

SCHEDULES

SCHEDULE 9

Section 33

INDEPENDENT OFFICE FOR POLICE CONDUCT

PART 1

AMENDMENTS TO SCHEDULE 2 TO THE POLICE REFORM ACT 2002

Introductory

- 1 Schedule 2 to the Police Reform Act 2002 is amended in accordance with this Part of this Schedule (see also paragraph 55 below for further minor and consequential amendments).

Director General

- 2 (1) Paragraph 1 (chairman) is amended as follows.
- (2) For sub-paragraph (1) substitute—
- “(1) The Director General holds office in accordance with the terms of his or her appointment.
- (1A) A person who holds office as Director General must not be an employee of the Office (but may have been such an employee before appointment as the Director General).”
- (3) In sub-paragraph (2) for “chairman of the Commission” substitute “Director General”.
- (4) In sub-paragraph (3)—
- (a) for “chairman of the Commission” substitute “Director General”;
- (b) for “chairman” substitute “Director General”.
- (5) In sub-paragraph (4)—
- (a) for “chairman of the Commission” substitute “Director General”;
- (b) for “chairman” substitute “Director General”.
- (6) In sub-paragraph (5) for “chairman” substitute “Director General”.

Appointment etc of members

- 3 After paragraph 1 insert—

Status: This is the original version (as it was originally enacted).

“Appointment of members

- 1A (1) The non-executive members of the Office are to be appointed by the Secretary of State.
- (2) A person who is a non-executive member must not be an employee of the Office (but may have been such an employee before appointment as a non-executive member).
- 1B (1) The employee members of the Office are to be appointed from the staff of the Office by the non-executive members.
- (2) If the non-executive members propose to appoint an employee member, the Director General must recommend a person to the non-executive members for appointment.
- (3) The Director General may also recommend a person to the non-executive members for appointment as an employee member without any proposal having been made under sub-paragraph (2).
- (4) On a recommendation of a person for appointment under sub-paragraph (2) or (3), the non-executive members may—
- (a) appoint the person, or
 - (b) reject the recommendation.
- (5) If the non-executive members reject a recommendation they may require the Director General to recommend another person for appointment (in which case this sub-paragraph applies again and so on until somebody is appointed).”
- 4 (1) Paragraph 2 (ordinary members of the Commission) is amended as follows.
- (2) In sub-paragraph (1) for “an ordinary” substitute “a non-executive”.
- (3) Omit sub-paragraph (2).
- (4) In sub-paragraph (3) for “an ordinary” substitute “a non-executive”.
- (5) In sub-paragraph (4)—
- (a) for “an ordinary”, in both places, substitute “a non-executive”;
 - (b) for “five” substitute “three”.
- (6) In sub-paragraph (5)—
- (a) for “An ordinary” substitute “A non-executive”;
 - (b) for “his office as a member of the Commission” substitute “from being a non-executive member of the Office”.
- (7) In sub-paragraph (6)—
- (a) for “an ordinary” substitute “a non-executive”;
 - (b) omit paragraph (b).
- (8) Omit sub-paragraph (8).
- 5 After paragraph 2 insert—

Status: This is the original version (as it was originally enacted).

“Terms of appointment etc: employee members

- 2A (1) A person holds office as an employee member in accordance with the terms of his or her appointment (subject to the provisions of this Schedule).
- (2) Those terms may not include arrangements in relation to remuneration.
- (3) An appointment as an employee member may be full-time or part-time.
- (4) The appointment of an employee member terminates—
- (a) if the terms of the member’s appointment provides for it to expire at the end of a period, at the end of that period, and
 - (b) in any event, when the member ceases to be an employee of the Office.
- (5) An employee member may resign by giving written notice to the non-executive members.
- (6) The non-executive members may terminate the appointment of an employee member by giving the member written notice if they are satisfied that any of the grounds mentioned in paragraph 2(6)(a) to (g) apply in relation to the employee member.”

6 Omit paragraph 3 (deputy chairmen) (including the italic heading before that paragraph).

7 Omit paragraph 5 (chief executive) (including the italic heading before that paragraph).

Vacancy or incapacity in office of Director General

8 After paragraph 3 insert—

“Director General: vacancy or incapacity

- 3A (1) This paragraph applies if—
- (a) the office of Director General is vacant, or
 - (b) it appears to the Office that the ability of the Director General to carry out the Director General’s functions is seriously impaired because of ill health (whether mental or physical).
- (2) The Office may, with the agreement of the Secretary of State, authorise an employee of the Office to carry out the functions of the Director General during the vacancy or period of ill health.
- (3) A person who falls within section 9(3) may not be authorised under this paragraph to carry out the functions of the Director General.
- (4) A person who has been sentenced to a term of imprisonment of three months or more may not, at any time in the five years following the day of sentence, be authorised under this paragraph to carry out the functions of the Director General.
- (5) Paragraph 1(6) applies for the purposes of sub-paragraph (4).

Status: This is the original version (as it was originally enacted).

- (6) Authorisation of a person under this paragraph ceases to have effect—
 - (a) at the end of the vacancy or period of ill health,
 - (b) on the Office revoking the authorisation for any reason, or
 - (c) on the Secretary of State withdrawing agreement to the authorisation for any reason.”

Remuneration arrangements

- 9 (1) Paragraph 4 (remuneration, pensions etc of members) is amended as follows.
 - (2) In sub-paragraph (1), for the words from “the chairman” to the end substitute “the Director General as the Secretary of State may determine”.
 - (3) In sub-paragraph (2)—
 - (a) in paragraph (a), for “chairman, deputy chairman or member of the Commission” substitute “Director General”;
 - (b) in the words after paragraph (b) for “Commission” substitute “Office”.
 - (4) After sub-paragraph (2) insert—
 - “(3) The Secretary of State may make remuneration arrangements in relation to non-executive members of the Office.
 - (4) Remuneration arrangements under sub-paragraph (3)—
 - (a) may make provision for a salary, allowances and other benefits but not for a pension, and
 - (b) may include a formula or other mechanism for adjusting one or more of those elements from time to time.
 - (5) Amounts payable by virtue of sub-paragraph (4) are to be paid by the Office.”

