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STATUTORY INSTRUMENTS

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**2020 No. 2**

**The Police (Complaints and Misconduct) Regulations 2020**

**PART 5**

**General**

**Withdrawn complaints**

**38.**—(1) This regulation applies where an appropriate authority receives a notification signed by the complainant or the complainant's solicitor or other authorised agent on the complainant's behalf that the complainant—

- (a) withdraws the complaint, or
- (b) does not wish any further steps to be taken.

(2) The appropriate authority must record the withdrawal or the fact that the complainant does not wish any further steps to be taken and, subject to the following provisions of this regulation, the provisions of Part 2 of the 2002 Act cease to apply to the complaint.

(3) Where the notification mentioned in paragraph (1) relates to a complaint which—

- (a) was referred to the Director General under paragraph 4(1) of Schedule 3 (complaints which must be referred to the Director General) or is being treated by the Director General as having been so referred under paragraph 4A(1) of Schedule 3 (power of the Director General to treat complaint as having been referred), and
- (b) has not been referred back to the appropriate authority under paragraph 5(2) of Schedule 3 (referral of complaints back to the appropriate authority)<sup>(1)</sup>,

the appropriate authority must notify the Director General that it has recorded the withdrawal or the fact that the complainant does not wish any further steps to be taken.

(4) Where the notification mentioned in paragraph (1) relates to a complaint which the appropriate authority knows is subject to a review under paragraph 6A or 25 of Schedule 3 (reviews), the appropriate authority must notify the relevant review body that it has recorded the withdrawal or the fact that the complainant does not wish any further steps to be taken.

(5) In a case falling within paragraph (3) or paragraphs (3) and (4), the Director General must—

- (a) determine whether it is in the public interest for the complaint to be treated as a recordable conduct matter, and
- (b) notify the appropriate authority and, in a case falling within paragraphs (3) and (4) in which the relevant review body is a local policing body, the relevant review body of the Director General's determination.

(6) In a case falling within paragraph (4) (but not also paragraph (3)), the appropriate authority must—

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(1) Paragraph 5(2) was amended by paragraphs 9 and 10 of Schedule 5, and paragraphs 15 and 56 of Schedule 9, to the Policing and Crime Act 2017.

- (a) determine whether it is in the public interest for the complaint to be treated as a recordable conduct matter, and
- (b) notify the relevant review body of its determination and the reasons for it.

(7) Where the notification mentioned in paragraph (1) relates to a complaint which does not fall within paragraph (3) or (4), the appropriate authority must determine whether it is in the public interest for the complaint to be treated as a recordable conduct matter.

(8) Where a determination is made under paragraph (5), (6) or (7) that it is in the public interest for the complaint to be treated as a recordable conduct matter, the provisions of Part 2 of Schedule 3 (handling of conduct matters) apply to that matter.

(9) Where—

- (a) a complaint is subject to a review by the Director General under paragraph 25 of Schedule 3, and
- (b) the appropriate authority notifies the Director General (as the relevant review body) under paragraph (6)(b) that it has determined that the complaint is not to be treated as a recordable conduct matter,

the Director General must consider whether it is in the public interest for that determination to be reversed and, if so, the Director General must instruct the appropriate authority to reverse the determination.

(10) Subject to paragraph (11), the appropriate authority must notify the person complained against if—

- (a) it records the withdrawal of the complaint or the fact that the complainant does not wish any further steps to be taken;
- (b) a determination is made under paragraph (5), (6) or (7) that it is in the public interest for the complaint to be treated as a recordable conduct matter;
- (c) the Director General instructs the appropriate authority to reverse a determination not to treat the complaint as a recordable conduct matter;
- (d) the provisions of Part 2 of the 2002 Act cease to apply to the complaint.

(11) Nothing in paragraph (10) requires the appropriate authority to make a notification if it believes that to do so —

- (a) might prejudice any criminal investigation or pending proceedings, or
- (b) would otherwise be contrary to the public interest.

