
STATUTORY INSTRUMENTS

2023 No. 624

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 2

Handling of complaints

Handling of complaints by the appropriate authority

17.—(1) This regulation applies where a complaint has been recorded by the appropriate authority.

(2) But this regulation does not apply to a complaint if it is one that has been, or must be, referred to the Commissioner under regulation 13, unless the complaint is for the time being referred back to the appropriate authority under regulation 16(4)(b).

(3) The appropriate authority must handle the complaint in such reasonable and proportionate manner as it determines.

(4) An appropriate authority may handle a complaint in accordance with paragraph (3) by (amongst other things)—

- (a) making arrangements for the complaint to be investigated by the authority on its own behalf;
- (b) notifying the complainant that no further action is to be taken in relation to the complaint.

(5) The appropriate authority must comply with its duty under paragraph (3) by making arrangements for the complaint to be investigated by the authority on its own behalf if at any time it appears to the authority from the complaint, or from the authority's handling of the complaint to that point, that there is an indication that—

- (a) a member of a service police force may have committed a service offence or behaved in a manner that would justify the initiation of administrative action procedures; or
- (b) there may have been the infringement of a person's rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998).

(6) The duty imposed by paragraph (5) does not apply where the appropriate authority determines that—

- (a) the complaint concerns substantially the same—
 - (i) conduct or other matter as a complaint made previously (“the previous complaint”);
 - or
 - (ii) conduct as a conduct matter recorded previously (“the previous conduct matter”);
- (b) there is no fresh indication in respect of that conduct or other matter that—

- (i) a member of a service police force may have committed a service offence or behaved in a manner that would justify the initiation of administrative action procedures; or

- (ii) there may have been an infringement of a person's rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998);
- (c) there is no fresh substantive evidence in respect of that conduct or other matter which was not reasonably available at the time the previous complaint was made or the previous conduct matter was recorded; and
- (d) as respects the previous complaint or previous conduct matter—
 - (i) it has been or is being investigated; or
 - (ii) in the case of a complaint, it has been or is being otherwise handled in accordance with this Part or this Part ceased to apply to it in accordance with regulation 19 (withdrawn complaints) or regulations 19 and 20 (withdrawn complaints: no written signed notification).

(7) A statement made by any person for the purposes of the handling of any complaint in accordance with paragraph (3) otherwise than by the appropriate authority making arrangements for the complaint to be investigated by the authority on its own behalf, is not admissible in any subsequent disciplinary, criminal or civil proceedings or administrative action procedures except to the extent that it consists of an admission relating to a matter that has not been subjected to such handling.

Commencement Information

II Reg. 17 in force at 19.6.2023, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Service Police (Complaints etc.) Regulations 2023, Section 17.