Staff

- 10 (1) Paragraph 6 (staff) is amended as follows.
 - (2) For sub-paragraph (1) substitute—
 - “(1) The Office may appoint staff.”
 - (3) In sub-paragraph (2) for “Commission”, in both places, substitute “Office”.
 - (4) In sub-paragraph (3)—
 - (a) for “Commission” substitute “Office”;
 - (b) after “staffing” insert “(including arrangements in relation to terms and conditions and management of staff)”;
 - (c) for “it” substitute “the Director General”.
 - (5) In sub-paragraph (4)—
 - (a) for “Commission”, in the first place, substitute “Office”;
 - (b) for “Commission”, in the second place, substitute “Director General”.
 - (6) After sub-paragraph (4) insert—

Status: This is the original version (as it was originally enacted).

“(4A) The powers under this paragraph are exercisable only by the Director General acting on behalf of the Office (subject to the power under paragraph 6A(1)).”

(7) In sub-paragraph (5) for “by the Commission of its” substitute “of the”.

Delegation of functions

11 After paragraph 6 insert—

“Delegation of functions

- 6A (1) The Director General may authorise a person within sub-paragraph (2) to exercise on the Director General’s behalf a function of the Director General.
- (2) The persons within this sub-paragraph are—
- (a) employee members of the Office;
 - (b) employees of the Office appointed under paragraph 6;
 - (c) seconded constables within the meaning of paragraph 8.
- (3) The reference in sub-paragraph (1) to a function of the Director General is to any function that the Director General has under this Act or any other enactment.
- (4) A person (“A”) who is authorised under sub-paragraph (1) to exercise a function may authorise another person within sub-paragraph (2) to exercise that function (but only so far as permitted to do so by the authorisation given to A).
- (5) An authorisation under this paragraph may provide for a function to which it relates to be exercisable—
- (a) either to its full extent or to the extent specified in the authorisation;
 - (b) either generally or in cases, circumstances or areas so specified;
 - (c) either unconditionally or subject to conditions so specified.
- (6) Provision under sub-paragraph (5) may (in particular) include provision for restricted persons not to exercise designated functions.
- (7) For the purposes of sub-paragraph (6)—
- (a) “designated functions” are any functions of the Director General that are designated by the Director General for the purposes of this paragraph (and such functions may in particular be designated by reference to the position or seniority of members of staff);
 - (b) “restricted persons” are, subject to any determination made under sub-paragraph (8), persons who fall within section 9(3).
- (8) The Director General may, in such circumstances as the Director General considers appropriate, determine that persons are not to be treated as restricted persons so far as relating to the exercise of designated

Status: This is the original version (as it was originally enacted).

functions (whether generally or in respect of particular functions specified in the determination).

- (9) The Director General must publish a statement of policy about how the Director General proposes to exercise the powers conferred by sub-paragraphs (7)(a) and (8).
- (10) The statement must in particular draw attention to any restrictions on the carrying out of functions imposed by virtue of their designation under sub-paragraph (7)(a) and explain the reasons for imposing them.
- (11) The exercise of the powers conferred by sub-paragraphs (7)(a) and (8) is subject to any regulations under section 23(1) of the kind mentioned in section 23(2)(g) (regulations limiting persons who may be appointed to carry out investigations etc).
- (12) An authorisation under this paragraph does not prevent the Director General from exercising the function to which the authorisation relates.
- (13) Anything done or omitted to be done by or in relation to a person authorised under this paragraph in, or in connection with, the exercise or purported exercise of the function to which the authorisation relates is to be treated for all purposes as done or omitted to be done by or in relation to the Director General.
- (14) Sub-paragraph (13) does not apply for the purposes of any criminal proceedings brought in respect of anything done or omitted to be done by the authorised person.”

Protection from personal liability

12 After paragraph 7 insert—

“Liability for acts of the Director General

- 7A (1) A person holding office as the Director General has no personal liability for an act or omission done by the person in the exercise of the Director General’s functions unless it is shown to have been done otherwise than in good faith.
- (2) The Office is liable in respect of unlawful conduct of the Director General in the carrying out, or purported carrying out, of the Director General’s functions in the same way as an employer is liable in respect of any unlawful conduct of employees in the course of their employment.
- (3) Accordingly, the Office is to be treated, in the case of any such unlawful conduct which is a tort, as a joint tortfeasor.”

Regional offices

13 For paragraph 9 (power of Commission to set up regional offices) substitute—

- “9 (1) The Office may set up regional offices in places in England and Wales.

Status: This is the original version (as it was originally enacted).

- (2) But the power under sub-paragraph (1) is exercisable only by the Director General acting on behalf of the Office (subject to the power in paragraph 6A(1)).
- (3) The power under sub-paragraph (1) may be exercised—
 - (a) only with the consent of the Secretary of State, and
 - (b) only if it appears to the Director General necessary to do so for the purpose of ensuring that the functions of the Director General, or those of the Office, are carried out efficiently and effectively.”

Proceedings

- 14 In paragraph 10 (proceedings), after sub-paragraph (1) insert—
- “(1A) But the arrangements must include provision for—
 - (a) the quorum for meetings to be met only if a majority of members present are non-executive members of the Office, and
 - (b) an audit committee of the Office to be established to perform such monitoring, reviewing and other functions as are appropriate.
 - (1B) The arrangements must secure that the audit committee consists only of non-executive members of the Office.”

PART 2

MINOR AND CONSEQUENTIAL AMENDMENTS TO THE POLICE REFORM ACT 2002

- 15 The Police Reform Act 2002 is amended in accordance with this Part of this Schedule.
- 16 For the italic heading before section 9, substitute “The Independent Office for Police Conduct”.
- 17 (1) Section 10 (general functions of the Commission) is amended as follows.
- (2) In subsection (1)(a) omit “itself”.
 - (3) In subsection (1)(e) for “its” substitute “the Director General’s”.
 - (4) In subsection (1)(f) for “it” substitute “the Director General”.
 - (5) In subsection (3) for “it” substitute “the Director General”.
 - (6) In subsection (3A) (as inserted by this Act), for “it” substitute “the Director General”.
 - (7) In subsection (3B) (as inserted by this Act), for “it” substitute “the Director General”.
 - (8) In subsection (4), in paragraph (a)—
 - (a) for “it”, in both places, substitute “the Director General”;
 - (b) for “its” substitute “the Director General’s”.
 - (9) In subsection (6)—
 - (a) for “it” substitute “the Director General”;
 - (b) for “its” substitute “the Director General’s”.

