
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 5

Investigations and Subsequent Proceedings etc.

Recommendations by the Commissioner, the Defence Council or the Boards

68.—(1) A recommendation under this regulation (for the purposes of regulations 18, 57, 58 and 64) is a recommendation of a kind described in paragraph (3) which is made with a view to remedying the dissatisfaction expressed by the complainant concerned.

(2) A recommendation under this regulation may only be made—

- (a) where the recommendation is made by virtue of regulation 58(8), to the Provost Marshal to whose conduct the complaint relates;
- (b) in all other cases, to the appropriate authority.

(3) The kinds of recommendations described for the purposes of paragraph (1) are—

- (a) a recommendation that an apology be made to the complainant concerned;
- (b) a recommendation that any property seized from the complainant concerned be returned;
- (c) any other recommendation, other than a recommendation that compensation be paid, which the Commissioner, the Defence Council or a Board (as the case may be) considers appropriate to remedy the dissatisfaction expressed by the complainant concerned.

(4) The reference in paragraph (1) to the complainant concerned—

- (a) in relation to a recommendation made by virtue of regulation 18(5)(b) or (6)(c), is a reference to the complainant who applied under regulation 18(2) for the review;
- (b) in relation to a recommendation made by virtue of regulation 57(13) or 58(8), is a reference to the complainant whose complaint, having been investigated, resulted in the submission or completion of the report under regulation 56;
- (c) in relation to a recommendation made by virtue of regulation 64(9)(d) or (12)(d), is a reference to the complainant who applied under regulation 64(1) for the review.

(5) The body or person to whom the recommendation is made must provide to the body or person making the recommendation a written response stating—

- (a) whether the body or person to whom the recommendation is made accepts the recommendation;
- (b) if the body or person does, the steps that body or person is proposing to take to give effect to the recommendation;
- (c) if the body or person does not, the reason why it is not accepted.

(6) Subject to paragraph (7), the body or person to whom the recommendation is made must provide the response before the end of the period of 28 days starting with the day after the day on which the recommendation was made.

(7) The body or person making the recommendation may extend the period mentioned in paragraph (6) and if that period is so extended, the response must be provided before the end of the extended period.

(8) The body or person making the recommendation must send a copy of the recommendation and the response to it to—

- (a) the complainant concerned;
- (b) any interested person; and
- (c) except in a case where it appears to the body or person making the recommendation that to do so might prejudice any investigation (including an investigation of a service offence), the person complained against (if any).