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**Commencement Information**

**II** Reg. 38 in force at 1.2.2020, see [reg. 1\(1\)](#)

**Withdrawn complaints: no written signed notification**

**39.—**(1) This regulation applies where the complainant indicates a wish—

- (a) to withdraw the complaint, or
- (b) that no further steps be taken,

but does not provide a notification to that effect signed by the complainant or the complainant's solicitor or other authorised agent on the complainant's behalf.

(2) The appropriate authority must write to the complainant to determine how the complainant wishes to proceed.

(3) A letter under paragraph (2) must, unless otherwise determined in guidance issued by the Director General, be sent by recorded delivery.

(4) Where the complainant—

- (a) replies confirming the complainant's wish to withdraw the complaint or that no further steps be taken, or
- (b) does not reply within a period of 28 days starting with the day after the day the letter was sent by the appropriate authority in accordance with paragraph (2),

the appropriate authority must proceed as if it had received a notification signed by the complainant that the complainant withdraws the complaint.

**Commencement Information**

**I2** Reg. 39 in force at 1.2.2020, see [reg. 1\(1\)](#)

**Suspension of investigation or other procedure**

**40.**—(1) The Director General and, subject to paragraph (2), an appropriate authority may suspend any investigation or other procedure under Part 2 of the 2002 Act which, in the opinion of the Director General or appropriate authority, would, if it were to continue, prejudice any criminal investigation or proceedings.

(2) The Director General may direct that any investigation or other procedure under Part 2 of the 2002 Act which is liable to be, or has been, suspended by an appropriate authority under paragraph (1) is to continue, or be resumed, if the Director General is of the view that it is in the public interest to make such a direction.

(3) The Director General must consult the appropriate authority before making such a direction.

**Commencement Information**

**I3** Reg. 40 in force at 1.2.2020, see [reg. 1\(1\)](#)

**Resumption of investigation of complaint after criminal proceedings**

**41.**—(1) This regulation applies where—

- (a) the Director General or an appropriate authority has suspended the whole or part of the investigation of a complaint until the conclusion of criminal proceedings under regulation 40 (suspension of investigation or other procedure), and
- (b) those proceedings have concluded.

(2) Where the complainant has not indicated—

- (a) a wish for the investigation to start or be resumed, or
- (b) a wish that the investigation is not started or resumed,

the Director General or appropriate authority (as the case may be) must write to the complainant to determine how the complainant wishes to proceed.

(3) Where the complainant indicates a wish for the investigation to start or be resumed, the Director General or appropriate authority (as the case may be) must start or resume the investigation.

(4) Where the complainant—

- (a) indicates a wish that the investigation is not started or resumed, or

- (b) does not reply to a letter under paragraph (2) within a period of 28 days starting with the day after the letter was sent by the Director General or appropriate authority in accordance with paragraph (2),

the Director General or appropriate authority (as the case may be) must determine whether it is in the public interest for the complaint to be treated as a recordable conduct matter.

(5) Where the Director General or appropriate authority determines that it is not in the public interest for the complaint to be treated as a recordable conduct matter, the provisions of Part 2 of the 2002 Act cease to apply to the complaint.

(6) Where the Director General or appropriate authority determines that it is in the public interest for the complaint to be treated as a recordable conduct matter, the provisions of Part 2 of Schedule 3 (handling of conduct matters) apply to the matter.

(7) Subject to paragraph (8), the Director General or appropriate authority (as the case may be) must notify the person complained against if paragraph (5) or (6) applies.

(8) Nothing in paragraph (7) requires the Director General or appropriate authority to make a notification if the Director General or appropriate authority (as the case may be) believes that that might prejudice any criminal investigation or pending proceedings or would be contrary to the public interest.

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**Commencement Information**

**I4** Reg. 41 in force at 1.2.2020, see [reg. 1\(1\)](#)

**Complaints and conduct matters relating to the conduct of a person who has ceased to be a person serving with the police**

**42.—**(1) Where a complaint or conduct matter relates to the conduct of a person who has ceased to be a person serving with the police since the time of the conduct and on or after 15th December 2017, the provisions of Part 2 of the 2002 Act and these Regulations apply—

- (a) as if the person were still serving in the position in which the person last served, and  
 (b) with the modifications to Part 2 of the 2002 Act and to these Regulations set out in Schedule 2 to these Regulations.

