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STATUTORY INSTRUMENTS

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**2023 No. 624**

**The Service Police (Complaints etc.) Regulations 2023**

**PART 3**

**Complaints etc.**

**CHAPTER 2**

**Handling of complaints**

**Withdrawn complaints**

**19.**—(1) This regulation applies where an appropriate authority receives a notification signed by the complainant or the complainant’s solicitor or other authorised agent on the complainant’s behalf that the complainant—

- (a) withdraws the complaint; or
- (b) does not wish any further steps to be taken.

(2) The appropriate authority must record the withdrawal or the fact that the complainant does not wish any further steps to be taken and, subject to the following provisions of this regulation, this Part ceases to apply to the complaint.

(3) Where the notification mentioned in paragraph (1) relates to a complaint which—

- (a) was referred to the Commissioner under regulation 13(1) or is being treated by the Commissioner as having been so referred under regulation 14(1); and
- (b) has not been referred back to the appropriate authority under regulation 16(4),

the appropriate authority must notify the Commissioner that it has recorded the withdrawal or the fact that the complainant does not wish any further steps to be taken.

(4) Where the notification mentioned in paragraph (1) relates to a complaint which the appropriate authority knows is subject to a review under regulation 18 or 64 the appropriate authority must notify the relevant review body that it has recorded the withdrawal or the fact that the complainant does not wish any further steps to be taken.

(5) In a case falling within paragraph (3) or paragraphs (3) and (4), the Commissioner must—

- (a) determine whether it is in the public interest for the complaint to be treated as a recordable conduct matter; and
- (b) notify the appropriate authority and, in a case falling within paragraphs (3) and (4) in which the relevant review body is the Defence Council or a Board, the relevant review body of the Commissioner’s determination.

(6) In a case falling within paragraph (4) (but not also paragraph (3)), the appropriate authority must—

- (a) determine whether it is in the public interest for the complaint to be treated as a recordable conduct matter; and
- (b) notify the relevant review body of its determination and the reasons for it.

(7) Where the notification mentioned in paragraph (1) relates to a complaint which does not fall within paragraph (3) or (4), the appropriate authority must determine whether it is in the public interest for the complaint to be treated as a recordable conduct matter.

(8) Where a determination is made under paragraph (5), (6) or (7) that it is in the public interest for the complaint to be treated as a recordable conduct matter, Chapter 3 of this Part (handling of conduct matters) applies to that matter.

(9) Where—

- (a) a complaint is subject to a review by the Commissioner under regulation 64; and
- (b) the appropriate authority notifies the Commissioner (as the relevant review body) under paragraph (6)(b) that it has determined that the complaint is not to be treated as a recordable conduct matter,

the Commissioner must consider whether it is in the public interest for that determination to be reversed and, if so, the Commissioner must instruct the appropriate authority to reverse the determination.

(10) Subject to paragraph (11), the appropriate authority must notify the person complained against if—

- (a) it records the withdrawal of the complaint or the fact that the complainant does not wish any further steps to be taken;
- (b) a determination is made under paragraph (5), (6) or (7) that it is in the public interest for the complaint to be treated as a recordable conduct matter;
- (c) the Commissioner instructs the appropriate authority to reverse a determination not to treat the complaint as a recordable conduct matter; or
- (d) this Part ceases to apply to the complaint.

(11) Nothing in paragraph (10) requires the appropriate authority to make a notification if it believes that to do so—

- (a) might prejudice any investigations relating to a service offence or pending proceedings; or
- (b) would otherwise be contrary to the public interest.

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**Commencement Information**

**II** Reg. 19 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 19.