencement, that person is to be treated as having been designated by the Director General under that provision as it reads after commencement.