STATUTORY INSTRUMENTS

1977 No. 578

POLICE

The Police (Complaints) (General) Regulations 1977

Made - - - -	28*th March* 1977
Laid before Parliament	6*th April* 1977
Coming into Operation	1*st June* 1977

In exercise of the powers conferred on me by section 6 of the Police Act 1976**(a)** (excluding subsection (1)(*g*) thereof), and after consulting the Police Advisory Board for England and Wales in accordance with section 46(3) of the Police Act 1964**(b)** (as extended by section 6(3) of the said Act of 1976), I hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Police (Complaints) (General) Regulations 1977 and shall come into operation on 1st June 1977.

Regulations not to apply to complaint against a senior officer

2. These Regulations shall not apply in respect of a complaint to which subsection (1) of section 2 of the Act of 1976 does not apply by reason of subsection (2)(*c*) thereof and, accordingly, shall not apply in respect of a complaint against a chief constable or other senior officer within the meaning of the Police (Discipline) (Senior Officers) Regulations 1977**(c)**.

Interpretation

3.—(1) In these Regulations unless the context otherwise requires, the following expressions have the meanings respectively assigned to them, that is to say:—

"the Act of 1964" means the Police Act 1964;

"the Act of 1976" means the Police Act 1976;

"chief officer" shall be construed as including a reference to a deputy chief officer acting as chief officer and "chief officer concerned" means, in relation to a complaint against a member of a police force, the chief officer of that force;

"complaint" means a complaint to which section 49(1) of the Act of 1964 applies, being a complaint made against a member of a police force in respect of his conduct on or after 1st June 1977; and "copy of a complaint", in the case of a complaint made orally, shall include a copy of the record of the complaint;

(a) 1976 c. 46. **(b)** 1964 c. 48.
(c) S.I. 1977/581 (1977 I, p. 1862).

"complainant" means the originator of a complaint notwithstanding that it was transmitted to the chief officer concerned by some other person or by the Complaints Board or some other body;

"Complaints Board" means the Police Complaints Board established in pursuance of section 1 of the Act of 1976;

"member concerned", in relation to a complaint, means the member of a police force against whom the complaint is made.

(2) In these Regulations, unless the context otherwise requires, any reference to a paragraph shall be construed as a reference to a paragraph in the same Regulation.

(3) The Interpretation Act 1889**(a)** shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Board to forward complaints

4. Where the Complaints Board have received a complaint against a member of a police force, they shall transmit it to the chief officer appearing to them to be the chief officer concerned unless they are satisfied that to do so would be contrary to the complainant's wishes or, in all the circumstances, unnecessary.

Board to be informed of complaints not dealt with within 4 months

5.—(1) Subject to paragraph (2), this Regulation shall apply where a chief officer of police has received a complaint against a member of his force, 4 or more months have elapsed since he received the complaint but he has still not sent to the Complaints Board the documents referred to in section 2(1) of the Act of 1976 (whether because the investigation has not been completed or for any other reason).

(2) This Regulation shall apply only if and so long as the case is one to which section 2(1) of the Act of 1976 applies or could apply and, accordingly, shall not apply—

(*a*) in pursuance of section 2(2)(*a*) of the said Act, where disciplinary charges have been preferred in respect of the matter or matters complained of and the accused has admitted the charges and not withdrawn his admission, or

(*b*) in pursuance of section 2(2)(*b*) of the said Act, where, as mentioned in Regulation 3(2) of the Police (Withdrawn, Anonymous Etc. Complaints) Regulations 1977**(b)**, the complaint has been withdrawn or the complainant has indicated that he does not wish any further steps to be taken or,

(*c*) where, in pursuance of Regulation 4 of the said Regulations of 1977 (complaints which are anonymous, repetitious or incapable of investigation), the Complaints Board have dispensed with the requirements there mentioned, in particular, those of the said section 2(1).

(3) Where this Regulation applies, the chief officer concerned shall, as soon as possible after the expiration of the period of 4 months mentioned in paragraph (1), in pursuance of section 2(4) of the Act of 1976, send to the Complaints Board—

(a) 1889 c. 63.

(b) S.I. 1977/577 (1977 I, p. 1828).

(*a*) a copy of the complaint, together with

(*b*) information as to the stage reached in dealing with the complaint.

(4) Where, in pursuance of the said section 2(4) (read with either paragraph (3) or with this paragraph), the Complaints Board have been sent information as to the stage reached in dealing with a complaint but desire to be informed at a subsequent date as to the stage then reached, they may in writing request the chief officer concerned to inform them and specify a period ("the specified period") of not less than 4 months for the purposes hereof; and where the chief officer is so requested, he shall (unless he has by then sent to the Complaints Board the documents referred to in section 2(1) of the Act of 1976 or this Regulation has otherwise ceased to apply), as soon as possible after the expiration of the specified period reckoned—

(*a*) from such stage in dealing with the complaint or from such event, if any, as the Board may have specified in their request, or

(*b*) if the Board have not so specified a stage or event, from the date on which they were sent the information first referred to in this paragraph,

in pursuance of the said section 2(4), send to the Complaints Board information as to the stage then reached in dealing with the complaint.

