STATUTORY INSTRUMENTS

1985 No. 671

POLICE

The Police (Complaints) (Informal Resolution) Regulations 1985

Laid before Parliament in draft

Made - - - - -	26*th April* 1985
Coming into Operation	29*th April* 1985

Whereas a draft of these Regulations has been approved by resolution of each House of Parliament:

Now, therefore, in exercise of the powers conferred on me by section 99(2)*(b)* of the Police and Criminal Evidence Act 1984(**a**), and after furnishing the Police Advisory Board for England and Wales with a draft of the Regulations and taking into consideration the representations of the said Board thereon in accordance with section 100(2) of the said Act of 1984, I hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Police (Complaints) (Informal Resolution) Regulations 1985 and shall come into operation on 29th April 1985.

Interpretation

2. In these Regulations the following expressions have the meanings respectively assigned to them, that is to say:—

"the Act of 1984" means the Police and Criminal Evidence Act 1984;

"the appointed officer" means the officer appointed for the informal resolution of complaints under section 85(4) of the Act of 1984;

"the Authority" means the Police Complaints Authority established under section 83(1) of the Act of 1984;

"chief officer" shall be construed as including a reference to a person discharging the functions of a chief officer and "chief officer concerned"

(**a**) 1984 c.60.

means, in relation to a complaint about the conduct of a member of a police force, the chief officer of the force of which he is a member;

"complaint" means a complaint to which Part IX of the Act of 1984 applies;

"complainant" means the person by whom or on whose behalf a complaint is submitted to the chief officer concerned;

"member concerned", in relation to a complaint, means the member about whose conduct the complaint is made;

"senior officer" means a police officer of the rank of chief constable, deputy chief constable or assistant chief constable or, in the case of the City of London and metropolitan police forces, a member of the force in question of, or above, the rank of commander.

Application of Regulations

3.— (1) Subject to the following provisions of this Regulation, these Regulations apply to a complaint received by the chief officer concerned on or after 29th April 1985, being a complaint which he considers to be suitable for informal resolution.

(2) Nothing in these Regulations applies in the case of a complaint against a senior officer.

(3) Where under Part IX of the Act of 1984 the Authority are required or determine to supervise the investigation of a complaint it shall not be dealt with or, as the case may be, continue to be dealt with by way of informal resolution.

Procedure for informal resolution of complaints

4.— (1) Subject to paragraph (2) below, for the purpose of informally resolving a complaint to which these Regulations apply about the conduct of a member of his force, the appointed officer shall as soon as practicable—

(a) seek the views of the complainant and the member concerned about the matter; and

(b) take such other steps as appear to him appropriate,

and, without prejudice to the foregoing, where it appears to the appointed officer that the complaint had in fact already been satisfactorily dealt with at the time it was brought to his notice, he may, subject to any representation made by the complainant, treat it as having been informally resolved.

(2) The appointed officer shall not, for the purpose of informally resolving a complaint, tender on behalf of the member concerned an apology for his conduct unless he has admitted the conduct in question.

Records

5. When a complaint is dealt with by way of informal resolution under these Regulations a record shall be made of the outcome of the procedure and a complainant shall be entitled to obtain a copy thereof from the chief officer concerned if he applies for such a copy not later than the end of 3 months from the day on which—

(a) the informal resolution of his complaint was achieved; or

(b) for whatever other reason, it was determined that the complaint should no longer be subject to the said procedure.

Leon Brittan,
One of Her Majesty's Principal Secretaries of State.

Home Office.
26th April 1985.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations provide for the informal resolution of complaints against police officers in accordance with section 85 of the Police and Criminal Evidence Act 1984.

By Regulation 3 the Regulations apply only to complaints received by the chief officer of police on or after 29th April 1985. They do not apply in the case of senior officers (officers above the rank of chief superintendent).

Regulation 4 sets out the procedure for informal resolution. Regulation 5 requires a record to be kept of the outcome of the procedure and enables the complainant to obtain a copy of the record.

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