Status: This is the original version (as it was originally enacted).

- (10) In subsection (7)—
- (a) for “it”, in both places, substitute “the Director General”;
 - (b) for “its”, in both places, substitute “the Director General’s”.
- 18 (1) Section 11 (reports to the Secretary of State) is amended as follows.
- (2) In subsection (1)—
- (a) for “its”, in the first place it occurs, substitute “the Office’s”;
 - (b) for “Commission shall” substitute “Director General and the Office must jointly”;
 - (c) for “its”, in the second place it occurs, substitute “their”.
- (3) For subsection (2) substitute—
- “(2) The Secretary of State may also require reports to be made (at any time)—
- (a) by the Director General about the carrying out of the Director General’s functions,
 - (b) by the Office about the carrying out of the Office’s functions, or
 - (c) jointly by the Director General and the Office about the carrying out of their functions.”
- (4) After subsection (2) insert—
- “(2A) The Director General may, from time to time, make such other reports to the Secretary of State as the Director General considers appropriate for drawing the Secretary of State’s attention to matters which—
- (a) have come to the Director General’s notice, and
 - (b) are matters which the Director General considers should be drawn to the attention of the Secretary of State by reason of their gravity or of other exceptional circumstances.”
- (5) In subsection (3)—
- (a) for “Commission” substitute “Office”;
 - (b) for “Commission’s” substitute “Office’s”.
- (6) After subsection (3) insert—
- “(3A) The Director General and the Office may jointly make reports under subsections (2A) and (3).”
- (7) In subsection (4)—
- (a) for “Commission” substitute “Director General”;
 - (b) for “it”, in both places, substitute “the Director General”;
 - (c) for “its” substitute “the Director General’s”.
- (8) In subsection (6) for “Commission” substitute “Office”.
- (9) After subsection (6) insert—
- “(6A) The Director General must send a copy of every report under subsection (2A) —
- (a) to any local policing body that appears to the Director General to be concerned, and

Status: This is the original version (as it was originally enacted).

- (b) to the chief officer of police of any police force that appears to the Director General to be concerned.”
- (10) In subsection (7) for “Commission”, in both places, substitute “Office”.
- (11) In subsection (8)—
- (a) after “subsection” insert “(2A) or”;
 - (b) for “Commission” substitute “Director General or the Office (as the case may be)”.
- (12) In subsection (9)—
- (a) after “subsection” insert “(2A) or”;
 - (b) for “Commission” substitute “Director General or the Office (as the case may be)”.
- (13) In subsection (10) for “Commission” substitute “Director General”.
- (14) In subsection (11)—
- (a) for “Commission”, in each place, substitute “Director General”;
 - (b) for “it” substitute “the Director General”;
 - (c) for “(3)” substitute “(2A)”.
- (15) After subsection (11) insert—
- “(12) The Office must send a copy of every report made or prepared by it under subsection (3) to such of the persons (in addition to those specified in the preceding subsections) who—
- (a) are referred to in the report, or
 - (b) appear to the Office otherwise to have a particular interest in its contents,
- as the Office thinks fit.
- (13) Where a report under subsection (2A) or (3) is prepared jointly by virtue of subsection (3A), a duty under this section to send a copy of the report to any person is met if either the Director General or the Office sends a copy to that person.”
- 19 In section 12 (complaints, matters and persons to which Part 2 applies), in subsection (6)(a) for “Commission” substitute “Director General”.
- 20 (1) Section 13B (power of the Commission to require re-investigation) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place (including the heading), substitute “Director General”.
- (3) In subsection (1)—
- (a) for “it”, in both places, substitute “the Director General”;
 - (b) in paragraph (b), before “under” insert “(or, in the case of an investigation carried out under paragraph 19 of Schedule 3 by the Director General personally, is otherwise completed by the Director General)”.
- (4) In subsection (2) for “it” substitute “the Director General”.
- (5) In subsection (3) for “it” substitute “the Director General”.

Status: This is the original version (as it was originally enacted).

- (6) In subsection (10)—
- (a) for “it” substitute “the Director General”;
 - (b) for “its” substitute “the Director General’s”.
- (7) In subsection (11)—
- (a) for “it” substitute “the Director General”;
 - (b) for “its” substitute “the Director General’s”.
- 21 (1) Section 15 (general duties of local policing bodies, chief officers and inspectors) is amended as follows.
- (2) In subsection (3), in the words after paragraph (c) after “Director General” insert “of the Agency”.
- (3) In subsection (4)—
- (a) for “Commission”, in each place, substitute “Director General”;
 - (b) for “Commission’s” substitute “Office’s”.
- 22 (1) Section 16 (payment for assistance with investigations) is amended as follows.
- (2) For “Commission”, in each place except as mentioned in sub-paragraph (3), substitute “Director General”.
- (3) In subsection (4), for “the Commission”, in the second place where it occurs, substitute “Office”.
- (4) In subsection (5)(b), after “Director General” insert “of that Agency”.
- 23 (1) Section 17 (provision of information to the Commission) is amended as follows.
- (2) For “Commission”, in each place (including the heading), substitute “Director General”.
- (3) In subsection (2)—
- (a) for “it” substitute “the Director General”;
 - (b) for “its” substitute “the Director General’s”.
- 24 (1) Section 18 (inspections of police premises on behalf of the Commission) is amended as follows.
- (2) For “Commission”, in each place (including the heading and provisions inserted by amendments made by this Act), substitute “Director General”.
- (3) In subsection (2)(b), for “its” substitute “the Director General’s”.
- 25 (1) Section 19 (use of investigatory powers by or on behalf of the Commission) is amended as follows.
- (2) In the heading, for “Commission” substitute “Director General”.
- (3) In subsection (1), for “Commission’s” substitute “Director General’s”.
- 26 (1) Section 20 (duty to keep complainant informed) is amended as follows.
- (2) For “Commission”, in each place (including provisions inserted by amendments made by this Act), substitute “Director General”.
- (3) In subsection (1)(b) for “its” substitute “the Director General’s”.

