
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Service Police (Complaints etc.) Regulations 2023

PART 4

Super-complaints

CHAPTER 4

Further provision about super-complaints

Powers in relation to investigations

97.—(1) The Chief Inspector and the Commissioner may request any person to provide advice on, or assistance with, the investigation of a super-complaint or the preparation of a report under regulation 96.

(2) Subject to the modification in paragraph (3), paragraphs 6A and 6B of Schedule 4A to the 1996 Act (further provision about His Majesty’s inspectors of constabulary: powers of inspectors to obtain information and access to premises) apply in relation to an investigation of a super-complaint under this Part as they apply in relation to an inspection under section 54 of that Act (appointment and functions of inspectors of constabulary).

(3) The modification mentioned in paragraph (2) is that in paragraph 6B of Schedule 4A to the 1996 Act, for sub-paragraph (1)(a) there were substituted—

“premises that are occupied (wholly or partly) for the purposes of the tri-service serious crime unit or a service police force, and”.

(4) Subject to the modification in paragraph (5), where a notice is, by virtue of paragraph (2), served under paragraph 6A of Schedule 4A to the 1996 Act, paragraphs 6C and 6D of that Schedule (further provision about His Majesty’s inspectors of constabulary: failure to comply with notices and appeals) apply in relation to the notice.

(5) The modification mentioned in paragraph (4) is that in paragraph 6D(2) of Schedule 4A to the 1996 Act, after paragraph (g) there were inserted—

“(h) the Defence Council, the Admiralty Board, the Army Board, the Royal Air Force Board, a member of the tri-service serious crime unit or a member of a service police force”.

(6) Where a notice is, by virtue of paragraph (2), served under paragraph 6B of Schedule 4A to the 1996 Act, paragraph 6C of that Schedule applies in relation to the notice.

(7) For the purpose of investigating a super-complaint under this regulation, regulation 43 (power to serve information notice) and regulation 75 (inspection of service police premises on behalf of the Commissioner) apply as they apply in relation to an investigation under Part 3, and any reference to a complaint in regulation 36 (as mentioned in regulation 43(1)) and regulation 75 is to be read as including a reference to a super-complaint.

(8) Where a notice is, by virtue of paragraph (7), served under regulation 43, regulations 44 (failure to comply with information notice) and 45 (appeals against information notices) apply in relation to the notice.

Information sharing etc.

98.—(1) For the purpose of investigating a super-complaint, the Chief Inspector and the Commissioner may use any information held by them and share that information with each other.

(2) The use or sharing of information by the Chief Inspector and the Commissioner under paragraph (1) does not breach any obligation of confidence owed by them.