(2) Where a complaint or conduct matter relates to the conduct of a person who has ceased to be a person serving with the police since the time of the conduct and before 15th December 2017, the provisions of Part 2 of the 2002 Act apply in relation to such a person as if they did not include any requirement to determine whether disciplinary proceedings or performance proceedings should be brought against a person whose conduct is the subject-matter of a report.

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**Commencement Information**

**I5** Reg. 42 in force at 1.2.2020, see [reg. 1\(1\)](#)

**Complaints and conduct matters concerning a person whose identity is unascertained**

**43.—**(1) Where a complaint or conduct matter relates to the conduct of a person whose identity—

- (a) is unascertained at the time at which the complaint is made or conduct matter is recorded,  
 or  
 (b) is not ascertained during, or subsequent to, the investigation of the complaint or conduct matter,

Part 2 of the 2002 Act and these Regulations apply in relation to such a person as if they did not include the requirements mentioned in paragraph (2).

(2) The requirements are—

- (a) any requirement for the person complained against or to whose conduct the conduct matter relates to be given a notification or an opportunity to make representations;
- (b) any requirement for the Director General or appropriate authority to determine whether a criminal offence may have been committed by a person whose conduct has been the subject-matter of an investigation, or to take any action in relation to such a determination;
- (c) any requirement for the Director General or appropriate authority to determine whether disciplinary proceedings or performance proceedings should be brought against a person whose conduct is the subject-matter of a report.

(3) Where the identity of a person mentioned in paragraph (1) is subsequently ascertained, the Director General and appropriate authority must, so far as possible, proceed in accordance with Part 2 of the 2002 Act and these Regulations, regardless of any previous action taken under that Part and these Regulations as modified by paragraph (1).

#### Commencement Information

**I6** Reg. 43 in force at 1.2.2020, see [reg. 1\(1\)](#)

### Records to be kept by local policing bodies and chief officers

**44.** Every local policing body and chief officer must keep records, in such form as the Director General determines, of—

- (a) every complaint that is recorded by it or the chief officer under paragraph 2(6A) or 4A(4) of Schedule 3 (duties to record complaints)(2);
- (b) every complaint that is made to it or the chief officer which is—
  - (i) not recorded under paragraph 2(6A) or 4A(4) of Schedule 3, and
  - (ii) of a description determined by the Director General;
- (c) every purported complaint that is made to it or the chief officer which is of a description determined by the Director General;
- (d) every conduct matter recorded by it or the chief officer under paragraph 10(4), (4B) or (4C), 11(3A), (3C) or (3D) or 13A(4) of Schedule 3 (recording of conduct matters)(3);
- (e) every DSI matter recorded by it or the chief officer under paragraph 14A(1) or 14CA(4) of Schedule 3 (duties to record DSI matters)(4);
- (f) every exercise of a power or performance of a duty under Part 2 of the 2002 Act by it or the chief officer.

(2) Paragraph 2(6A) was inserted by paragraphs 1 and 2 of Schedule 5 to the Policing and Crime Act 2017; paragraph 4A(4) was inserted by section 17(1) and (3) of that Act.

(3) Paragraphs 10(4), (4B) and (4C) and 11(3A), (3C) and (3D) were substituted by paragraphs 1, 11 and 12 of Schedule 14 to the Police Reform and Social Responsibility Act 2011 and amended by paragraphs 15 and 56 of Schedule 9 to the Policing and Crime Act 2017; paragraph 13A(4) was inserted by section 17(1) and (6) of the Policing and Crime Act 2017.

(4) Paragraph 14A(1) was inserted by paragraphs 1, 11 and 12 of Schedule 12 to the Serious Organised Crime and Police Act 2005 and amended by paragraphs 277 and 302 of Schedule 16 to the Police Reform and Social Responsibility Act 2011; paragraph 14CA(4) was inserted by section 17(1) and (9) of the Policing and Crime Act 2017.

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**Commencement Information**

**17** Reg. 44 in force at 1.2.2020, see [reg. 1\(1\)](#)

**Register to be kept by the Director General**

**45.**—(1) The Director General must maintain a register of all information provided to the Director General by a local policing body or chief officer under Part 2 of the 2002 Act.

