
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 5

Investigations and Subsequent Proceedings etc.

Special procedure: revision of severity assessment

49.—(1) Where in the case of an investigation under—

- (a) regulation 34; or
- (b) regulation 36 other than by the Commissioner acting personally,

the Commissioner has made a severity assessment and indicates that it is appropriate to revise the assessment, the person investigating must refer the case to the Commissioner for the Commissioner to revise the assessment.

(2) Where in the case of an investigation under—

- (a) regulation 34; or
- (b) regulation 36 other than by the Commissioner acting personally,

the Commissioner has made a severity assessment and the person investigating forms the opinion that it is appropriate to revise that assessment, the person investigating must notify the Commissioner of that opinion.

(3) Where in any other case the person investigating has made a severity assessment and considers it appropriate to do so, the person investigating may revise the assessment.

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

(5) On the revision of a severity assessment, the person investigating must notify—

- (a) the appropriate authority; and
- (b) except where paragraph (6) applies, the person concerned,

of the result of the revision.

(6) This paragraph applies for so long as—

- (a) in the case of an investigation under regulation 34 or 36, the Commissioner; or
- (b) in the case of an investigation under regulation 33, the person investigating the complaint or matter,

considers the notification to the person concerned might prejudice the investigation or any other investigation.

(7) A notification under paragraph (5)(b) must be—

- (a) given to the person concerned in person;
- (b) left with a person at, or sent by recorded delivery to, the last known address of the person concerned; or
- (c) given to the person concerned in any other manner agreed between the person investigating and the person concerned.