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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 5**

**Investigations and Subsequent Proceedings etc.**

**Special procedure: severity assessment**

**47.—**(1) In the case of an investigation under regulation 34, the person investigating must, as soon as is reasonably practicable—

- (a) form an opinion as to whether the conduct alleged, if proved, would amount to misconduct that is so serious as to justify the initiation of administrative action procedures or to gross misconduct;
- (b) notify the Commissioner of that opinion; and
- (c) refer the case to the Commissioner, for the Commissioner to make a severity assessment in relation to the conduct of the person concerned.

(2) In the case of an investigation under regulation 36 other than by the Commissioner acting personally, the person investigating must, as soon as is reasonably practicable, refer the case to the Commissioner, for the Commissioner to make a severity assessment in relation to the conduct of the person concerned.

(3) In any other case, the person investigating must, as soon as is reasonably practicable, make a severity assessment in relation to the conduct of the person concerned.

(4) A severity assessment may only be made after consultation with the appropriate authority.