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DRAFT STATUTORY INSTRUMENTS

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**2023 No.**

**The Service Police (Complaints etc.) Regulations 2023**

**PART 3**

**Complaints etc.**

**CHAPTER 3**

**Handling of conduct matters**

**Recording etc. of conduct matters in other cases**

**22.**—(1) This regulation applies where—

- (a) a conduct matter comes (otherwise than as mentioned in regulation 21) to the attention of the appropriate authority in relation to that matter, and
- (b) it appears to the appropriate authority that the conduct involved in that matter falls within paragraph (2).

(2) Conduct falls within this paragraph if (assuming it to have taken place)—

- (a) it appears to have resulted in the death of any person or in serious injury to any person;
- (b) any person has been adversely affected by it; or
- (c) it is—
  - (i) a serious assault, as determined in guidance issued by the Commissioner;
  - (ii) a serious sexual offence, as determined in guidance issued by the Commissioner;
  - (iii) serious corruption, including abuse of position for a sexual purpose or the purpose of pursuing an improper emotional relationship, as determined in guidance issued by the Commissioner;
  - (iv) a service offence or behaviour which is liable to lead to the initiation of administrative action procedures and which, in either case, was aggravated by discriminatory behaviour on the grounds of a person's race, sex, religion or other status as determined in guidance issued by the Commissioner;
  - (v) a relevant service offence;
  - (vi) conduct whose gravity or other exceptional circumstances make it appropriate to record the matter;
  - (vii) conduct of a Provost Marshal;
  - (viii) conduct which is alleged to have taken place in the same incident as one in which conduct within paragraphs (i) to (v) is alleged.

(3) The appropriate authority must determine whether the matter is one which it is required to refer to the Commissioner under regulation 24, or is one which it would be appropriate to so refer.

(4) In a case where the appropriate authority determines that the matter is one which it is required to refer to the Commissioner under regulation 24, or is one which it would be appropriate to so refer, it must record the matter.

(5) In any other case, the appropriate authority must determine whether the matter falls within regulation 21(6).

(6) In a case where the appropriate authority determines that the matter does not fall within regulation 21(6), it must record the matter.

(7) In any other case, the appropriate authority may (but need not) record the matter.

(8) In a case where the appropriate authority—

(a) records a matter under this paragraph, and

(b) is not required to refer the matter to the Commissioner under regulation 24 and does not do so,

the appropriate authority may deal with the matter in such other manner (if any) as it may determine.

(9) Nothing in paragraph (4) or (6) requires the appropriate authority to record any conduct matter if it is satisfied that the matter has been, or is already being, dealt with by means of disciplinary or criminal proceedings against the person to whose conduct the matter relates or that administrative action procedures have been or are being initiated against that person.