Status: This is the original version (as it was originally enacted).

- (4) In subsection (3) for “it”, where it occurs after “as”, substitute “the Director General”.
 - (5) In subsection (8A) (as inserted by this Act)—
 - (a) for “its” substitute “their”;
 - (b) after “submitted”, in the first place it occurs, insert “(or finalised)”;
 - (c) after “submitted”, in the second place it occurs, insert “(or completed)”.
 - (6) In subsection (9) for “its” substitute “their”.
- 27 (1) Section 21 (duty to provide information for other persons) is amended as follows.
- (2) For “Commission”, in each place (including provisions inserted by amendments made by this Act), substitute “Director General”.
 - (3) In subsection (6)(b) for “its” substitute “the Director General’s”.
 - (4) In subsection (8) for “it”, where it occurs after “as”, substitute “the Director General”.
 - (5) In subsection (11A) (as inserted by this Act)—
 - (a) for “its” substitute “their”;
 - (b) after “submitted”, in the first place it occurs, insert “(or finalised)”;
 - (c) after “submitted”, in the second place it occurs, insert “(or completed)”.
- 28 In section 21A (restriction on disclosure of sensitive information) (as inserted by this Act), for “Commission”, in each place, substitute “Director General”.
- 29 In section 21B (provision of sensitive information to the Commission and certain investigators) (as inserted by this Act), for “Commission”, in each place (including the heading), substitute “Director General”.
- 30 (1) Section 22 (power of the Commission to issue guidance) is amended as follows.
- (2) For “Commission”, in each place (including the heading), substitute “Director General”.
 - (3) In subsection (3)(c) for “it” substitute “the Director General”.
- 31 (1) Section 23 (regulations) is amended as follows.
- (2) For “Commission”, in each place, substitute “Director General”.
 - (3) In subsection (2)(i) for “its” substitute “the Director General”.
 - (4) In subsection (2)(o) for “it” substitute “the Director General or the Office”.
- 32 In section 24 (consultation on regulations), for paragraph (a) substitute—
 - “(a) the Office;
 - (aa) the Director General;”.
- 33 In section 26 (forces maintained otherwise than by local policing bodies), for “Commission”, in each place, substitute “Director General”.
- 34 In section 26BA (College of Policing), for “Commission”, in both places, substitute “Director General”.
- 35 (1) Section 26C (the National Crime Agency) is amended as follows.
- (2) In subsection (1)—

Status: This is the original version (as it was originally enacted).

- (a) for “Independent Police Complaints Commission” substitute “Director General”;
 - (b) before “and other” insert “of the National Crime Agency”.
- (3) In subsection (2) for “Independent Police Complaints Commission” substitute “the Office or in respect of its Director General”.
- (4) In subsection (4) for “Independent Police Complaints Commission”, in both places, substitute “Director General”.
- (5) In subsection (5)—
 - (a) for “Independent Police Complaints Commission” substitute “Director General”;
 - (b) for “Commission’s”, in both places, substitute “Director General’s”;
 - (c) for “Commission” substitute “Director General”.
- (6) In subsection (6) for “Independent Police Complaints Commissioner” substitute “Director General”.
- (7) In subsection (9) after “Director General” insert “of the National Crime Agency”.
- 36 (1) Section 26D (labour abuse prevention officers) is amended as follows.
 - (2) For “Commission”, in each place other than in subsection (2), substitute “Director General”.
 - (3) In subsection (2)(b) for “Commission” substitute “Office or in respect of the Director General”.
 - (4) In subsection (4), for “Commission’s”, in both places, substitute “Director General’s”.
- 37 (1) Section 27 (conduct of the Commission’s staff) is amended as follows.
 - (2) For “Commission’s”, in each place (including the heading), substitute “Office’s”.
 - (3) In subsection (4) for “Commission” substitute “Office and the Director General”.
- 38 (1) Omit section 28 (transitional arrangements in connection with establishing Commission etc).
 - (2) The repeal of section 28 does not affect an order made under that section before its repeal or the power under that section to revoke or amend any such order.
- 39 (1) Section 28A (application of Part 2 to old cases) is amended as follows.
 - (2) For “Commission”, in each place other than in subsection (3) of that section, substitute “Director General”.
 - (3) In subsection (1), for “it” substitute “the Director General”.
 - (4) In subsection (4), for “it” substitute “the Director General”.
- 40 (1) Section 29 (interpretation of Part 2) is amended as follows.
 - (2) In subsection (1)—
 - (a) omit the definition of “the Commission”;
 - (b) after the definition of “death or serious injury matter” insert—

Status: This is the original version (as it was originally enacted).

- ““the Director General” means (unless otherwise specified) the Director General of the Office;”;
- (c) before the definition of “person complained against” insert—
- ““the Office” means the Independent Office for Police Conduct;”.
- (3) In subsection (6)—
- (a) for “Commission”, in each place, substitute “Director General”;
- (b) omit “itself”.
- 41 In section 29C (regulations about super-complaints) (as inserted by this Act), in subsection (3) for “Independent Police Complaints Commission”, in both places, substitute “Director General of the Independent Office for Police Conduct”.
- 42 (1) Section 29D (power to investigate concerns raised by whistle-blowers) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place, substitute “Director General”.
- (3) In subsection (1) for “it” substitute “the Director General”.
- 43 (1) Section 29E (Commission’s powers and duties where it decides not to investigate) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place, substitute “Director General”.
- (3) In the heading—
- (a) for “Commission’s” substitute “Director General’s”;
- (b) for “where it decides” substitute “on decision”.
- 44 (1) Section 29F (special provision for “conduct matters”) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place, substitute “Director General”.
- (3) In subsection (2)—
- (a) or “it”, in both places, substitute “the Director General”;
- (b) for “its” substitute “the”.
- 45 (1) Section 29G (special provision for “DSI matters”) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place, substitute “Director General”.
- (3) In subsection (2), for “it”, in both places, substitute “the Director General”.
- 46 (1) Section 29H (Commission’s powers and duties where whistle-blower is deceased) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place, substitute “Director General”.
- (3) In the heading for “Commission’s” substitute “Director General’s”.
- (4) In subsection (1) for “it” substitute “the Director General”.
- 47 In section 29I (duty to keep whistle-blowers informed) (as inserted by this Act), in subsection (1)—
- (a) for “Commission” substitute “Director General”;
- (b) for “it” substitute “the Director General”.

