
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 3

Handling of conduct matters

Duties of the Commissioner on references under regulation 24

26.—(1) In the case of every recordable conduct matter referred to the Commissioner by an appropriate authority under regulation 24, the Commissioner must determine whether or not it is necessary for the matter to be investigated.

(2) The Commissioner must determine that it is necessary for recordable conduct matters referred to the Commissioner that relate to the conduct of a Provost Marshal to be investigated.

(3) Where the Commissioner is required by paragraph (2) to determine that it is necessary for a recordable conduct matter to be investigated, regulation 32 applies in relation to the matter 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 recordable conduct matter to be investigated—

- (a) in a case where the recordable conduct 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.

(5) Where—

- (a) the Commissioner refers a matter back to the appropriate authority under this regulation; and
- (b) the Commissioner does not consider that to do so might prejudice an investigation of that matter (whether an existing investigation or a possible future one),

the Commissioner must give a notification of the making of the reference to the person to whose conduct that matter relates.