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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.**

**Power of the Commissioner to require re-investigation**

**63.**—(1) This regulation applies where—

- (a) a report on an investigation of a complaint, recordable conduct matter or DSI matter carried out under the direction of the Commissioner has been submitted to the Commissioner under regulation 56(3) or 60(2);
- (b) a report on an investigation of a complaint, recordable conduct matter or DSI matter carried out by a person designated by the Commissioner has been submitted to the Commissioner (or, in the case of an investigation carried out under regulation 36 by the Commissioner personally, is otherwise completed by the Commissioner) under regulation 56(5) or 60(2).

(2) The Commissioner may at any time determine that the complaint, recordable conduct matter or DSI matter is to be re-investigated if the Commissioner is satisfied that there are compelling reasons for doing so.

(3) Where the Commissioner makes a determination under paragraph (2), the Commissioner must determine that the re-investigation is to take the form of an investigation by the Commissioner unless paragraph (4) applies, in which case the Commissioner must determine that the re-investigation is to take the form described in that paragraph.

(4) This paragraph applies where the Commissioner determines that it would be more appropriate for the re-investigation to take the form of an investigation by the appropriate authority under the direction of the Commissioner.

(5) Where—

- (a) the Commissioner determines under paragraph (3) or (7) that a re-investigation is to take the form of an investigation by the Commissioner; and
- (b) at any time after that the Commissioner determines that paragraph (4) applies in relation to the re-investigation,

the Commissioner may make a further determination under this regulation (to replace the earlier one) that the re-investigation is instead to take the form of an investigation by the appropriate authority under the direction of the Commissioner.

(6) Where the Commissioner determines under paragraph (3) or (5) that a reinvestigation is to take the form of an investigation by the appropriate authority under the direction of the Commissioner, the Commissioner must keep under review whether paragraph (4) continues to apply in relation to the re-investigation.

(7) If, on such a review, the Commissioner determines that paragraph (4) no longer applies in relation to a re-investigation, the Commissioner must make a further determination under this regulation (to replace the earlier one) that the re-investigation is instead to take the form of an investigation by the Commissioner.

(8) Paragraphs (11) and (12) of regulation 32 apply in relation to a further determination under paragraph (5) or (7) as they apply in the case of a further determination under paragraph (9) or (10) of that regulation.

(9) This Part applies in relation to any re-investigation in pursuance of a determination under this regulation as it applies in relation to any investigation in pursuance of a determination under regulation 32.

(10) The Commissioner must notify the appropriate authority of any determination that the Commissioner makes under this regulation and of the Commissioner's reasons for making the determination.

(11) The Commissioner must also notify the following of any determination that the Commissioner makes under this regulation and of the Commissioner's reasons for making the determination—

- (a) every person entitled to be kept properly informed in relation to the complaint, recordable conduct matter or DSI matter (as the case may be) under regulation 78;
- (b) where the determination is made in relation to a complaint, the complainant;
- (c) the person to whose conduct the re-investigation will relate.

(12) The duty imposed by paragraph (11) on the Commissioner has effect subject to the exceptions provided for by regulation 67.

(13) In relation to a matter that was formerly a DSI matter but was recorded as a conduct matter in pursuance of regulation 55(8), the reference in paragraph (10) to the appropriate authority is a reference to the appropriate authority in relation to the person whose conduct was in question.

(14) The reference to a report in paragraph (1) includes a report on a re-investigation by virtue of this regulation or regulation 64.