Status: This is the original version (as it was originally enacted).

- 48 In section 29J (protection of anonymity of whistle-blowers) (as inserted by this Act) for “Commission”, in both places, substitute “Director General”.
- 49 In section 29K (other restrictions on disclosure of information) (as inserted by this Act), for “Commission”, in both places, substitute “Director General”.
- 50 In section 29L (application of provisions of Part 2) (as inserted by this Act), for “Commission”, in each place, substitute “Director General”.
- 51 In section 29M (regulation-making powers: consultation) (as inserted by this Act), for “Commission” substitute “Director General”.
- 52 In section 29N (interpretation) (as inserted by this Act), in subsection (1)—
- (a) omit the definition of “the Commission”;
 - (b) after the definition of “conduct” insert—

““the Director General” means the Director General of the Independent Office for Police Conduct;”.
- 53 In section 36 (conduct of disciplinary proceedings), in subsection (1)(a) for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct”.
- 54 In section 105 (powers of Secretary of State to make orders and regulations), in subsection (5) for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct”.
- 55 (1) Schedule 2 (the Independent Police Complaints Commission) is amended as follows.
- (2) For the title to the Schedule substitute “The Independent Office for Police Conduct”.
 - (3) For the italic heading before paragraph 1 substitute “Director General”.
 - (4) For the italic heading before paragraph 2 substitute “Terms of appointment etc: non-executive members”.
 - (5) In paragraph 7—
 - (a) for “Commission”, in each place, substitute “Office”;
 - (b) for “chairman or as a deputy chairman of the Commission” substitute “Director General”;
 - (c) omit “or as a member of it”.
 - (6) In paragraph 8—
 - (a) for “Commission”, in both places, substitute “Office”;
 - (b) for “Commission’s”, in both places, substitute “Office’s”.
 - (7) In the heading before paragraph 9 omit “of Commission”.
 - (8) In paragraph 10—
 - (a) for “Commission”, in each place, substitute “Office”;
 - (b) for “Commission’s”, in each place, substitute “Office’s”;
 - (c) in sub-paragraph (5)(c) omit “by the chief executive or”.
 - (9) In paragraph 11—
 - (a) for “Commission”, in each place, substitute “Office”;
 - (b) in paragraph (a) for “chairman, a deputy chairman” substitute “Director General”;
 - (c) in paragraph (b) for “chairman” substitute “Director General”.

Status: This is the original version (as it was originally enacted).

- (10) In the italic heading before paragraph 12, for “Commission’s” substitute “Office’s”.
- (11) In paragraph 12—
- (a) in the words before paragraph (a), for “Commission” substitute “Office”;
 - (b) in paragraph (a) for “Commission” substitute “Office”;
 - (c) in paragraph (b) for “Commission” substitute “Director General”.
- (12) In paragraph 13 for “Commission” substitute “Office”.
- (13) In paragraph 14—
- (a) for “Commission” substitute “Office”;
 - (b) in paragraph (b) for “by it in the carrying out of its functions” substitute “in the carrying out of its or the Director General’s functions”.
- (14) In the italic heading before paragraph 15, for “Commission” substitute “Office”.
- (15) In paragraph 15(1)—
- (a) for “Commission” substitute “Office”;
 - (b) after “its” insert “or the Director General’s”.
- (16) In paragraph 16 for “Commission” substitute “Office”.
- (17) In paragraph 17 for “Commission”, in each place, substitute “Office”.
- (18) In the italic heading before paragraph 18, for “Commission” substitute “Office”.
- (19) In paragraph 18 for “Commission”, in both places, substitute “Office”.
- 56 (1) Schedule 3 is amended as follows.
- (2) For “Commission”, in each place where it occurs, substitute “Director General”.
 - (3) For “Commission’s”, in each place where it occurs, substitute “Director General’s”.
 - (4) For “it”, in each place where it occurs and is used as a pronoun in place of “the Commission”, substitute “the Director General”.
 - (5) For “its”, in each place where it occurs and is used to mean “the Commission’s”, substitute “the Director General’s”.
 - (6) The amendments made by virtue of sub-paragraphs (2) to (5)—
 - (a) include amendments of provisions of Schedule 3 that are inserted, or otherwise amended, by other provisions of this Act (whether or not those other provisions come into force before or after the coming into force of this paragraph);
 - (b) do not apply if otherwise provided by another provision of this paragraph.
 - (7) In paragraph 19 (investigations by the Commission itself)—
 - (a) in the heading omit “itself”;
 - (b) in sub-paragraph (1) omit “itself”;
 - (c) for sub-paragraph (2) substitute—
 - “(2) The Director General must designate both—
 - (a) a person to take charge of the investigation, and

Status: This is the original version (as it was originally enacted).

