STATUTORY INSTRUMENTS

1977 No. 579

POLICE

The Police (Copies of Complaints) Regulations 1977

Made - - - -	*28th March* 1977
Laid before Parliament	*6th April* 1977
Coming into Operation	*1st 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 (Copies of Complaints) Regulations 1977 and shall come into operation on 1st June 1977.

Interpretation

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

"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 (other than a chief constable or other senior officer within the meaning of the Police (Discipline) (Senior Officers) Regulations 1977(**c**)) 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;

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

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

Copy of complaint to be supplied to member concerned

3.—(1) Without prejudice to Regulation 11(1)(*b*) of the Police (Discipline) Regulations 1977(**e**), where a complaint has been received against a member of a police force and it has been decided not to prefer disciplinary charges in respect of the matter or matters complained of, the member concerned may in writing request the chief officer concerned to supply him with a copy of the complaint.

(**a**) 1976 c. 46. (**b**) 1964 c. 48. (**c**) S.I. 1977/581 (1977 I, p. 1862).
(**d**) 1889 c. 63. (**e**) S.I. 1977/580 (1977 I, p. 1840).

(2) On receipt of a request under paragraph (1) above, the chief officer concerned shall cause the member concerned to be supplied with a copy of the complaint (or of so much thereof as relates to him) except that, by notice in writing given to the member, the chief officer may refuse to comply with the request if—

(*a*) he is of the opinion that to do so might prejudice any criminal investigation or proceedings then pending, or

(*b*) he is of the opinion that it would otherwise be contrary to the public interest to comply with the request and the Secretary of State agrees that it should not be complied with;

and, where such notice is given, the member concerned shall not repeat his request under paragraph (1) above within the period of 6 months beginning with the date of the notice, without prejudice, however, to his doing so subsequently.

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 as defined in Regulation 2(1) in respect of a policeman's conduct on or after 1st June 1977.

They provide that a policeman against whom a complaint is made may obtain a copy of the complaint, subject to safeguards where this might prejudice any criminal investigation or proceedings or otherwise be contrary to the public interest.

SI 1977/579
ISBN 0-11-070579-3

