
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 5

Investigations and Subsequent Proceedings etc.

Investigations directed by the Commissioner

34.—(1) This regulation applies where the Commissioner has determined that the Commissioner should direct the investigation by the appropriate authority of any complaint, recordable conduct matter or DSI matter.

(2) On being given notice of that determination, the appropriate authority must, if it has not already done so, appoint a member of a service police force to investigate the complaint or matter.

(3) The Commissioner may require that no appointment is made under paragraph (2) unless the Commissioner has given notice to the appropriate authority that the person whom that authority proposes to appoint is approved.

(4) Where at any time the Commissioner is not satisfied with the person investigating, the Commissioner may require the appropriate authority, as soon as reasonably practicable after being required to do so—

- (a) to select another person falling within paragraph (2) to investigate the complaint or matter; and
- (b) to notify the Commissioner of the person selected.

(5) Paragraph (4) applies whether or not the person investigating was appointed—

- (a) before the appropriate authority was given notice of the Commissioner's determination that it should direct the investigation by the appropriate authority;
- (b) under paragraph (2) (including where the appointment was approved by the Commissioner in accordance with paragraph (3)); or
- (c) under paragraph (6)(a).

(6) Where a selection made in pursuance of a requirement under paragraph (4) has been notified to the Commissioner—

- (a) the appropriate authority must appoint that person to investigate the complaint or matter if, but only if, the Commissioner notifies the authority that the appointment of that person is approved;
- (b) if the Commissioner notifies the authority that the appointment of that person is not approved, the appropriate authority must make another selection in accordance with paragraph (4).

(7) A person appointed under this regulation to investigate any complaint or conduct matter in the case of an investigation relating to any conduct of a Provost Marshal, must not be a member of the service police force that the Provost Marshal heads or a person under the Provost Marshal's direction.

(8) A person appointed under this regulation to investigate any DSI matter in relation to which the relevant officer is a Provost Marshal, must not be a member of the service police force that the Provost Marshal heads or a person under that Provost Marshal's direction.

(9) The person appointed to investigate the complaint or matter is, in relation to that investigation, under the direction of the Commissioner.

(10) The person appointed to investigate the complaint or matter must keep the Commissioner informed of the progress of the investigation.