
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 5

Investigations and Subsequent Proceedings etc.

Investigations by the Commissioner: power to serve information notice

43.—(1) Subject to paragraphs (2) and (3), the Commissioner may serve upon any person an information notice requiring the person to provide the Commissioner with information that the Commissioner reasonably requires for the purposes of an investigation in accordance with regulation 36.

(2) An information notice served under paragraph (1) must not require a person—

- (a) to provide information that might incriminate the person;
- (b) to provide an item subject to legal privilege within the meaning of the Police and Criminal Evidence Act 1984(1) (see section 10 of that Act);
- (c) to make a disclosure that would be prohibited by any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016(2);
- (d) to provide information that was provided to the person by, or by an agency of, the government of a country or territory outside the United Kingdom where that government does not consent to the disclosure of the information.

(3) An information notice served under paragraph (1) must not require a postal or telecommunications operator to provide communications data.

(4) In paragraph (3) “communications data”, “postal operator” and “telecommunications operator” have the same meanings as in the Investigatory Powers Act 2016 (see sections 261 and 262 of that Act).

(5) An information notice must—

- (a) specify or describe the information that is required by the Commissioner and the form in which it must be provided;
- (b) specify the period within which the information must be provided;
- (c) give details of the right of appeal against the information notice under regulation 45.

(6) The period specified under paragraph (5)(b) must not end before the end of the period within which an appeal can be brought against the notice and, if such an appeal is brought, the information need not be provided pending the determination or withdrawal of the appeal.

(1) 1984 c. 60.

(2) 2016 c. 25.

(7) The Commissioner may cancel an information notice by written notice to the person on whom it was served.