(2) Subject to paragraph (3), the Director General may publish or otherwise disclose to any person any information held on the register where, in the opinion of the Director General, that is necessary for or conducive to the purpose of—

- (a) learning lessons from the handling of complaints, conduct matters or DSI matters;
- (b) demonstrating the thoroughness and effectiveness of the handling of complaints or such matters;
- (c) raising public awareness of the complaints system, or
- (d) improving the complaints system.

(3) Information may not be published or disclosed in circumstances where, in the opinion of the Director General, the non-disclosure of the information is necessary for a purpose mentioned in regulation 35(3) (exceptions to duties to keep the complainant and interested person informed).

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**Commencement Information**

**18** Reg. 45 in force at 1.2.2020, see [reg. 1\(1\)](#)

**Delegation of exercise or performance of powers and duties by chief officers**

**46.**—(1) Subject to the following provisions of this regulation, a chief officer may delegate the exercise or performance of all or any of the powers and duties conferred or imposed on the chief officer by or under Part 2 of the 2002 Act to—

- (a) in the case of a complaint or conduct matter concerning the conduct of a senior officer—
  - (i) a senior officer, or
  - (ii) a police staff member who, in the opinion of the chief officer, is of at least a similar level of seniority;
- (b) in any other case—
  - (i) a member of a police force of at least the rank of inspector, or
  - (ii) a police staff member who, in the opinion of the chief officer, is of at least a similar level of seniority.

(2) Subject to paragraph (3), where a complaint is being handled by a chief officer—

- (a) in accordance with paragraph 6(2A) of Schedule 3 (duty of appropriate authority to handle complaints in a reasonable and proportionate manner)<sup>(5)</sup> otherwise than by the chief officer making arrangements for the complaint to be investigated by the chief officer on the chief officer's own behalf, or
- (b) otherwise than in accordance with Schedule 3,

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(5) Paragraph 6(2A) was inserted by paragraphs 5 and 6 of Schedule 5 to the Policing and Crime Act 2017.

the chief officer may delegate the exercise or performance of all or any of the powers and duties conferred or imposed on the chief officer by or under Part 2 of the 2002 Act to any person serving with the police.

(3) A chief officer must not delegate the exercise or performance of any power or duty under this regulation to a person if to do so could reasonably give rise to a concern as to whether the person could act impartially.

#### Commencement Information

**19** Reg. 46 in force at 1.2.2020, see [reg. 1\(1\)](#)

### Definition of “disciplinary proceedings” for the purposes of Part 2 of the 2002 Act in relation to police staff members and designated police volunteers

**47.—**(1) In relation to a person serving with the police who is not a member of a police force or a special constable, for the purposes of Part 2 of the 2002 Act “disciplinary proceedings” means<sup>(6)</sup>—

- (a) any proceedings or management process during which the conduct (as opposed to the performance) of such a person is considered in order to determine whether a sanction or punitive measure is to be imposed against that person in relation to that conduct, and
- (b) for the purposes of the provisions mentioned in paragraph (2) only, any proceedings or management process during which the performance of such a person is considered in order to determine whether it is unsatisfactory and whether, as a result, any action is to be taken in relation to it.

(2) The provisions are—

- (a) section 22(8) of the 2002 Act (guidance issued by the Director General);
- (b) the following provisions of Schedule 3—
  - (i) paragraph 2(6B) (complaints which must be handled in accordance with Schedule 3)(<sup>7</sup>);
  - (ii) paragraph 6(2E) (handling of complaints other than by way of an investigation: admissibility of statements in proceedings)(<sup>8</sup>);
  - (iii) paragraph 6A(10) (reviews relating to complaints dealt with other than by investigation: references to outcome of a complaint)(<sup>9</sup>);
  - (iv) paragraph 19ZG(2) (retention of items by the Director General)(<sup>10</sup>);
  - (v) paragraph 19ZH(6) (restrictions on access to items retained by the Director General)(<sup>11</sup>);
  - (vi) paragraph 20(1) (restrictions on proceedings pending the conclusion of an investigation)(<sup>12</sup>);

<sup>(6)</sup> See paragraph (b) of the definition of “disciplinary proceedings” in section 29(1) of the 2002 Act.

