
STATUTORY INSTRUMENTS

2020 No. 2

The Police (Complaints and Misconduct) Regulations 2020

PART 5 E+W

General

Resumption of investigation of complaint after criminal proceedings E+W

41.—(1) This regulation applies where—

- (a) the Director General or an appropriate authority has suspended the whole or part of the investigation of a complaint until the conclusion of criminal proceedings under regulation 40 (suspension of investigation or other procedure), and
- (b) those proceedings have concluded.

(2) Where the complainant has not indicated—

- (a) a wish for the investigation to start or be resumed, or
- (b) a wish that the investigation is not started or resumed,

the Director General or appropriate authority (as the case may be) must write to the complainant to determine how the complainant wishes to proceed.

(3) Where the complainant indicates a wish for the investigation to start or be resumed, the Director General or appropriate authority (as the case may be) must start or resume the investigation.

(4) Where the complainant—

- (a) indicates a wish that the investigation is not started or resumed, or
- (b) does not reply to a letter under paragraph (2) within a period of 28 days starting with the day after the letter was sent by the Director General or appropriate authority in accordance with paragraph (2),

the Director General or appropriate authority (as the case may be) must determine whether it is in the public interest for the complaint to be treated as a recordable conduct matter.

(5) Where the Director General or appropriate authority determines that it is not in the public interest for the complaint to be treated as a recordable conduct matter, the provisions of Part 2 of the 2002 Act cease to apply to the complaint.

(6) Where the Director General or appropriate authority determines that it is in the public interest for the complaint to be treated as a recordable conduct matter, the provisions of Part 2 of Schedule 3 (handling of conduct matters) apply to the matter.

(7) Subject to paragraph (8), the Director General or appropriate authority (as the case may be) must notify the person complained against if paragraph (5) or (6) applies.

(8) Nothing in paragraph (7) requires the Director General or appropriate authority to make a notification if the Director General or appropriate authority (as the case may be) believes that that might prejudice any criminal investigation or pending proceedings or would be contrary to the public interest.

Changes to legislation: There are currently no known outstanding effects for the The Police
(Complaints and Misconduct) Regulations 2020, Section 41. (See end of Document for details)

.....

Commencement Information

II Reg. 41 in force at 1.2.2020, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Police (Complaints and Misconduct) Regulations 2020, Section 41.