STATUTORY INSTRUMENTS

2018 No. 412

POLICE, ENGLAND AND WALES

The Police Super-complaints (Criteria for the Making and Revocation of Designations) Regulations 2018

Made - - - -	*22nd March 2018*
Laid before Parliament	*26th March 2018*
Coming into force - -	*16th April 2018*

The Secretary of State, after consultation in accordance with section 29B(5) of the Police Reform Act 2002(**1**), makes the following Regulations in exercise of the powers conferred by sections 29B(3) and 29C of that Act.

Commencement and citation

1.—(1) These Regulations may be cited as the Police Super-complaints (Criteria for the Making and Revocation of Designations) Regulations 2018.

(2) These Regulations come into force on 16th April 2018.

Interpretation

2. In these Regulations—

"the 2002 Act" means the Police Reform Act 2002;

"the Chief Inspector" means Her Majesty's Chief Inspector of Constabulary;

"trade union" has the same meaning as in the Trade Union and Labour Relations (Consolidation) Act 1992(**2**).

Criteria for the making of designations

3.—(1) This Regulation specifies criteria which must be applied by the Secretary of State in deciding whether to act under section 29B(2)(a) of the 2002 Act by designating a body in regulations under section 29B(1) of that Act.

(**1**) 2002 c. 30. Sections 29A to 29C were inserted by Chapter 2 of Part 2 of the Policing and Crime Act 2017 (c. 3). Section 29C was amended by paragraph 41 of Schedule 9 to the Policing and Crime Act 2017.

(**2**) 1992 c. 52. "Trade union" is defined by section 1.

(2) The first is that the body is competent in, and has considerable experience of, representing the interests of the public.

(3) The second is that the body would represent the interests of the public effectively in its role as a designated body and, in particular, would work to improve policing.

(4) The third is that the composition of the body and the arrangements for its governance and accountability are such that it can be relied upon to act independently and with integrity in its role as a designated body.

(5) The fourth is that the body has the capability necessary to carry out its role as a designated body effectively.

(6) The fifth is that the body has made arrangements for the appropriate storage and handling of data that it may obtain in its role as a designated body.

(7) The sixth is that the body can be relied upon to have regard to any guidance about the making of complaints under section 29A(1) of the 2002 Act which is given to designated bodies by the Chief Inspector.

(8) The seventh is that the body's activities include activities in or in relation to more than one police area.

(9) The eighth is that the body is not—

(a) a trade union, or

(b) an association (other than a trade union) which represents the interests of members of police forces.

(10) The ninth is that the body would—

(a) collaborate effectively with bodies which are not designated bodies but which are, or may be, aware of matters which could form the basis of a complaint under section 29A(1) of the 2002 Act, and

(b) where appropriate, make a complaint under that section on the basis of matters raised with it by such bodies.

Criterion for the revocation of designations

4.—(1) This Regulation specifies the criterion which must be applied by the Secretary of State in deciding whether to act under section 29B(2)(a) of the 2002 Act by revoking a designation made by regulations under section 29B(1) of that Act.

(2) The criterion is that one or more of the following sets of circumstances apply in relation to the body—

(a) it is failing to represent the interests of the public effectively in its role as a designated body;

(b) it is failing to act independently and with integrity in that role;

(c) it no longer has the capability necessary to carry out that role;

(d) it no longer has effective arrangements for the appropriate storage and handling of data that it may obtain in its role as a designated body;

(e) it is failing to have regard to guidance about the making of complaints under section 29A(1) of the 2002 Act which is given to designated bodies by the Chief Inspector;

(f) it is failing to engage in activities in or in relation to more than one police area in its role as a designated body;

(g) it has become—

(i) a trade union, or