

British Transport Police (Complaints & Misconduct) Regulations 2015

Made

10th December 2015

Coming into force

1st January 2016

Preamble

The British Transport Police Authority makes the following Regulations in exercise of the powers conferred by Sections 36 and 37 of the Railways and Transport Safety Act 2003 (the 2003 Act).¹

In accordance with Section 46 of the 2003 Act, the British Transport Police Authority invited the British Transport Police Federation to nominate individuals to meet with an equal number of individuals nominated by the British Transport Police Authority to discuss these Regulations and had regard to the recommendations made by the group. The Transport Salaried Staff Association (TSSA) was also consulted and regard had to their recommendations.

PART 1

Preliminary

Citation, Commencement and Interpretation

1. (1) These Regulations may be cited as the British Transport Police Authority (Complaints & Misconduct) Regulations 2015 and shall come into force on 1 January 2016.

(2) In these Regulations

“the 2012 Regulations as amended” means the Police (Complaints and Misconduct) Regulations 2012 as amended by the Police (Complaints and Misconduct)(Amendment) Regulations 2014

“the 2003 Act” means the Railways & Transport Safety Act 2003

“the police force” means the British Transport Police Force as established and maintained in accordance with Section 20 of the 2003 Act

“the police authority” means the British Transport Police Authority as established under Section 18 of the 2003 Act

“the police” means a police force established and maintained under the Police Act 1996²

“Senior Officer” means a member of the police force holding a rank above that of chief superintendent

¹ Railways and Transport Safety Act 2003 c.20. Section 36 as amended by paragraph 18 of Schedule 22 to the Criminal Justice and Immigration Act 2008 (c.4). Section 37 as amended by paragraph 19 of Schedule 22 to the Criminal Justice and Immigration Act 2008.

² Police Act 1996 c. 16

“the 2002 Act” means the Police Reform Act 2002³

Revocation and transitional provisions

2. Subject to the following provisions of this regulation the British Transport Police (Complaints and Misconduct) Regulations 2008 (the “2008 Complaints and Misconduct Regulations”) are revoked.

3. Where a complaint, conduct matter or DSI matter came to the attention of an appropriate authority before 1 January 2016, nothing in these Regulations shall apply and the 2008 Complaints and Misconduct Regulations shall continue to have effect.

Application to the British Transport Police

4. (1) In so far as Part 2 of the 2002 Act contains provisions relating to procedures to be established and maintained by forces maintained other than by local policing bodies, in relation to complaints to which Part 2 applies and, subject to the modifications set out in this regulation, Part 2 of the 2002 Act shall apply to any person serving with the police force as it applies in relation to persons serving with the police.

(a) The 2012 Regulations as amended shall apply to any person serving with the police force as they apply in relation to persons serving with the police.

(b) In their application to any person serving with the police force, Part 2 of the 2002 Act, the 2012 Regulations as amended and these Regulations shall apply as if:-

- (i) any reference to a police and crime commissioner or local policing body was a reference to the British Transport Police Authority;
- (ii) any reference to a chief officer was reference to the Chief Constable of the Police Force appointed in accordance with Section 21 of the 2003 Act;
- (iii) any reference (other than in this regulation) to a person serving with the police is a reference to:
 - a. a member of the police force (being a constable of the police force of any rank, appointed in accordance with sections 21, 22, 23 and 24 of the 2003 Act);
 - b. a police staff member (being a person employed in the service of the police force in accordance with section 27 of the 2003 Act);

³ Police Reform Act 2002 c. 30 Relevant amendments were made by paragraphs 1,9 and 10 of Schedule 12 to the Serious and Organised Crime and Police Act 2005 (c.15), paragraphs 1 and 2 of Schedule 23 to the Criminal Justice and Immigration Act 2008 (c.4) and Schedules 14 and 16 to the Police Reform and Social Responsibility Act 2011 (c.13)

- c. a special constable (being a special constable of the police force of any grade, appointed in accordance with section 25 of the 2003 Act);
- (iv) any reference to the Police (Conduct) Regulations was a reference to the British Transport Police (Conduct) Regulations 2015;
- (v) any reference to the Police (Performance) Regulations was a reference to the British Transport Police (Performance) Regulations 2015; and
- (vi) any reference to the “appropriate authority” in relation to a person serving with the police force or in relation to any complaint, conduct matter, death or serious injury matter or investigation relating to the conduct of such a person means:
 - a. if that person is a Senior Officer of the police force the police authority; or
 - b. in any other case, the chief constable.

Made by Order of the Police Authority

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply the Police (Complaints and Misconduct) Regulations 2012 as amended by the Police (Complaints and Misconduct)(Amendment) Regulations 2014 to the British Transport Police for England and Wales.

The Regulations clarify how the Police (Complaints and Misconduct) Regulations 2012 as amended by the Police (Complaints and Misconduct)(Amendment) Regulations 2014 should be interpreted to reflect the structure and circumstances of the BTP.

There is one difference with respect to process between BTP and Home Office regulations, which is that the Police Authority continues to be the appropriate authority for all senior officers, whilst local policing bodies are the appropriate authority for the chief constable of their relevant police force only.