



POLICE COMPLAINTS AUTHORITY

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PETER W. MOORHOUSE  
*Deputy Chairman (Discipline)*

11th August 1992

D92/714/65

Mr David Webb  
NCROPA  
15 Sloane Court West  
Chelsea  
London  
SW3 4TD

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Dear Mr Webb

Your letter addressed to our recently retired Chairman, Judge Francis Petre has been referred to me for response.

I think I should make it clear at the outset that my reply will be somewhat legalistic since, as with any similar organisation to ourselves, we can only operate within the law and regulations set down by Parliament.

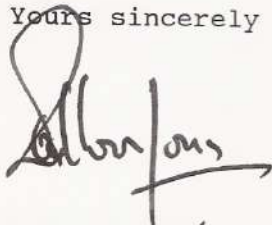
If I may comment first on your paragraph 3 in which you ask us to act under the powers defined in Section 89(2) of the Police & Criminal Evidence Act 1984, I have to tell you that this section follows on from and is dependent upon the actions taken by "the appropriate authority" as defined in Section 84 and 85. In other words for the procedure to come into operation a complaint must first of all be recorded by the appropriate Authority and if as in this case, the appropriate Authority does not record the complaint on the basis that it is not a complaint as defined in Section 84 (4) or if it is excluded by sub section (5) of the same section, then none of the following sections come into operation.

Section 89 which you quote defines the action which the Authority shall take in terms of supervision when a complaint of a particular type or level of seriousness has been recorded thus bringing into force the supervisory powers of the Authority.

Turning now to your comments about the Commissioner of the Metropolitan Police, Sir Peter Imbert, I would direct your attention to the Police (Discipline) (Senior Officers) Regulations 1985 Section 3 which define the basis of pursuing a complaint against an officer of the rank of Commander or above in the City of London or Metropolitan Police Forces.

I note the opinions that you express in the final paragraph of your letter and I can only say that Gilbertian or not the above is the law as we are advised and since the law and the regulations were set down by Parliament we are bound to follow the requirements of that legislation.

Yours sincerely



P W MOORHOUSE

cc: Peter Winship Esq QPM  
Metropolitan Police Service  
New Scotland Yard

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