- (b) such members of the Office’s staff as are required by the Director General to assist the person designated to take charge of the investigation.
- (2A) The person designated under sub-paragraph (2) to take charge of an investigation must be—
- (a) the Director General acting personally, or
 - (b) a person who is authorised to exercise the function of taking charge of the investigation on behalf of the Director General by virtue of paragraph 6A of Schedule 2 (delegation of Director General’s functions).”;
- (d) in sub-paragraph (4) for “member of the Commission’s staff” substitute “person”;
 - (e) in sub-paragraph (5) for “member of the Commission’s staff” substitute “person designated under sub-paragraph (2)”;
 - (f) in sub-paragraph (6) for “members of the Commission’s staff” substitute “persons”;
 - (g) in sub-paragraph (6A) for “member of the Commission’s staff” substitute “the Director General or a member of the Office’s staff”.
- (8) In paragraph 19ZH (further provision about things retained under paragraph 19ZG) (as inserted by this Act)—
- (a) in sub-paragraph (2) for “Commission’s” substitute “Office’s”;
 - (b) in sub-paragraph (4)(a) for “Commission’s” substitute “Office’s”.
- (9) In paragraph 19A (as substituted by this Act), in sub-paragraphs (2)(b) and (7)(a) after “investigating” insert “or, in the case of an investigation by a designated person under paragraph 19, the Director General,”.
- (10) In paragraph 19F (interview of persons serving with police etc during certain investigations), in sub-paragraph (1)(b) for “the Commission itself” substitute “a person designated under paragraph 19 (investigations by Director General)”.
- (11) In paragraph 20 (restrictions on proceedings pending conclusion of investigation), in sub-paragraph (1)(b) at the end insert “or, where under paragraph 19 the Director General has personally carried out the investigation, a report has been completed by the Director General”.
- (12) In paragraph 20A (as substituted by this Act)—
- (a) in sub-paragraph (1)(a) after “investigating” insert “or, in the case of an investigation by a designated person under paragraph 19, the Director General,”;
 - (b) in sub-paragraph (3) after “and” insert “(where the person investigating is not also the Director General carrying out an investigation under paragraph 19 personally)”;
 - (c) in sub-paragraph (4)(b) after “investigation” insert “or, where the investigation is carried out under paragraph 19 by the Director General personally, finalise one,”.
- (13) In paragraph 21A (procedure where conduct matter is revealed during investigation of DSI matter)—
- (a) in sub-paragraph (1), omit “or designated under paragraph 19”;
 - (b) after sub-paragraph (2A) (as inserted by this Act), insert—

Status: This is the original version (as it was originally enacted).

- “(2B) If during the course of an investigation of a DSI matter being carried out by a person designated under paragraph 19 the Director General determines that there is an indication that a person serving with the police (“the person whose conduct is in question”) may have—
- (a) committed a criminal offence, or
 - (b) behaved in a manner which would justify the bringing of disciplinary proceedings,
- the Director General must proceed under sub-paragraph (2C).
- (2C) The Director General must—
- (a) prepare a record of the determination,
 - (b) notify the appropriate authority in relation to the DSI matter and (if different) the appropriate authority in relation to the person whose conduct is in question of the determination, and
 - (c) send to it (or each of them) a copy of the record of the determination prepared under paragraph (a).”;
- (c) in sub-paragraph (5), after paragraph (a) insert—
- “(aa) is notified of a determination by the Director General under sub-paragraph (2C).”.
- (14) In paragraph 22 (final reports on investigations: complaints, conduct matters and certain DSI matters)—
- (a) for sub-paragraph (5) substitute—
- “(5) A person designated under paragraph 19 as the person in charge of an investigation must—
- (a) submit a report on the investigation to the Director General, or
 - (b) where the person in charge of the investigation is the Director General acting personally, complete a report on the investigation.”;
- (b) in sub-paragraph (6) after “submitting” insert “or, in the case of an investigation under paragraph 19 by the Director General personally, completing”;
- (c) in sub-paragraph (8) after “submitted” insert “or, in the case of an investigation under paragraph 19 by the Director General personally, completed”.
- (15) In the italic heading before paragraph 23 (action by the Commission in response to investigation reports), for “response” substitute “relation”.
- (16) In paragraph 23—
- (a) in sub-paragraph (1)(b) before “under” insert “, or is otherwise completed,”;
 - (b) in sub-paragraph (1A) (as inserted by this Act), after “submission” insert “or completion”;
 - (c) in each of the following places, after “receipt of the report” insert “(or on its completion by the Director General)—
- (i) sub-paragraph (2);
 - (ii) sub-paragraph (5A) (as inserted by this Act);

Status: This is the original version (as it was originally enacted).

- (iii) sub-paragraph (5F) (as inserted by this Act);
 - (iv) in sub-paragraph (13), before “or (4)” insert “, (2B)”.
- (17) In paragraph 24 (action by appropriate authority in response to an investigation report), in sub-paragraph (11) before “or (4)” insert “, (2B)”.
- (18) In paragraph 24A (final reports on investigations: other DSI matters)—
- (a) in sub-paragraph (1), before “or (4)” insert “, (2B)”;
 - (b) after sub-paragraph (2) insert—
 - “(2A) Sub-paragraph (2)(a) does not apply where the person investigating is the Director General carrying out an investigation personally under paragraph 19, but the Director General must complete a report on the investigation.”;
 - (c) in sub-paragraph (3) for “this paragraph” substitute “sub-paragraph (2) or completing one under sub-paragraph (2A)”;
 - (d) in sub-paragraph (4) after “receipt of the report” insert “(or on its completion by the Director General)”;
 - (e) in sub-paragraph (5) (as inserted by this Act) after “receipt of the report” insert “(or on its completion by the Director General)”;
 - (f) in sub-paragraph (6) (as inserted by this Act)—
 - (i) after “sub-paragraph (2)” insert “or completed under sub-paragraph (2A)”;
 - (ii) after “submission” insert “or completion”.
- (19) In the italic heading before paragraph 24B (action by the Commission in response to an investigation report under paragraph 24A), for “response” substitute “relation”.
- (20) In paragraph 28ZA (recommendations by the Commission or a local policing body) (as inserted by this Act), in sub-paragraph (3)(b), after “submission” insert “or completion”.
- (21) In paragraph 28A (recommendations by the Commission)—
- (a) in sub-paragraph (1)—
 - (i) after “received a report” insert “(or otherwise completed one in relation to an investigation carried out under paragraph 19 by the Director General personally)”;
 - (ii) in paragraph (b) for “Commission itself” substitute “or on behalf of the Director General”;
 - (iii) in paragraph (c) after “24A(2)” insert “or (2A)”;
 - (b) in sub-paragraph (4)(a) after “receipt” insert “or completion”.
- (22) In paragraph 28B (response to recommendation), in sub-paragraph (12) (as inserted by this Act) after “received a report on” insert “(or otherwise completed one on in relation to an investigation carried out under paragraph 19 by the Director General personally)”.
- 57 (1) Schedule 3 is further amended as follows (but an amendment made by sub-paragraph (2), (3), (4) or (5) applies only if this Schedule comes into force before the coming into force of paragraph 21, 23, 24 or 26 (as the case may be) of Schedule 5 to this Act).

