

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3739 of 15 October, 2009

LEGAL NOTICE NO. 54 OF 2009.

POLICE ACT 2006

POLICE COMPLAINTS (AMENDMENT) REGULATIONS 2009

In exercise of the powers conferred upon it by section 24 of the Police Act 2006 and after consultation with the Gibraltar Police Authority and the Commissioner of Police pursuant to section 25 of that Act, the Government has made the following Regulations.

Title and commencement.

1. These Regulations may be cited as the Police Complaints (Amendment) Regulations 2009 and come into operation on the day of publication.

Amendment of regulations.

2. Regulation 15 of the Police Complaints Regulations 2008 is amended as follows—

- (a) the existing regulation 15 shall be renumbered subregulation (1);
- (b) after the new subregulation (1) insert the following subregulations—
 - “(2) No appeal shall lie to the Authority from a decision or recommendation of the Board under this Regulation.
 - (3) A complainant may ask the Authority to review a decision or recommendation of the Board if either—
 - (a) the complainant produces new written evidence to the Authority which—

- (i) was not, with reasonable diligence, available to the complainant at the time the Board considered the complaint; and
 - (ii) in the opinion of the Authority might have had a significant bearing on the decision or recommendation of the Board had the Board considered that evidence; or
 - (b) the complainant considers that the decision or recommendation of the Board was manifestly wrong or perverse and that no reasonable Board properly considering the complaint could have come to that decision or recommendation.
- (4) A request that the Authority review a decision or recommendation of the Board shall—
- (a) be in writing;
 - (b) set out the reasons why the Authority should review the decision or recommendation of the Board; and
 - (c) be lodged with the Authority within 28 days of receipt by the complainant of the decision or recommendation of the Board, unless the Authority agrees for exceptional reasons to extend the time for lodging the request.
- (5) On reviewing a decision or recommendation of the Board, the Authority may uphold the decision or recommendation of the Board in whole or in part; or refer back to the Board the decision or recommendation of the Board in whole or in part with instructions that it be reconsidered.
- (6) There shall be no automatic right to a hearing in person in respect of an application to review a decision or recommendation of the Board.

Dated 15th October, 2009.

D A FEETHAM,
Minister with responsibility for the police,
for the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Police Complaints Regulations 2008 by adding to regulation 15. The effect of the amendment is to provide for the conditions under which a complainant may seek to have a decision or recommendation of the Board reviewed by the Authority.

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