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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.**

**Inspections of service police premises on behalf of the Commissioner**

**75.—(1) Where—**

- (a) the Commissioner requires—
  - (i) the Defence Council;
  - (ii) a Board; or
  - (iii) a Provost Marshal,

to allow a person nominated for the purpose by the Commissioner to have access to any premises under their control that are occupied for the purposes of a service police force or the tri-service serious crime unit and to documents and other things on those premises, and

- (b) the requirement is imposed for any of the purposes mentioned in paragraph (2),

the Defence Council, the Board or the Provost Marshal so required by the Commissioner in subparagraph (a) must secure that the required access is allowed to the nominated person.

(2) Those purposes are—

- (a) the purposes of any examination by the Commissioner of the efficiency and effectiveness of the arrangements made by the force or tri-service serious crime unit in question for handling complaints or dealing with recordable conduct matters or DSI matters;
- (b) the purposes of any investigation by the Commissioner under this Part or of any investigation carried out under the Commissioner's direction;
- (c) the purposes of any review by the Commissioner under regulation 64.

(3) A requirement imposed by the Commissioner under this regulation for the purposes mentioned in paragraph (2)(a) must be notified to the Defence Council, the Board or the Provost Marshal at least 48 hours before the time at which access is required.

(4) Where—

- (a) a requirement imposed under this regulation for the purposes mentioned in paragraph (2) (a) requires access to any premises, document or thing to be allowed to any person; but
- (b) there are reasonable grounds for not allowing that person to have the required access at the time at which access is sought,

the obligation to secure that the required access is allowed has effect as an obligation to secure that the access is allowed to that person at the earliest practicable time after there ceases to be any such grounds as that body or person may specify.

- (5) The provisions of this regulation are in addition to, and without prejudice to—
  - (a) the rights of entry, search and seizure that are or may be conferred on—
    - (i) a person designated for the purposes of regulation 36; or
    - (ii) any person who otherwise acts on behalf of the Commissioner;  
in their capacity as a member of a service police force or as a person with the powers and privileges of a member of a service police force; or
  - (b) the obligations of the Defence Council, the Boards and the Commissioner under regulations 73 and 74.