

## SCHEDULES

### SCHEDULE 3

#### HANDLING OF COMPLAINTS AND CONDUCT MATTERS ETC.

#### PART 3

##### INVESTIGATIONS AND SUBSEQUENT PROCEEDINGS

##### *Action by the appropriate authority in response to an investigation report*

- 24 (1) This paragraph applies where—
- (a) a report of an investigation is submitted to the appropriate authority in accordance with paragraph 22(1); or
  - (b) a copy of a report on an investigation carried out under the supervision of the Commission is sent to the appropriate authority in accordance with paragraph 22(2).
- (2) On receipt of the report or (as the case may be) of the copy, the appropriate authority—
- (a) shall determine whether the report indicates that a criminal offence may have been committed by a person whose conduct was the subject-matter of the investigation; and
  - (b) if it determines that the report does so indicate, shall notify the Director of Public Prosecutions of the determination and send him a copy of the report.
- (3) The Director of Public Prosecutions shall notify the appropriate authority of any decision of his 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 him under sub-paragraph (2).
- (4) It shall be the duty of the appropriate authority to notify the persons mentioned in sub-paragraph (5) if criminal proceedings are brought against any person by the Director of Public Prosecutions in respect of any matters dealt with in a report copied to him under sub-paragraph (2)(b).
- (5) Those 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 section 21; 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 section.
- (6) Where the appropriate authority—
- (a) has determined under sub-paragraph (2) that there is no indication in the report that a criminal offence may have been committed,

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*Status: This is the original version (as it was originally enacted).*

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- (b) is notified by the Director of Public Prosecutions, in any case in which it has sent him a copy of the report, that the Director proposes to take no action in respect any of the matters dealt with in the report, or
  - (c) is satisfied that all criminal proceedings brought or likely to be brought in respect of matters dealt with in the report have been brought to a conclusion (apart from the bringing and determination of any appeal),

the appropriate authority shall determine what action (if any) it will itself take in respect of the matters dealt with in the report.
- (7) On the making of a determination under sub-paragraph (6) the appropriate authority shall give a notification—
  - (a) in the case of a complaint, to the complainant and to every person entitled to be kept properly informed in relation to the complaint under section 21; and
  - (b) in the case of a recordable conduct matter, to every person entitled to be kept properly informed in relation to that matter under that section.
- (8) The notification required by sub-paragraph (7) is one setting out—
  - (a) the findings of the report;
  - (b) whether the authority has determined under sub-paragraph (6) to take any action;
  - (c) the action (if any) which that authority has decided to take; and
  - (d) the complainant’s right of appeal under paragraph 25.
- (9) Subsections (5) to (7) of section 20 shall have effect in relation to the duties imposed on the appropriate authority by sub-paragraph (7) of this paragraph as they have effect in relation to the duties imposed on the appropriate authority by that section.
- (10) Except so far as may be otherwise provided by regulations made by virtue of sub-paragraph (9), the appropriate authority shall be entitled (notwithstanding any obligation of secrecy imposed by any rule of law or otherwise) to discharge the duty to give a person mentioned in sub-paragraph (7) notification of the findings of the report by sending that person a copy of the report.