STATUTORY INSTRUMENTS

2017 No. 1250

POLICE, ENGLAND AND WALES

The Independent Office for Police Conduct (Transitional and Consequential) Regulations 2017

Made - - - -	*12th December 2017*
Laid before Parliament	*13th December 2017*
Coming into force - -	*8th January 2018*

The Secretary of State, in exercise of the powers conferred by sections 50 and 51 of the Police Act 1996(**1**), sections 12(8) and (9), 23, 26D and 105 of, and paragraphs 19A(5), 19F(2) and (3) and 22(7) of Schedule 3 to, the Police Reform Act 2002(**2**) and section 180 of the Policing and Crime Act 2017(**3**), makes the following Regulations.

In accordance with section 63(3)(a) and (b) of the Police Act 1996, the Secretary of State has supplied the Police Advisory Board for England and Wales with a draft of these Regulations and has taken into consideration the representations of that Board.

In accordance with section 24 of the Police Reform Act 2002, the Secretary of State has consulted with the Independent Police Complaints Commission, such persons as appear to her to represent the views of police and crime commissioners, the Mayors' Offices for Policing and Crime, the Common Council, the National Police Chiefs' Council and such other persons as the Secretary of State thinks fit.

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Independent Office for Police Conduct (Transitional and Consequential) Regulations 2017 and come into force on 8th January 2018.

(**1**) 1996 c. 16.
(**2**) 2002 c. 30.
(**3**) 2017 c. 3.

Interpretation

2. In these Regulations—

"Commission" means the Independent Police Complaints Commission which was established under section 9 of the Police Reform Act 2002(**4**); and

"Director General" means the Director General of the Independent Office for Police Conduct.

PART 2

Amendments to secondary legislation

Amendment of the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975

3. In the Rehabilitation of Offenders Act 1974 (Exceptions Order) 1975(**5**), in Part II of Schedule 1, in paragraph 14E for "Any chairman, member or member of staff of the Independent Police Complaints Commission" substitute "The Director General, or any member or member of staff, of the Independent Office for Police Conduct".

Amendment of Official Secrets Act 1989 (Prescription) Order 1990

4. In the Official Secrets Act 1989 (Prescription) Order 1990(**6**), in the table in Schedule 1—

(a) for the entry in column 1 for "the Independent Police Complaints Commission" substitute "the Independent Office for Police Conduct"; and

(b) in the corresponding entry in column 2 for "Commission" substitute "Office".

Modification of the Police (Complaints and Misconduct) Regulations 2004

5.—(1) Where the Police (Complaints and Misconduct) Regulations 2004(**7**) continue to have effect by virtue of regulation 2(2) of the Police (Complaints and Misconduct) Regulations 2012(**8**) they do so with the further modifications(**9**) in paragraphs (2) and (3).

(2) For—

(a) "Commission" in each place where it occurs substitute "Director General";

(b) "Commission's" in each place where it occurs substitute "Director General's'";

(c) "it" in each place where it occurs and is used as a pronoun in place of "the Commission", substitute "the Director General";

(d) "its" in each place where it occurs and is used to mean "the Commission's", substitute "the Director General's".

(3) In regulation 1(2)—

(a) omit the definition of "the Commission"; and

(b) at the appropriate place insert—

""the Director General" means the Director General of the Independent Office for Police Conduct;".

(**4**) Section 9 was amended by the Policing and Crime Act 2017 (c. 3).
(**5**) S.I. 1975/1023.
(**6**) S.I. 1990/200.
(**7**) S.I. 2004/643.
(**8**) S.I. 2012/1204.
(**9**) The Police (Complaints and Misconduct) Regulations 2004 apply in the cases mentioned in regulation 2(2) of the Police (Complaints and Misconduct) Regulations 2012 with the modifications set out in regulation 2(3) and (4) of those regulations.

(4) In regulations 12(2) and 17(8) for "it" substitute "the Director General or, as the case may be, the appropriate authority".

Amendment of the Independent Police Complaints Commission (Transitional Provisions) Order 2004

6.—(1) The Independent Police Complaints Commission (Transitional Provisions) Order 2004(**10**) is amended as follows.

(2) For "Commission" in each place where it occurs except in articles 1, 5, 6 and 7 substitute "Director General".

(3) In article 1(2)—

(a) at the end of paragraph (b) omit "and";

(b) after paragraph (c) insert—

"and

(d) "Director General means the Director General of the Independent Office for Police Conduct.".

Modification of the Police (Conduct) Regulations 2004

7.—(1) Where the Police (Conduct) Regulations 2004(**11**) continue to have effect by virtue of regulation 2(2) of the Police (Conduct) Regulations 2008(**12**) they do so with the further modifications(**13**) in paragraphs (2) to (7).

(2) For—

(a) "Commission" in each place where it occurs substitute "Director General";

(b) "Commission's" in each place where it occurs substitute "Director General's'";

(c) "it" in each place where it occurs and is used as a pronoun in place of "the Commission" substitute "the Director General";

(d) "its" in each place where it occurs and is used to mean "the Commission's" substitute "the Director General's".

(3) The modifications made by virtue of paragraph (2)(a) do not apply to occurrences of "Commission" amended by another provision within this regulation.

(4) In regulation 3(1)—

(a) omit the definition of "the Commission"; and

(b) at the appropriate place insert—

""the Director General" means the Director General of the Independent Office for Police Conduct;".

