
STATUTORY INSTRUMENTS

2023 No. 624

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 5

Investigations and Subsequent Proceedings etc.

Action by the Commissioner in relation to an investigation report under regulation 56

57.—(1) This regulation applies where—

- (a) a report on an investigation carried out under the direction of the Commissioner is submitted to the Commissioner under regulation 56(3); or
- (b) a report on an investigation carried out by a person designated by the Commissioner is submitted to the Commissioner, or is otherwise completed, under regulation 56(5).

(2) But if, following the submission or completion of such a report, the Commissioner determines under regulation 63 that the complaint or recordable conduct matter is to be re-investigated, the provisions of this regulation other than paragraph (3)(a) (read with paragraph (4)) do not apply, or cease to apply, in relation to that report.

(3) On receipt of the report (or on its completion by the Commissioner), the Commissioner must—

- (a) if it appears that the appropriate authority has not already been sent a copy of the report, send a copy of the report to that authority;
- (b) determine whether the conditions set out in paragraphs (5) and (6) are satisfied in respect of the report;
- (c) if the Commissioner determines that those conditions are so satisfied, notify the appropriate prosecutor of the determination and send a copy of the report to the appropriate prosecutor; and
- (d) notify the appropriate authority and the persons mentioned in paragraph (8) of the Commissioner's determination under sub-paragraph (b) and of any action taken by the Commissioner under sub-paragraph (c).

(4) Where the Commissioner would contravene regulation 81 by sending a copy of a report in its entirety to the appropriate authority under paragraph (3)(a) or to the appropriate prosecutor under paragraph (3)(c), the Commissioner must instead send a copy of the report after having removed or obscured the information which by virtue of regulation 81 the Commissioner must not disclose.

(5) The first condition is that the report indicates that a service offence may have been committed by a person (if any) to whose conduct the investigation related.

(6) The second condition is that the circumstances are such that, in the opinion of the Commissioner, it is appropriate for the matters dealt with in the report to be considered by the appropriate prosecutor.

(7) The appropriate prosecutor must notify the Commissioner of any decision of that person to take, or not to take, action in respect of the matters dealt with in any report a copy of which has been sent to the appropriate prosecutor under paragraph (3)(c).

(8) The persons are—

- (a) in the case of a complaint, the complainant and every person entitled to be kept properly informed in relation to the complaint under regulation 78; and
- (b) in the case of a recordable conduct matter, every person entitled to be kept properly informed in relation to that matter under that regulation.

(9) On receipt of the report (or on its completion by the Commissioner), the Commissioner must also—

- (a) seek the views of the appropriate authority on—
 - (i) whether any person to whose conduct the investigation related has a case to answer in relation to misconduct or gross misconduct or has no case to answer; and
 - (ii) any other matter dealt with in the report (but not on whether the conditions in paragraphs (5) and (6) are satisfied in respect of the report);
- (b) having considered the views (if any) of the appropriate authority, make a determination as to the matter described in sub-paragraph (a)(i) and whether or not administrative action procedures should be initiated against any person to whose conduct the investigation related;
- (c) having considered the views (if any) of the appropriate authority and if the Commissioner considers it appropriate to do so, make a determination as to any other matter arising from sub-paragraph (a)(ii), being a determination other than one that the Commissioner is required to make under paragraph (3)(b) of this regulation or sub-paragraph (b) of this paragraph;
- (d) notify the appropriate authority of the Commissioner's determination under sub-paragraph (b) and any determination under sub-paragraph (c);
- (e) direct the appropriate authority to determine what action (if any) the appropriate authority will in its discretion take, in respect of the matters dealt with in the report and having regard to the Commissioner's determination under sub-paragraph (b) and any determination under sub-paragraph (c).

(10) On completion of an investigation where the Commissioner seeks the views of the appropriate authority on the matters mentioned in paragraph (9)(a), the Commissioner must notify the appropriate authority of the Commissioner's opinion as to whether any person to whose conduct the investigation related has a case to answer in respect of misconduct or gross misconduct or has no case to answer.

(11) The appropriate authority must provide the Commissioner with its views (if any) on the matters mentioned in paragraph (9)(a) before the expiry of 28 days starting with the day after the day on which the Commissioner seeks the appropriate authority's views in accordance with paragraph (9)(a), unless this period is extended by the Commissioner.

(12) The appropriate authority must comply with the direction given under paragraph (9)(e) and must notify the Commissioner of the determination it makes.

(13) On receipt of the report, where it is a report of an investigation of a complaint, the Commissioner may also make a recommendation under regulation 68.

(14) In relation to a DSI matter in respect of which a determination has been made under regulation 55(2), (3), (4) or (7), the references in this regulation to the appropriate authority are references to the appropriate authority in relation to the person whose conduct is in question.

Changes to legislation: There are currently no known outstanding effects for the The Service Police (Complaints etc.) Regulations 2023, Section 57. (See end of Document for details)

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Commencement Information

II Reg. 57 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 57.