
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 5

Investigations and Subsequent Proceedings etc.

Action by the appropriate authority in response to an investigation report under regulation 56

58.—(1) This regulation applies where a report of an investigation is submitted to the appropriate authority in accordance with regulation 56(2).

(2) On receipt of the report, the appropriate authority must—

- (a) determine whether the conditions set out in paragraphs (3) and (4) are satisfied in respect of the report;
- (b) if it determines that those conditions are so satisfied, notify the appropriate prosecutor of the determination and send a copy of the report to the appropriate prosecutor; and
- (c) notify the persons mentioned in paragraph (6) of its determination under sub-paragraph (a) and of any action taken by it under sub-paragraph (b).

(3) The first condition is that the report indicates that a service offence may have been committed by a person (if any) to whose conduct the investigation related.

(4) The second condition is that the circumstances are such that, in the opinion of the appropriate authority, it is appropriate for the matters dealt with in the report to be considered by the appropriate prosecutor.

(5) The appropriate prosecutor must notify the appropriate authority of the appropriate prosecutor's decision to take, or not to take, action in respect of the matters dealt with in any report a copy of which has been sent to the appropriate prosecutor under paragraph (2).

(6) The persons are—

- (a) in the case of a complaint, the complainant and every person entitled to be kept properly informed in relation to the complaint under regulation 78; and
- (b) in the case of a recordable conduct matter, every person entitled to be kept properly informed in relation to that matter under that regulation.

(7) On receipt of the report, the appropriate authority must also—

- (a) determine whether any person to whose conduct the investigation related has a case to answer in respect of misconduct or gross misconduct or has no case to answer;
- (b) if it considers it appropriate to do so, make a determination as to any matter dealt with in the report, being a determination other than one that it is required to make by paragraph (2) (a) or sub-paragraph (a) of this paragraph; and

- (c) determine what action (if any) the authority will in its discretion take in respect of the matters dealt with in the report.
- (8) Where the report is a report of an investigation of a complaint and the appropriate authority is the Defence Council or a Board, the appropriate authority may also, on receipt of the report, make a recommendation under regulation 68.
- (9) The appropriate authority must—
 - (a) take the action which it determines under paragraph (7) that it will in its discretion, take; and
 - (b) in a case where that action consists of or includes the initiation of administrative action procedures, secure that those proceedings, once brought, are proceeded with to a proper conclusion.
- (10) In relation to a DSI matter in respect of which a determination has been made under regulation 55(2), (3), (4) or (7), the references in this regulation to the appropriate authority are references to the appropriate authority in relation to the person whose conduct is in question.