<sup>(7)</sup> Paragraph 2(6B) was inserted by paragraphs 1 and 2 of Schedule 5 to the Policing and Crime Act 2017.

<sup>(8)</sup> Paragraph 6(2E) was inserted by paragraphs 5 and 6 of Schedule 5 to the Policing and Crime Act 2017.

<sup>(9)</sup> Paragraph 6A(10) was inserted by paragraphs 29 and 31 of Schedule 5 to the Policing and Crime Act 2017.

<sup>(10)</sup> Paragraph 19ZG was inserted by section 20(1) of the Policing and Crime Act 2017. Sub-paragraph (2) was amended by paragraphs 15 and 56 of Schedule 9 to that Act.

<sup>(11)</sup> Paragraph 19ZH was inserted by section 20(1) of the Policing and Crime Act 2017. Sub-paragraph (6) was amended by paragraphs 15 and 56 of Schedule 9 to that Act.

<sup>(12)</sup> Paragraph 20(1) was amended by paragraphs 1 and 2 of Schedule 11, and paragraphs 1, 11 and 18 of Schedule 12, to the Serious Organised Crime and Police Act 2005 and paragraph 47 of Schedule 5, and paragraphs 15 and 56 of Schedule 9, to the Policing and Crime Act 2017.

- (vii) paragraph 22(10) (purposes for which appropriate authority may request items from person investigating)(**13**);
- (viii) paragraph 23(5A) (duties of Director General on receipt or completion of report on investigation)(**14**);
- (ix) paragraph 24(6B) (duties of appropriate authority on receipt of report on investigation)(**15**);
- (x) paragraph 25(4C), (4E) and (14) (reviews with respect to an investigation: powers of relevant review body and references to outcome of a complaint)(**16**);
- (xi) paragraph 27(2) (duties of appropriate authority following memorandum under paragraph 24C)(**17**).

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**Commencement Information**

**110** Reg. 47 in force at 1.2.2020, see [reg. 1\(1\)](#)

**Local policing body functions in relation to complaints: giving of section 13A notices**

- 48.**—(1) A local policing body may only give a section 13A notice—
- (a) where it has taken the steps mentioned in paragraphs (2), (3) and (4), and
  - (b) after the end of the period of 28 days starting with the day on which the step mentioned in paragraph (4) is taken (or retaken, in a case where paragraph (6)(b) applies).
- (2) The first step is to consult, in such manner as the local policing body thinks appropriate, each of the following about the proposed section 13A notice—
- (a) the relevant chief officer;
  - (b) all persons appearing to the local policing body to represent persons serving with the police who may be affected by the proposed section 13A notice.
- (3) The second step is to publish, in such manner as the local policing body thinks appropriate, its response to the representations made or views expressed in response to the consultation.
- (4) The third step is, having taken the steps mentioned in paragraphs (2) and (3), to notify the relevant chief officer—
- (a) that it intends to give a section 13A notice;
  - (b) of the date on which it intends to give the notice, and
  - (c) whether the notice will relate to the functions conferred on the chief officer by the provisions specified in subsection (2) or subsections (2) and (3) of section 13A of the 2002 Act (local policing bodies: functions in relation to complaints)(**18**).
- (5) Any steps taken by a local policing body before the day on which these Regulations come into force are to be taken into account for the purposes of paragraph (1) (and accordingly it does not matter for those purposes whether any of the period mentioned in paragraph (1)(b) falls before that day).

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(13) Paragraph 22(10) was inserted by paragraphs 1, 3 and 12 of Schedule 23 to the Criminal Justice and Immigration Act 2008.  
(14) Paragraph 23(5A) was inserted by paragraphs 9 and 26 of Schedule 5 to the Policing and Crime Act 2017 and amended by paragraphs 15 and 56 of Schedule 9 to that Act.  
(15) Paragraph 24(6B) was inserted by section 15(1) and (10)(a) of the Policing and Crime Act 2017.  
(16) Paragraph 25(4C), (4E) and (14) was inserted by paragraphs 29 and 34 of Schedule 5 to the Policing and Crime Act 2017. Sub-paragraphs (4C) and (4E) were amended by paragraphs 15 and 56 of Schedule 9 to that Act.  
(17) Paragraph 27(2) was amended by section 15(1) and (10)(b) of the Policing and Crime Act 2017.  
(18) Section 13A was inserted by section 13 of the Policing and Crime Act 2017.