Status: This is the original version (as it was originally enacted).

- (2) In paragraph 19B (assessment of seriousness of conduct under investigation), in sub-paragraph (1) after “investigating” insert “or, in the case of an investigation by a designated person under paragraph 19, the Director General,”.
- (3) In paragraph 20A (accelerated procedure in special cases)—
- (a) in sub-paragraph (1)—
 - (i) for “his” substitute “an”;
 - (ii) after “conduct matter” insert “or, in the case of an investigation by a designated person under paragraph 19, the Director General,”;
 - (iii) for “he” substitute “the person investigating”;
 - (b) in sub-paragraph (3) for “his belief” substitute “the belief referred to in sub-paragraph (1)”.
- (4) In paragraph 21 (power to discontinue an investigation), in sub-paragraph (4)(b) omit “itself”.
- (5) In paragraph 23 (action by the Commission in response to an investigation report), in sub-paragraph (6) after “receipt of the report” insert “(or on its completion by the Director General)”.
- 58 (1) Schedule 3A (whistle-blowing investigations: procedure) (as inserted by this Act) is amended as follows.
- (2) For “Commission”, in each place, substitute “Director General”.
- (3) In paragraph 1(1)—
- (a) after “, (2)” insert “, (2A)”;
 - (b) omit “itself”.
- (4) In paragraph 4(1)—
- (a) in the words before paragraph (a), for “it appears to the person in charge” substitute “the Director General determines”;
 - (b) for the words after paragraph (b) substitute “the Director General must proceed under sub-paragraph (2)”.
- (5) For paragraph 4(2) substitute—
- “(2) The Director General must—
- (a) prepare a record of the determination,
 - (b) notify the appropriate authority in relation to the person whose conduct is in question of the determination, and
 - (c) send to it a copy of the record of the determination prepared under paragraph (a).”
- (6) In paragraph 5(1)—
- (a) for “it appears to the person in charge” substitute “the Director General determines”;
 - (b) for “the person must make a submission to that effect to the Commission” substitute “the Director General must proceed under sub-paragraph (2)”.
- (7) For paragraph 5(2) substitute—
- “The Director General must—
- (a) prepare a record of the determination,

Status: This is the original version (as it was originally enacted).

- (b) notify the appropriate authority in relation to the DSI matter, and
 - (c) send to it a copy of the determination prepared under paragraph (a).”
- (8) After paragraph 6(1) insert—
- “(1A) Sub-paragraph (1) does not apply where the person in charge of the investigation is the Director General acting personally, but the Director General must complete a report on the investigation.”
- (9) In paragraph 6(2)(a) for “the report” substitute “a report submitted under sub-paragraph (1) or completed under sub-paragraph (1A)”.
- (10) In paragraph 7(1) after “paragraph 6” insert “(1) or on its completion by the Director General under paragraph 6(1A)”.

PART 3

OTHER MINOR AND CONSEQUENTIAL AMENDMENTS

Superannuation Act 1972 (c. 11)

- 59 In Schedule 1 to the Superannuation Act 1972—
- (a) in the list of entries under the heading “Royal Commissions and other Commissions”, omit the entry relating to the Independent Police Complaints Commission;
 - (b) in the list of entries under the heading “Other Bodies”, insert at the appropriate place—
“The Independent Office for Police Conduct.”;
 - (c) in the list of entries under the heading “Offices”, omit the entries relating to—
 - (i) the Chairman of the Independent Police Complaints Commission;
 - (ii) the Commissioners of the Independent Police Complaints Commission;
 - (iii) the Deputy Chairman of the Independent Police Complaints Commission.

House of Commons Disqualification Act 1975 (c. 24)

- 60 In Part 2 of Schedule 1 to the House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), omit the entry relating to the Independent Police Complaints Commission and insert at the appropriate place—
“The Independent Office for Police Conduct.”

Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 61 In Part 2 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (bodies of which all members are disqualified), omit the entry relating to the Independent Police Complaints Commission and insert at the appropriate place—
“The Independent Office for Police Conduct.”

Police Pensions Act 1976 (c. 35)

- 62 In section 11 of the Police Pensions Act 1976 (interpretation), in subsection (2A)(ba) for “Independent Police Complaints Commission” substitute “Independent Office for Police Conduct”.

Ministry of Defence Police Act 1987 (c. 4)

- 63 (1) The Ministry of Defence Police Act 1987 is amended as follows.
- (2) In section 3A (regulations relating to disciplinary matters), in subsections (1B) (a), (1F) and (1G) (as inserted by this Act) for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct”.
- (3) In section 4 (representation etc at disciplinary proceedings), in subsection (5)(a) for “Independent Police Complaints Commission” substitute “Independent Office for Police Conduct”.

Aviation and Maritime Security Act 1990 (c. 31)

- 64 In section 22 of the Aviation and Maritime Security Act 1990 (power to require harbour authorities to promote searches in harbour areas), in subsection (4)(b)(i) for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct”.

Police Act 1996 (c. 16)

- 65 (1) The Police Act 1996 is amended as follows.
- (2) In the following provisions, for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct”—
- (a) section 50(3A)(a), (3E) and (3F) (regulation of police forces) (as inserted by this Act);
 - (b) section 51(2B)(a), (2F) and (2G) (regulations for special constables) (as inserted by this Act);
 - (c) section 87(1) (guidance concerning disciplinary proceedings etc) (as amended by this Act).
- (3) In the following provisions, for “Independent Police Complaints Commission” substitute “Independent Office for Police Conduct”—
- (a) section 84(5) (representation etc at disciplinary and other proceedings);
 - (b) section 88C(5)(d) (effect of inclusion in police barred list) (as inserted by this Act);
 - (c) section 88K(3)(d) (effect of inclusion in police advisory list) (as inserted by this Act).
- (4) In section 54(2D) (appointment and functions of inspectors of constabulary)—
- (a) in paragraph (a)—
 - (i) for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct (“the Director General”);
 - (ii) for “that Commission” substitute “the Director General”;

Status: This is the original version (as it was originally enacted).

