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STATUTORY INSTRUMENTS

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**2010 No. 782**

**The UK Border Agency (Complaints  
and Misconduct) Regulations 2010**

**PART 6**

**PROVISION OF INFORMATION**

**Duty to keep the relevant officer, relevant official of the Secretary of State, relevant contractor, official exercising customs revenue functions or customs revenue contractor informed**

**51.**—(1) If during the course of an investigation of a complaint which falls to be determined under these Regulations it appears to the person investigating that there is an indication that the relevant officer, relevant official of the Secretary of State, relevant contractor, official exercising customs revenue functions or customs revenue contractor (“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 person investigating the complaint or matter must give a notification that complies with paragraph (2) to the person whose conduct is in question..

(2) The notification will—

- (a) provide sufficient details of the complaint or matter in question so that the person whose conduct is in question may make representations to the person investigating the complaint or matter;
- (b) give the information about the effect of regulation 52 (duty to consider submissions from relevant officers, relevant officials of the Secretary of State, relevant contractors, officials exercising customs revenue functions and customs revenue contractors); and
- (c) give such information that may be set out in guidance.

(3) Paragraphs (1) and (2) do not apply for so long as the person investigating the complaint or the matter considers that giving the notification might prejudice—

- (a) the investigation, or
- (b) any other investigation (including, in particular, a criminal investigation).

(4) In this regulation and regulations 53 (duty to provide certain information to the relevant appropriate authority) and 54 (manner in which duties to provide information to the complainant are to be performed), the person whose conduct is in question—

- (a) in relation to an investigation of a complaint, means the person in respect of whom it appears to the person investigating that there is the indication mentioned in paragraph (1)
- (b) in relation to an investigation of a recordable conduct matter, means the person to whose conduct the investigation relates.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (5) In this regulation “relevant document”—
- (a) means a document relating to any complaint or matter under investigation; and
  - (b) includes such a document containing suggestions as to lines of inquiry to be pursued or witnesses to be interviewed.
- (6) In this regulation “relevant statement” means an oral or written statement relating to any complaint or matter under investigation.