- (6) Where a local policing body, having taken the step mentioned in paragraph (4), decides—
- (a) not to give a section 13A notice, it must notify the relevant chief officer of that decision promptly;
  - (b) to give a section 13A notice on a date other than that notified in accordance with paragraph (4) or relating to functions other than those notified in accordance with that paragraph, it must retake the step mentioned in that paragraph.

(7) In this regulation and regulation 49 (local policing body functions in relation to complaints: withdrawal of section 13A notices), “relevant chief officer” means the chief officer of the police force that the local policing body concerned maintains.

**Commencement Information**

**I11** Reg. 48 in force at 1.2.2020, see [reg. 1\(1\)](#)

**Local policing body functions in relation to complaints: withdrawal of section 13A notices**

**49.**—(1) A local policing body may only withdraw a section 13A notice—

- (a) where it has taken the steps mentioned in paragraphs (2), (3) and (4), and
- (b) after the end of the period of 28 days starting with the day on which the step mentioned in paragraph (4) is taken (or retaken, in a case where paragraph (5)(b) applies).

(2) The first step is to consult, in such manner as the local policing body thinks appropriate, each of the following about the proposed withdrawal—

- (a) the relevant chief officer;
- (b) all persons appearing to the local policing body to represent persons serving with the police who may be affected by the proposed withdrawal.

(3) The second step is to publish, in such manner as the local policing body thinks appropriate, its response to the representations made or views expressed in response to the consultation.

(4) The third step is, having taken the steps mentioned in paragraphs (2) and (3), to notify the relevant chief officer—

- (a) that it intends to withdraw the section 13A notice, and
- (b) of the date on which it intends to withdraw the notice.

(5) Where a local policing body, having taken the step mentioned in paragraph (4), decides—

- (a) not to withdraw the section 13A notice, it must notify the chief officer of that decision promptly;
- (b) to withdraw the section 13A notice on a date other than that notified in accordance with paragraph (4), it must retake the step mentioned in that paragraph.

**Commencement Information**

**I12** Reg. 49 in force at 1.2.2020, see [reg. 1\(1\)](#)

**Delegation of exercise or performance of powers and duties by local policing bodies**

**50.**—(1) Subject to the following provisions of this regulation, a local policing body may delegate the exercise or performance of all or any of the powers and duties conferred or imposed on the local

policing body by or under Part 2 of the 2002 Act (including powers and duties that are acquired by virtue of giving a section 13A notice) to any person.

- (2) A local policing body may not delegate any power or duty under paragraph (1) to—
- (a) a constable (whether or not in England and Wales);
  - (b) another local policing body;
  - (c) any other person or body which maintains a police force;
  - (d) the Mayor of London;
  - (e) a member of the staff of a person falling within any of sub-paragraphs (a) to (d), or
  - (f) any person if to do so could reasonably give rise to a concern as to whether the person could act impartially.

(3) But paragraph (2)(e) does not prevent a local policing body delegating the exercise or performance of a power or duty acquired by virtue of a section 13A notice to a person for so long as that person is under the direction and control of the local policing body.

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**Commencement Information**

**I13** Reg. 50 in force at 1.2.2020, see [reg. 1\(1\)](#)

**Manner and time limit of notifications under these Regulations**

**51.**—(1) Any notification to be given under these Regulations must—

- (a) unless otherwise specified in these Regulations or determined in guidance issued by the Director General, be given in writing;
- (b) unless otherwise specified in these Regulations, be made within such period as the Director General may determine in guidance.

(2) No time limit mentioned in these Regulations or determined by the Director General applies in any case where exceptional circumstances prevent that time limit being complied with.

