
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 4

Handling of Death and Serious Injury Matters

Duty to record DSI matters

27. Where a DSI matter comes to the attention of the appropriate authority in relation to that matter, the authority must record that matter.

Duty to preserve evidence relating to DSI matters

28.—(1) Where—

- (a) the relevant officer in relation to a DSI matter is a Provost Marshal; and
- (b) the DSI matter comes to the attention of the appropriate authority for that Provost Marshal,

that authority must secure that all such steps as are appropriate for the purposes of this Part are taken, both initially and from time to time after that, for obtaining and preserving evidence relating to that matter.

(2) Where—

- (a) a Provost Marshal becomes aware of a DSI matter; and
- (b) the relevant officer was under the direction of that Provost Marshal at the time the DSI matter occurred,

the Provost Marshal must take all such steps as appear to be appropriate for the purposes of this Part for obtaining and preserving evidence relating to that matter.

(3) A Provost Marshal's duty under paragraph (2) must be performed as soon as practicable after that person becomes aware of the matter in question.

(4) After that, the Provost Marshal must, until satisfied that it is no longer necessary to do so, continue to take steps from time to time that are considered to be appropriate for the purposes of this Part for obtaining and preserving evidence relating to the matter.

(5) The Defence Council or a Board must comply with all such directions as may be given to it by the Commissioner in relation to the performance of any duty imposed on it by virtue of paragraph (1).

(6) A Provost Marshal must take all such specific steps for obtaining or preserving evidence relating to any DSI matter for the purposes of this regulation as directed by the appropriate authority or the Commissioner.

Reference of DSI matters to the Commissioner

29.—(1) The appropriate authority must refer a DSI matter to the Commissioner.

(2) Any DSI matter which is required to be referred to the Commissioner must be referred in such manner as the Commissioner determines and—

(a) in a case where the Commissioner directs that the matter be referred to the Commissioner, without delay and in any event not later than the end of the day following the day on which the Commissioner so directs; and

(b) in any other case, without delay and in any event not later than the end of the day following the day on which the matter first comes to the attention of the appropriate authority.

(3) A matter that has already been referred to the Commissioner under this regulation on a previous occasion, or that has been treated as having been so referred by virtue of regulation 30 is not required to be referred again under this regulation unless the Commissioner so directs.

Power of the Commissioner to treat DSI matter as having been referred

30.—(1) The Commissioner may treat a DSI matter that comes to the Commissioner's attention otherwise than by having been referred to the Commissioner under regulation 29 as having been so referred.

(2) Where the Commissioner treats a DSI matter as having been so referred—

(a) regulations 27 and 29 do not apply, or cease to apply, in relation to the matter except to the extent provided for by regulation 29(3); and

(b) regulations 31 and 32 apply in relation to the matter as if it had been referred to the Commissioner by the appropriate authority under regulation 29.

(3) The Commissioner must notify the appropriate authority that the Commissioner is treating a DSI matter as having been so referred.

(4) Where an appropriate authority receives a notification under paragraph (3) in respect of a DSI matter and the matter has not yet been recorded, the appropriate authority must record the matter.

Duties of the Commissioner on references under regulation 29

31.—(1) The Commissioner must, in the case of every DSI matter referred to the Commissioner by an appropriate authority, determine whether or not it is necessary for the matter to be investigated.

(2) The Commissioner must determine that it is necessary for DSI matters referred to the Commissioner in relation to which the relevant officer is a Provost Marshal to be investigated.

(3) Where the Commissioner is required by paragraph (2) to determine that it is necessary for a DSI matter to be investigated, regulation 32 applies in relation to the matter as if paragraphs (4)(a), (5) and (9)(b) of that regulation were omitted.

(4) Where the Commissioner determines under this regulation that it is not necessary for a DSI matter to be investigated—

(a) in a case where the DSI matter is already being investigated by the appropriate authority on its own behalf (and notwithstanding the Commissioner's determination) the Commissioner must refer the matter back to the appropriate authority for the investigation to be completed; and

(b) in any other case, the Commissioner may, if the Commissioner thinks fit, refer the matter back to the appropriate authority to be dealt with by that authority in such manner (if any) as that authority may determine.