
STATUTORY INSTRUMENTS

2020 No. 5

The Policing and Crime Act 2017 (Commencement No. 10 and Transitional and Saving Provisions) Regulations 2020

Transitional and saving provisions

3.—(1) Subject to paragraph (2), the amendments made by the provisions listed in paragraphs (a) to (e), (g) to (j), (m) and (n) in regulation 2 do not apply where—

- (a) a complaint was made, or a conduct matter or DSI matter came to the attention of an appropriate authority, before 1st February 2020 (a “pre-commencement complaint”, a “pre-commencement conduct matter” or a “pre-commencement DSI matter”);
- (b) a complaint is made, or a conduct matter or DSI matter comes to the attention of an appropriate authority, on or after 1st February 2020 which—
 - (i) relates to—
 - (aa) a matter in respect of which a pre-commencement complaint was made;
 - (bb) a pre-commencement conduct matter;
 - (cc) a pre-commencement DSI matter, and
 - (ii) at the time the complaint is made, or the conduct matter or DSI matter comes to the attention of an appropriate authority, that pre-commencement complaint, pre-commencement conduct matter or pre-commencement DSI matter is being handled in accordance with Schedule 3 to the 2002 Act (handling of complaints and conduct matter etc.).

(2) Paragraph (1) does not apply where the Director General—

- (a) determines, under section 13B of the 2002 Act (power of the Director General to require a re-investigation)(**1**), that a complaint, conduct matter or DSI matter is to be re-investigated, or
- (b) makes a direction under section 28A(1) or (4) of the 2002 Act (application of Part 2 to old cases)(**2**) in relation to a matter on or after 1st February 2020,

regardless of when the complaint was made or the matter came to the attention of the appropriate authority.

(3) The amendments made by section 31 of the 2017 Act do not apply in relation to an appeal under section 85 of the Police Act 1996 (appeals against dismissal etc.)(**3**) against a decision made in accordance with—

- (a) the Police (Performance) Regulations 2008(**4**);
- (b) the Police (Conduct) Regulations 2008(**5**);

(1) Section 13B is inserted by section 18(1) of the 2017 Act (see paragraph (f) in regulation 2).
(2) Section 28A was inserted by section 2(1) and (2) of the Police (Complaints and Conduct) Act 2012 (c. 22) and amended by paragraphs 15 and 39 of Schedule 9 to the 2017 Act.
(3) 1996 c. 16. Section 85 was substituted by paragraphs 1 and 8 of Schedule 22 to the Criminal Justice and Immigration Act 2008 and amended by section 29(1) and (5) of the 2017 Act.
(4) S.I. 2008/2862, amended by S.I. 2011/3027 and revoked, subject to transitional provisions, by S.I. 2012/2631.
(5) S.I. 2008/2864, amended by S.I. 2011/3027 and revoked, subject to transitional provisions, by S.I. 2012/2632.

- (c) the Police (Performance) Regulations 2012**(6)**, or
- (d) the Police (Conduct) Regulations 2012**(7)**.
- (4) The amendments made by the provisions listed in paragraphs (a) to (g), (i), (j), (m) and (n) in regulation 2 do not apply for the purposes of—
- (a) the UK Border Agency (Complaints and Misconduct) Regulations 2010**(8)**;
- (b) the Revenue and Customs (Complaints and Misconduct) Regulations 2010**(9)**;
- (c) the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012**(10)**;
- (d) the National Crime Agency (Complaints and Misconduct) Regulations 2013**(11)**;
- (e) the Independent Police Complaints Commission (Complaints and Misconduct) (Contractors) Regulations 2015**(12)**;
- (f) the Gangmasters and Labour Abuse Authority (Complaints and Misconduct) Regulations 2017**(13)**.
- (5) In this regulation—
- “the 2002 Act” means the Police Reform Act 2002**(14)**;
- “appropriate authority” has the meaning given to it by section 29(1) of the 2002 Act (interpretation of Part 2)**(15)** as in force immediately before 1st February 2020;
- “complaint” has the meaning given to it by section 12(1) of the 2002 Act (complaints, matters and persons to which Part 2 applies) as in force immediately before 1st February 2020;
- “conduct matter” has the meaning given to it by section 12(2) of the 2002 Act**(16)**;
- “Director General” means the Director General of the Independent Office for Police Conduct;
- “DSI matter” has the meaning given to it by section 12(2A) of the 2002 Act**(17)**.

(6) S.I. 2012/2631, amended by S.I. 2014/2403 and 2017/1250.

(7) S.I. 2012/2632, amended by S.I. 2014/3347, 2015/626, 2017/1134 and 2017/1250.

(8) S.I. 2010/782, amended by S.I. 2011/3058, 2014/834, 2015/383 and 2017/1250.

(9) S.I. 2010/1813, amended by S.I. 2011/3061, 2014/834 and 2017/1250.

(10) S.I. 2012/62, amended by S.I. 2017/1250.

(11) S.I. 2013/2325, amended by S.I. 2017/1250.

(12) S.I. 2015/431, amended by S.I. 2017/1250 and 2018/682.

(13) S.I. 2017/521, amended by S.I. 2017/1250.

(14) 2002 c. 30.

(15) This definition was substituted by paragraphs 1 and 10(1) and (2)(a) of Schedule 12 to the Serious Organised Crime and Police Act 2005 (c. 15) and subsequently amended by paragraphs 277 and 291(a) of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13).

(16) Section 12(2) was amended by section 2(1) and (3)(a) of the Police (Complaints and Conduct) Act 2012 and by paragraphs 1 and 8(6)(a) of Schedule 14 to the Police Reform and Social Responsibility Act 2011.

(17) Section 12(2A) was inserted by paragraphs 1 and 3 of Schedule 12 to the Serious Organised Crime and Police Act 2005 and amended by 2(1) and (3)(b) of the Police (Complaints and Conduct) Act 2012.