EXPLANATORY MEMORANDUM TO

THE REVENUE AND CUSTOMS (COMPLAINTS AND MISCONDUCT) (AMENDMENT) REGULATIONS 2011

2011 No. 3061

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The instrument amends the Revenue and Customs (Complaints and Misconduct) Regulations 2010 in consequence of changes made by the Police Reform and Social Responsibility Act 2011 ("the 2011 Act") to policing governance arrangements in England and Wales.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The 2011 Act makes significant changes to the governance arrangements for policing in England and Wales. The Act abolishes the police authorities responsible for maintaining police forces outside London and replaces them with directly elected Police and Crime Commissioners ("PCCs"). The Act also abolishes the Metropolitan Police Authority and replaces it with the Mayor's Office for Policing and Crime ("MOPC") – an office held by the Mayor of London. In the City of London the Common Council retains its role as the police authority. The Act refers to PCCs, the MOPC and the Common Council collectively as "local policing bodies". The relevant provisions of the 2011 Act come into force on 16th January 2012 in relation to the Metropolitan Police District. They will come into force on 22nd November 2012 in the rest of England and Wales.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- ***What is being done and why***

7.1 Regulation 16 of the Revenue and Customs (Complaints and Misconduct) Regulations 2010 includes provision for payment to be made to a police authority where the police force maintained by that authority provides assistance in connection with an investigation carried out under those Regulations. This instrument amends regulation 16 by substituting references for a local policing body for references to a police authority. The effect is that payments that were previously made to the police authority responsible for maintaining the assisting police force may now be made to the local policing body. This merely reflects the fact that police authorities in England and Wales (other than the Common Council in its capacity as a police authority) are being abolished and replaced with new bodies. The amendments do not change the substantive effect of regulation 16.

- ***Consolidation***

7.2 As very limited amendments are being made to the existing instrument, the Government does not intend to consolidate the legislation.

8. Consultation outcome

8.1 In light of the nature of the amendments being made, no formal consultation has been conducted.

9. Guidance

9.1 Bearing in mind the limited extent of the amendments made to existing instruments, there is no intention to issue specific guidance.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Bearing in mind the limited extent of the amendments made to the existing instruments, there is no intention to conduct a formal review the impact of this instrument.

13. Contact

Adam Slonecki at the Home Office Tel: 020 7035 8029 or email: adam.slonecki@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.