Functions of Complaints Board as to disciplinary charges

6.—(1) Where the report of an investigation into a complaint is sent to the Compaints Board in pursuance of section 2(1) of the Act of 1976, the Board shall deal with the case under section 3 of that Act without undue delay and shall take such decisions as appear to them appropriate for the purposes thereof as soon as is practicable.

(2) Where the chief officer concerned has not preferred disciplinary charges and the Complaints Board accept his decision they shall—

(*a*) so inform the chief officer forthwith, and

(*b*) subject to paragraph (4), notify the complainant of the decision and of their acceptance

and may furnish the complainant with such relevant information in explanation thereof, if any, as appears to them appropriate.

(3) Where the chief officer concerned withdraws a disciplinary charge with the leave of the Complaints Board given in pursuance of section 3(4) of the Act of 1976, the Board shall, subject to paragraph (4), notify the complainant that the charge has been withdrawn with their leave and furnish him with such relevant information in explanation of the withdrawal, if any, as appears to them appropriate.

(4) The Complaints Board shall be relieved of the duty of notifying the complainant as mentioned in paragraph (2)(*b*) or (3) if compliance therewith appears to them to be not reasonably practicable.

(5) Where the chief officer concerned has, under Regulation 10 of the Police (Discipline) Regulations 1977**(a)**, delegated the duty of deciding under Regulation 8 of those Regulations whether a member of a police force should be charged with a disciplinary offence, the references in paragraphs (2) and (3) to that chief officer shall be taken as references to the officer to whom the duty is delegated.

(a) S.I. 1977/580 (1977 I, p. 1840).

Complaints register

7. Every chief officer of police shall cause a register of complaints against members of his force to be kept in which there shall be recorded the steps taken in dealing with a complaint and their outcome.

Delegation of functions by chief officer

8.—(1) Subject to paragraph (3), a chief officer of police may delegate all or any of his functions—

(*a*) under section 49 of the Act of 1964;

(*b*) under section 2, 3, 4(5) or 5(2) and (3) of the Act of 1976, or

(*c*) under these Regulations,

to such an officer as is mentioned in paragraph (2) and, where he does so delegate a function under a Regulation contained in these Regulations, any reference in that Regulation to the chief officer shall be taken, unless the context otherwise requires, as a reference to the officer to whom the function is delegated.

(2) The said functions may be delegated—

(*a*) in the City of London police force, to an assistant commissioner thereof or to a commander thereof acting in the place of an assistant commissioner who is himself either acting in the place of the commissioner or for any reason absent:

(*b*) in the metropolitan police force, to an assistant commissioner or deputy assistant commissioner thereof;

(*c*) in any other police force, to the deputy chief constable or to an assistant chief constable thereof acting in the place of the deputy chief constable who is himself either acting in the place of the chief officer under section 6(1) of the Act of 1964 or for any reason absent.

(3) A member of a police force who has acted as investigating officer in a case shall not, as respects that case, exercise any function in pursuance of a delegation under paragraph (1).

Merlyn Rees,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.

28th March 1977.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations relate to complaints by members of the public against the police, being complaints in respect of a policeman's conduct on or after 1st June 1977 (definition of "complaint" in Regulation 3(1)). They do not apply in respect of a complaint against a chief constable or certain other senior officers (Regulation 2).

Regulation 4 requires the Police Complaints Board to transmit any complaint they receive to the chief officer concerned unless satisfied that this is not the wish of the complainant or that, in all circumstances, this is unnecessary.

Regulation 5 (read with section 2(4) of the Police Act 1976) provides that, where a report of the investigation of a complaint falls to be sent to the Complaints Board under section 2(1) of the Act but it has not been sent within 4 months of the complaint being made, the Board shall be sent a copy of the complaint and information as to the stage reached in dealing with it. Provision is also made for the Board, on request, to be furnished subsequently, but at intervals of not less than 4 months, with further information as to the stage then reached.

Regulation 6 requires the Complaints Board to exercise their powers as to disciplinary charges without undue delay (paragraph (1)). Where they accept that no charge should be brought in consequence of a complaint they must inform the complainant (paragraph (2)). Similarly, they must inform him if they agree to the withdrawal of a charge which has been preferred (paragraph (3)).

Regulation 7 provides for the keeping of a complaints register.

Regulation 8 enables a chief officer of police to delegate specified statutory functions relating to complaints to an appropriate senior officer of his force.

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