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STATUTORY INSTRUMENTS

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**2012 No. 62**

**The Elected Local Policing Bodies (Complaints  
and Misconduct) Regulations 2012**

**PART 3**

**Investigation of Serious Complaints and Conduct Matters**

**Action in response to an investigation report**

**26.**—(1) This regulation applies where—

- (a) a report on an investigation carried out under the management of the Commission is submitted to it under regulation 25(2); or
- (b) a report on an investigation carried out by a person designated by the Commission is submitted to it under regulation 25(3).

(2) On receipt of the report, the Commission—

- (a) shall determine whether the conditions set out in paragraphs (3) and (4) are satisfied in respect of the report;
- (b) if it determines that those conditions are so satisfied, shall notify the Director of Public Prosecutions of the determination and send him a copy of the report; and
- (c) shall notify—
  - (i) the police and crime panel, and
  - (ii) every person entitled to be kept properly informed in relation to the investigation under regulation 32(3),

of its determination under sub-paragraph (a) and of any action taken by it under sub-paragraph (b).

(3) The first condition is that the report indicates that a criminal offence may have been committed by the relevant office holder.

(4) The second condition is that the circumstances are such that, in the opinion of the Commission, it is appropriate for the matters dealt with in the report to be considered by the Director of Public Prosecutions.

(5) The Director of Public Prosecutions shall notify the Commission of any decision of his to take, or not to take, action in respect of the matters dealt with in any report a copy of which has been sent to him under paragraph (2)(b).

(6) It shall be the duty of the Commission to notify—

- (a) the police and crime panel, and
- (b) every person entitled to be kept properly informed in relation to the investigation under regulation 32(3)

if criminal proceedings are brought against any person by the Director of Public Prosecutions in respect of any matters dealt with in a report copied to him under sub-paragraph (2)(b).

(7) In relation to every report submitted to it under regulation 25, the Commission shall, subject to paragraph (8)—

- (a) send a copy of the report to the police and crime panel; and
- (b) publish the report.

(8) The Commission may delay the sending or publication of a report, or withhold any part of a report from sending or publication, if the Commission considers that it is necessary to do so for the purposes mentioned in regulation 33(1)(a) or (b).