
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 5

Investigations and Subsequent Proceedings etc.

Complaints and conduct matters concerning a person whose identity is unascertained

- 42.**—(1) Where a complaint or conduct matter relates to the conduct of a person whose identity—
- (a) is unascertained at the time at which the complaint is made or conduct matter is recorded; or
 - (b) is not ascertained during, or subsequent to, the investigation of the complaint or conduct matter;

this Part applies in relation to such a person as if it did not include the requirements mentioned in paragraph (2).

- (2) The requirements are—
- (a) any requirement for the person complained against or to whose conduct the conduct matter relates to be given a notification or an opportunity to make representations;
 - (b) any requirement for the Commissioner or appropriate authority to determine whether a service offence may have been committed by a person whose conduct has been the subject-matter of an investigation, or to take any action in relation to such a determination;
 - (c) any requirement for the Commissioner or appropriate authority to determine whether administrative action procedures should be initiated against a person whose conduct is the subject-matter of a report.

(3) Where the identity of a person mentioned in paragraph (1) is subsequently ascertained, the Commissioner and appropriate authority must, so far as possible, proceed in accordance with this Part, regardless of any previous action taken under this Part as modified by paragraph (1).