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STATUTORY INSTRUMENTS

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**2015 No. 25**

**The Ministry of Defence Police (Conduct etc.) Regulations 2015**

**PART 3**

**Investigations**

**Written notice of investigation**

**19.**—(1) Subject to paragraph (3), the investigator shall as soon as is reasonably practicable after being appointed cause the officer concerned to be given written notice—

- (a) describing the conduct that is the subject matter of the allegation and how that conduct is alleged to fall below the Standards of Professional Behaviour;
- (b) of the relevant authority's assessment of—
  - (i) whether that conduct, if proved, would amount to misconduct or gross misconduct; and
  - (ii) whether, if the matter were to be referred to misconduct proceedings, these would be likely to be a misconduct meeting or a misconduct hearing and the reason for this;
- (c) that if the likely form of any misconduct proceedings to be held changes, further notice (with reasons) will be given;
- (d) that there is to be an investigation into the matter and the identity of the investigator;
- (e) informing the officer of the right to seek advice from the officer's staff association or any other body and of the effect of regulation 10(1) to (3) (police friend);
- (f) of the effect of regulations 10(4) and (5) (legal representation) and 20 (representations to the investigator);
- (g) informing the officer that, although the officer does not have to say anything, adverse inferences may be drawn in the circumstances described in regulation 37(10) and (11).

(2) If after notice is given under paragraph (1), the relevant authority revises its assessment of the conduct or its determination of the likely form of any misconduct proceedings to be taken, the relevant authority must, as soon as practicable, give the officer concerned further written notice of—

- (a) its revised assessment of whether the conduct, if proved, would amount to misconduct or gross misconduct and the reason for that assessment;
- (b) its revised determination as to whether, if the case were to be referred to misconduct proceedings, these would be likely to be a misconduct meeting or a misconduct hearing and the reason for this.

(3) The requirement to give notice to the officer concerned under paragraph (1) does not apply for so long as the investigator considers that giving such a notice might prejudice the investigation or any other investigation (including, in particular, a criminal investigation).

(4) Once notice has been given under paragraph (1), the investigator must notify the officer concerned of the progress of the investigation—

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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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- (a) if there has been no previous notification following the giving of notice under paragraph (1), before the end of 4 weeks beginning with the first working day after the start of the investigation; and
- (b) in any other case, before the end of 4 weeks beginning with the first working day after the previous notification.