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**Commencement Information**

**I14** Reg. 51 in force at 1.2.2020, see [reg. 1\(1\)](#)

**Application of Part 2 of the 2002 Act etc. to old cases**

**52.**—(1) Part 2 of the 2002 Act and any provision made under it (including these Regulations) apply to a matter in relation to which the Director General has made a section 28A direction with the following modifications—

- (a) the section 28A direction is to be treated as if it were a decision of the Director General to treat the matter as having been referred to the Director General under paragraph 4A(1), 13A(1) or 14CA(1) of Schedule 3 (power of the Director General to treat complaint, conduct matter and DSI matter as having been referred)**(19)** and the appropriate authority must record the matter under paragraph 4A(4), 13A(4) or 14CA(4) of Schedule 3, and

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**(19)** Paragraph 14CA(1) was inserted by section 17(1) and (9) of the Policing and Crime Act 2017 and amended by paragraphs 15 and 56 of Schedule 9 to that Act.

- (b) any requirement for the Director General or appropriate authority to determine whether disciplinary proceedings or performance proceedings should be brought against a relevant person is to be treated as if it were omitted.
- (2) In this regulation—
- “relevant person” means a person—
- (i) in respect of whose conduct the Director General has made a section 28A direction, and
  - (ii) who has previously been the subject of relevant proceedings in connection with that conduct;
- “relevant proceedings” means any proceedings or management process during which—
- (i) the conduct of a person is considered in order to determine whether a sanction or punitive measure is to be imposed against that person in relation to that conduct;
  - (ii) the performance of a person is considered in order to determine whether it is unsatisfactory and whether, as a result, any action is to be taken in relation to it.

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**Commencement Information**

**I15** Reg. 52 in force at 1.2.2020, see [reg. 1\(1\)](#)

**Amendment of policing protocol**

**53.**—(1) The policing protocol set out as a Schedule to the Policing Protocol Order 2011(**20**) is amended as follows.

(2) For paragraph 17(n) (police and crime commissioners etc: responsibilities in relation to complaints) substitute—

“(n) monitor all complaints against the force, its officers and staff, have responsibility for complaints against the Chief Constable and exercise other functions in relation to complaints under Part 2 of the Police Reform Act 2002 (including functions acquired in accordance with any notice given by the PCC to the Chief Constable under section 13A of that Act).”.

(3) In paragraph 23(k) (chief constables: responsibilities in relation to complaints), after “Chief Constable” for “, and” substitute “and subject to any notice given to the Chief Constable by the PCC under section 13A of the Police Reform Act 2002,”.

(4) Paragraph 38 (ability of the Director General to issue guidance on the meaning of “direction and control”) is omitted.

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**Commencement Information**

**I16** Reg. 53 in force at 1.2.2020, see [reg. 1\(1\)](#)

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

**54.**—(1) The Police (Complaints and Conduct) Regulations 2013(**21**) are amended as follows.

(2) In regulation 1 (citation, commencement, interpretation and extent), the definition of “relevant indication” is omitted.

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(20) S.I. 2011/2744, amended by S.I. 2017/1250.

(21) S.I. 2013/281, amended by S.I. 2017/1250.

(3) For regulation 2(11) (interviews of witnesses during investigation) substitute—

“(11) Nothing in this regulation shall apply, in the case of an investigation to which paragraph 19A of Schedule 3 to the 2002 Act (special procedure where investigation relates to police officer or special constable) applies, to an interview of a serving officer who is the person concerned in relation to the investigation (within the meaning of that paragraph).”.

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**Commencement Information**

**I17** Reg. 54 in force at 1.2.2020, see [reg. 1\(1\)](#)

**Amendment of the Public Interest Disclosure (Prescribed Persons) Order 2014**

**55.**—(1) The Public Interest Disclosure (Prescribed Persons) Order 2014(22) is amended as follows.

(2) In the first column of the Schedule, for “Independent Police Complaints Commission” substitute “The Director General of the Independent Office for Police Conduct”.

(3) In the second column of the Schedule, for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct”.

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**Commencement Information**

**I18** Reg. 55 in force at 1.2.2020, see [reg. 1\(1\)](#)

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(22) [S.I. 2014/2418](#), to which there are amendments not relevant to these Regulations.

**Changes to legislation:**

There are currently no known outstanding effects for the The Police (Complaints and Misconduct) Regulations 2020, PART 5.