- (b) in paragraph (b)—
 - (i) for “that Commission”, in both places, substitute “the Director General”;
 - (ii) for “its” substitute “his or her”.

Freedom of Information Act 2000 (c. 36)

- 66 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general) omit the entry relating to the Independent Police Complaints Commission and insert at the appropriate place—
- “The Director General of the Independent Office for Police Conduct.”
- “The Independent Office for Police Conduct.”

Fire and Rescue Services Act 2004 (c. 21)

- 67 In section 4K of the Fire and Rescue Services Act 2004 (as inserted by this Act), in subsection (5)(b) for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct”.

Commissioners for Revenue and Customs Act 2005 (c. 11)

- 68 (1) The Commissions for Revenue and Customs Act 2005 is amended as follows.
- (2) In section 18 (confidentiality), in subsection (2)(g)—
- (a) for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct”;
 - (b) for “its” substitute “the Director General’s”.
- (3) In section 28 (complaints and misconduct: England and Wales)—
- (a) in subsection (1), for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct (“the Director General”)”;
 - (b) in subsection (2)—
 - (i) for “Independent Police Complaints Commission”, in both places, substitute “Director General”;
 - (ii) for “its” substitute “the Director General’s”;
 - (c) in subsection (3) for “Independent Police Complaints Commission” substitute “Director General”;
 - (d) in subsection (4) for “Independent Police Complaints Commission”, in both places, substitute “Director General”.
- (4) In section 29 (confidentiality etc), in subsection (3)—
- (a) in the words before paragraph (a), for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct”;
 - (b) for “its” substitute “the Director General’s”;
 - (c) in paragraph (a), for “Commission” substitute “Director General”;
 - (d) in paragraph (b), for “Commission” substitute “Director General”.

Police and Justice Act 2006 (c. 48)

- 69 (1) In section 41 of the Police and Justice Act 2006 (immigration and asylum enforcement functions and customs functions: complaints and misconduct)—
- (a) in subsection (1) for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct (“the Director General)”
 - (b) in subsection (2A) for “Independent Police Complaints Commission” substitute “Director General”
 - (c) in subsection (3) for “Independent Police Complaints Commission” substitute “Director General”
 - (d) in subsection (4)(b), for “Independent Police Complaints Commission” substitute “Director General”
 - (e) in subsection (5) for “Independent Police Complaints Commission” substitute “Director General”
 - (f) in subsection (6) for “Independent Police Complaints Commission”, in both places, substitute “Director General”.
- (2) In the italic heading before that section for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct”.

Local Democracy, Economic Development and Construction Act 2009 (c. 20)

- 70 In section 107EE of the Local Democracy, Economic Development and Construction Act 2009 (section 107EA orders: complaints and conduct matters etc) (as inserted by this Act), in subsection (5)(b) for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct”.

Coroners and Justice Act 2009 (c. 25)

- 71 In section 47 of the Coroners and Justice Act 2009 (meaning of “interested person”) —
- (a) in subsection (2)(k) for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct”;
 - (b) in subsection (5) for “Independent Police Complaints Commission” substitute “Director General of the Independent Office for Police Conduct”.

Equality Act 2010 (c. 15)

- 72 In Part 1 of Schedule 19 to the Equality Act 2010 (public authorities: general), under the heading “Police” omit the entry relating to the Independent Police Complaints Commission and insert at the appropriate place—
- “The Director General of the Independent Office for Police Conduct.”
 - “The Independent Office for Police Conduct.”

Police Reform and Social Responsibility Act 2011 (c. 13)

- 73 (1) The Police Reform and Social Responsibility Act 2011 is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In section 65 (disqualification from election or holding office as police and crime commissioner: police grounds), for “Independent Police Complaints Commission” substitute “Independent Office for Police Conduct”.
- (3) In Schedule 7 (regulations about complaints and conduct matters), for “Independent Police Complaints Commission”, in each place, substitute “Director General of the Independent Office for Police Conduct.”

Investigatory Powers Act 2016

- 74 (1) The Investigatory Powers Act 2016 is amended as follows.
- (2) In section 58 (section 57: meaning of “excepted disclosure”), in subsection (4)(c)—
 - (a) for “the Independent Police Complaints Commission” substitute “the Director General of the Independent Office for Police Conduct”;
 - (b) for “its functions” substitute “the Director General’s functions”.
 - (3) In section 106 (power to issue warrants to law enforcement officers), in subsection (11)—
 - (a) for “the chairman, or a deputy chairman, of the Independent Police Complaints Commission” substitute “the Director General of the Independent Office for Police Conduct”;
 - (b) omit “by the Commission”.
 - (4) In section 107 (restriction on issue of warrants to certain law enforcement officers), in subsection (2), for paragraph (h) substitute—

“(h) the Director General of the Independent Office for Police Conduct;”.
 - (5) In section 133 (section 132: meaning of “excepted disclosure”), in subsection (3)(b)—
 - (a) for “the Independent Police Complaints Commission” substitute “the Director General of the Independent Office for Police Conduct”;
 - (b) for “its functions” substitute “the Director General’s functions”.
 - (6) In Schedule 4 (relevant public authorities and designated senior officers), in Part 1—
 - (a) omit the entry relating to the Independent Police Complaints Commission;
 - (b) after the entry relating to the Office of Communications insert—

“Independent Office for Police Conduct	Director or an equivalent grade	All	(b) and (i)”
---	------------------------------------	-----	--------------
 - (7) In Schedule 6 (issue of warrants under section 106 etc. table), in the entry relating to the chairman, or a deputy chairman, of the Independent Police Complaints Commission, for the first two columns substitute—

“The Director General of the Independent Office for Police Conduct.	A person falling within paragraph 6A(2) of Schedule 2 to the Police Reform Act 2002 who is designated by the Director General for the purpose.”
--	--