
STATUTORY INSTRUMENTS

2017 No. 1250

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

PART 2

Amendments to secondary legislation

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

36.—(1) The Gangmasters and Labour Abuse Authority (Complaints and Misconduct) Regulations 2017(1) 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—

“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,”.