(5) In regulation 4(5)(d) for "Commission decide" substitute "Director General decides".

(6) In regulation 25(1) for "Commission may itself" substitute "Director General may".

(7) In regulation 30(2) omit "Any member of".

(**10**) S.I. 2004/671.
(**11**) S.I. 2004/645.
(**12**) S.I. 2008/2864.
(**13**) The Police (Conduct) Regulations 2004 apply in the cases mentioned in regulation 2(2) of the Police (Conduct) Regulations 2008 and regulation 2(2) of the Police (Conduct) Regulations 2012 with the modifications set out in Part 2 of Schedule 1 to, the Police (Conduct) Regulations 2012.

Amendment of the Independent Police Complaints Commission (Staff Conduct) Regulations 2004

8.—(1) The Independent Police Complaints Commission (Staff Conduct) Regulations 2004(**14**) are amended as follows.

(2) For—

(a) "Commission" in each place where it occurs, except in regulation 1(1), substitute "Director General";

(b) "Commission's" in each place where it occurs substitute "Office's";

(c) "it" in each place where it occurs and is used as a pronoun in place of "the Commission" substitute "the Director General".

(3) The amendments made by virtue of paragraph (2)(a) to (c) above do not apply to occurrences of "Commission", "Commission's" or "it" amended by another provision within this regulation.

(4) In regulation 1(2), for ""the Commission"" to the end substitute—

""Director General" means the Director General of the Independent Office for Police Conduct; and

"the Office" means the Independent Office for Police Conduct.".

(5) In regulation 2(3)(a)(ii) substitute—

"(ii) has been made by a member of the Office or a member of the Office's staff and in the view of the Director General should be recorded and dealt with as is mentioned in regulation 3;".

(6) In regulation 4(1) omit "its".

(7) In regulation 5—

(a) in paragraph (1) omit "or if it determines that a complaint is not a serious complaint but it concerns the conduct of the Commission's chief executive"; and

(b) in paragraph (2)(a) for "Commission's" substitute "Director General's or the Office's".

(8) In regulation 6(1) for "its" substitute "the Office's".

Modification of the Ministry of Defence Police Appeal Tribunals Regulations 2004

9.—(1) Where the Ministry of Defence Police Appeal Tribunals Regulations 2004(**15**) continue to have effect by virtue of regulation 2(2) of the Ministry of Defence Police Appeals Tribunals Regulations 2009(**16**) they do so with the modifications in paragraphs (2) and (3).

(2) In regulation 2—

(a) omit the definition of "the Commission"; and

(b) at the appropriate place insert—

""the Director General" means the Director General of the Independent Office for Police Conduct;".

(3) In regulation 19(4)(b) for "Commission" substitute "Director General".

(**14**) S.I. 2004/660.
(**15**) S.I. 2004/652.
(**16**) S.I. 2009/3070.

Amendment of the Independent Police Complaints Commission (Investigatory Powers) Order 2004

10.—(1) The Independent Police Complaints Commission (Investigatory Powers) Order 2004(**17**) is amended as follows.

(2) For—

(a) "Independent Police Complaints Commission" in each place it occurs except in article 1 substitute "Independent Office for Police Conduct";

(b) "Chairman" in each place it occurs substitute "Director General".

(3) The amendments made by virtue of paragraph (2)(a) and (b) do not apply to occurrences of "Independent Police Complaints Commission" or "Chairman" amended by another provision within this regulation.

(4) In article 1, at the appropriate places insert—

""Director General" means "Director General of the Independent Office for Police Conduct;"; and

""IOPC" means "Independent Office for Police Conduct;".

(5) In article 2—

(a) in paragraph (1) and (6) for "Independent Police Complaints Commission" substitute "Director General of the Independent Office for Police Conduct";

(b) in paragraph (3)(b) for "other member of the Independent Police Complaints Commission" substitute "employee member of the Independent Office for Police Conduct;";

(c) in paragraph (3)(c) for "a person appointed as deputy chairman of the Independent Police Complaints Commission under paragraph 3(1)" substitute "an employee member of the Independent Office for Police Conduct authorised to carry out the functions of the Director General of that Office under paragraph 3A(2) or 6A".

(d) after paragraph (6) insert—

"(7) In section 108(1) (interpretation of Part III), at the appropriate place insert—

"employee member of the Independent Office for Police Conduct" means a member of the Independent Office for Police Conduct appointed in accordance with paragraph 1B of Schedule 2 to the Police Reform Act 2002;".".

(6) In article 3—

(a) in paragraph (1) for "Independent Police Complaints Commission" substitute "Director General of the Independent Office for Police Conduct";

(b) in paragraph (3)(a) in the inserted subsection (1A) of the modifications for "Commission" insert "Independent Office for Police Conduct";

(c) in paragraph (3)(b), in the inserted subsection (3A)(a) of the modifications for "Commission" insert "Independent Office for Police Conduct";

(d) in paragraph (4)—

(i) in sub-paragraph (c) for "any other" substitute "an employee";

(ii) in sub-paragraph (d) for "a person appointed as deputy chairman of the Independent Police Complaints Commission under paragraph 3(1)" substitute "an employee member of the Independent Office for Police Conduct authorised to carry out the functions of the Director General of that Office under paragraph 3A(2) or 6A";

(**17**) S.I. 2004/815.