
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 2

Handling of complaints

Duties of the Commissioner on references under regulation 13

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

(2) The Commissioner must determine that it is necessary for complaints referred to the Commissioner to be investigated—

- (a) that relate to the conduct of a Provost Marshal; and
- (b) in respect of which there is an indication that the Provost Marshal may have committed a service offence or behaved in a way which would justify the initiation of administrative action procedures.

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

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

- (a) in a case where the complaint is already being investigated by the appropriate authority on its own behalf (and notwithstanding the Commissioner's determination), the Commissioner must refer the complaint 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 complaint back to the appropriate authority to be dealt with by that authority in accordance with regulation 17.

(5) Where the Commissioner refers a complaint back under paragraph (4), the Commissioner must give a notification of the making of the reference back—

- (a) to the complainant; and
- (b) except in a case where it appears to the Commissioner that to do so might prejudice an investigation of the complaint (whether an existing investigation or a possible future one), to the person complained against (if any).