
STATUTORY INSTRUMENTS

2015 No. 25

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

PART 1

Preliminary

The harm test

4.—(1) Information in documents which are stated to be subject to the harm test may not be supplied to the officer concerned in so far as the relevant authority considers that preventing disclosure is—

- (a) necessary for the purpose of preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in, any criminal proceedings;
 - (b) necessary in the interests of national security;
 - (c) necessary for the purpose of the prevention or detection of misconduct by other MDP officers or staff members or their apprehension for such matters;
 - (d) necessary for the purpose of the prevention or detection of misconduct by police officers from alternative police forces or their apprehension for such matters;
 - (e) justified on the grounds that providing the information would involve disproportionate effort in comparison to the seriousness of the allegations against the officer concerned;
 - (f) necessary and proportionate for the protection of the welfare and safety of any informant or witness; or
 - (g) otherwise in the public interest.
- (2) Where the harm test is satisfied in relation to any information, the relevant authority—
- (a) may not supply that information to the officer concerned; and
 - (b) must inform the person conducting or chairing misconduct proceedings that the harm test is satisfied in relation to that information.