
STATUTORY INSTRUMENTS

2023 No. 624

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 5

Investigations and Subsequent Proceedings etc.

Procedure where conduct matter is revealed during investigation of DSI matter

55.—(1) If during the course of an investigation of a DSI matter it appears to a person appointed under regulation 34 that there is an indication that a member of a service police force (“the person whose conduct is in question”) may have—

- (a) committed a service offence; or
- (b) behaved in a manner that would justify initiating administrative action procedures,

the person appointed must make a submission to that effect to the Commissioner.

(2) If, after considering a submission under paragraph (1), the Commissioner determines that there is such an indication, the Commissioner must—

- (a) notify the appropriate authority in relation to the DSI matter and (if different) the appropriate authority in relation to the person whose conduct is in question of the Commissioner’s determination; and
- (b) send to it (or each of them) a copy of the submission under paragraph (1).

(3) If during the course of an investigation of a DSI matter being carried out by a person appointed under regulation 34 the Commissioner determines (without there having been a submission under paragraph (1)) that there is an indication that a member of a service police force (“the person whose conduct is in question”) may have—

- (a) committed a service offence; or
- (b) behaved in a manner that would justify initiating administrative action procedures,

the Commissioner must notify the appropriate authority in relation to the DSI matter and (if different) the appropriate authority in relation to the person whose conduct is in question of the Commissioner’s determination.

(4) If during the course of an investigation of a DSI matter being carried out by a person designated under regulation 36 the Commissioner determines that there is an indication that a member of a service police force (“the person whose conduct is in question”) may have—

- (a) committed a service offence; or
- (b) behaved in a manner which would justify initiating administrative action procedures,

the Commissioner must proceed under paragraph (5).

(5) The Commissioner must—

- (a) prepare a record of the determination;
- (b) notify the appropriate authority in relation to the DSI matter and (if different) the appropriate authority in relation to the person whose conduct is in question of the determination; and
- (c) send to it (or each of them) a copy of the record of the determination prepared under paragraph (a).

(6) If during the course of an investigation of a DSI matter it appears to a person appointed under regulation 33 that there is an indication that a member of a service police force (“the person whose conduct is in question”) may have—

- (a) committed a service offence; or
- (b) behaved in a manner which would justify initiating administrative action procedures,

the person appointed must make a submission to that effect to the appropriate authority in relation to the DSI matter.

(7) If, after considering a submission under paragraph (6), the appropriate authority determines that there is such an indication, the authority must—

- (a) if it is not the appropriate authority in relation to the person whose conduct is in question, notify that other authority of its determination and send to that authority a copy of the submission under paragraph (6); and
- (b) notify the Commissioner of its determination and send to it a copy of the submission under paragraph (6).

(8) Where the appropriate authority in relation to the person whose conduct is in question—

- (a) is notified of a determination by the Commissioner under paragraph (2) or (3);
- (b) is notified of a determination by the Commissioner under paragraph (5);
- (c) makes (in a case where it is also the appropriate authority in relation to the DSI matter) a determination under paragraph (7); or
- (d) is (in a case where it is not the appropriate authority in relation to the DSI matter) notified by that other authority of a determination by it under paragraph (7),

it must record the matter under regulation 22 as a conduct matter.

(9) Where a DSI matter is recorded under regulation 22 as a conduct matter by virtue of paragraph (8)—

- (a) the person investigating the DSI matter must (subject to any determination made by the Commissioner under regulation 32(9) or (10)) continue the investigation as if appointed or designated to investigate the conduct matter; and
- (b) the other provisions of this Part apply in relation to that matter accordingly.

Commencement Information

II Reg. 55 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 55.