
STATUTORY INSTRUMENTS

2023 No. 624

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 5

Investigations and Subsequent Proceedings etc.

Response to recommendation

70.—(1) A body or person to whom a recommendation under regulation 69 is made must provide to the Commissioner a response in writing stating—

- (a) what action the body or person has taken or proposes to take in response to the recommendation; or
- (b) why the body or person has not taken, or does not propose to take, any action in response.

(2) The body or person must provide the response to the Commissioner before the end of the period of 56 days beginning with the day on which the recommendation was made, unless paragraph (3) applies.

(3) The Commissioner may extend the period of 56 days following an application received before the end of the period; and if the Commissioner grants an extension, the body or person must provide the response before the end of the extended period.

(4) But if proceedings for judicial review of the Commissioner's decision to make a recommendation are started during the period allowed by paragraph (2) or (3), that period is extended by however many days the proceedings are in progress.

(5) On receiving a response, the Commissioner must, within the period of 21 days beginning with the day on which the Commissioner received it—

- (a) publish the response; and
- (b) send a copy of it to any person who was sent a copy of the recommendation under regulation 69(9)(b),

unless the body or person giving the response has made representations under paragraph (6).

(6) The body or person giving the response may, at the time of providing it to the Commissioner, make representations to the Commissioner asserting that the requirements of publication and disclosure under paragraph (5) should not apply to the response, or to particular parts of it.

(7) On receiving such representations, the Commissioner may decide—

- (a) that the response should not be published, or that only parts of it should be published;
- (b) that the response should not be disclosed, or that only parts of the response should be disclosed.

(8) Where, following a decision on representations, the Commissioner decides to publish or disclose a response (in whole or in part), the Commissioner must do so only after the body or person giving the response has been informed of the Commissioner’s decision, and—

- (a) in a case where the Commissioner has decided to accept all of the representations, the Commissioner must do so within the period of 21 days beginning with the day on which the Commissioner received the response;
- (b) in a case where the Commissioner has decided to reject any of the representations, the Commissioner must do so—
 - (i) within the period of 21 days beginning with the day on which the body or person was informed of the Commissioner’s decision on the representations; but
 - (ii) not before the end of the period of 7 days beginning with that day.

(9) But if proceedings for judicial review of the Commissioner’s decision to reject a representation are started during the period of 7 days referred to in paragraph (8)(b)(ii)—

- (a) the Commissioner must not publish or disclose the response while the proceedings are in progress;
- (b) if the court upholds the Commissioner’s decision to reject a representation, the Commissioner must publish and disclose the response (in whole or in part, as appropriate) before the end of the period of 7 days beginning with the day on which the proceedings are no longer in progress.

(10) Where the Defence Council, a Board or a Provost Marshal makes a response under this regulation, that body or person must, at the time the Commissioner publishes the response, publish—

- (a) the recommendation under regulation 69; and
- (b) the response,

to the same extent as the recommendation was published by the Commissioner.

(11) For the purposes of this regulation—

- (a) “disclosing” a response means sending a copy of it as mentioned in paragraph (5)(b);
- (b) the period during which judicial review proceedings are in progress includes any day on which an appeal is in progress or may be brought.

(12) This regulation does not apply, or ceases to apply, in relation to a recommendation made by virtue of regulation 69(1) if the Commissioner determines under regulation 63 that the complaint, recordable conduct matter or DSI matter that the Commissioner received a report on (or otherwise completed one on in relation to an investigation carried out by the Commissioner personally) is to be re-investigated.

Commencement Information

II Reg. 70 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 70.