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STATUTORY INSTRUMENTS

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**2009 No. 2133**

**The UK Border Agency (Complaints  
and Misconduct) Regulations 2009**

**PART 7**

**REPORTS AND RECOMMENDATIONS**

**Final reports on investigations: complaints, conduct matters and certain DSI matters**

**62.**—(1) This regulation applies on the completion of an investigation of—

- (a) a complaint, or
- (b) a conduct matter.

(2) A person appointed under regulation 37 (investigations by the relevant appropriate authority on its own behalf) shall submit a report on that person's investigation to the relevant appropriate authority.

(3) A person appointed in accordance with regulation 38 (investigation by a police force at the request of the relevant appropriate authority) shall—

- (a) submit a report on that person's investigation to the relevant appropriate authority; and
- (b) send a copy of that report to the IPCC.

That report shall set out the determination of the person appointed in accordance with regulation 38 as to whether the conditions set out in regulation 61(4) and (5) (action by a police force on completion of an investigation report) and whether the Director of Public Prosecutions or, as the case may be, the Director of Revenue and Customs Prosecutions has been sent a copy of the investigation report in accordance with regulation 61(3)(a).

(4) A person appointed under regulation 39 (investigations supervised by the IPCC), 40 (investigations by a police force under the management or under the supervision of the IPCC), or 41 (investigations managed by the IPCC) shall—

- (a) submit a report on that person's investigation to the IPCC; and
- (b) send a copy of that report to the relevant appropriate authority.

(5) A person designated under regulation 42 (investigations by the IPCC itself) as the person in charge of an investigation by the IPCC itself shall submit a report on it to the IPCC.

(6) A person submitting a report under this regulation shall not be prevented by any obligation of secrecy imposed by any rule of law or otherwise from including all such matters in that person's report as that person thinks fit.

(7) A person who has submitted a report on an investigation under this regulation on an investigation within regulation 52(1) (duty to consider submissions from relevant officers, relevant officials of the Secretary of State and officials exercising customs revenue functions) must supply the relevant appropriate authority with such copies of further documents or other items in that person's possession as the authority may request.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(8) The relevant appropriate authority may only make a request in respect of a copy of a document or other item if the authority—

- (a) considers that the document or item is of relevance to the investigation, and
- (b) requires a copy of the document or the item for either or both of the purposes mentioned in paragraph (9).

(9) Those purposes are—

- (a) complying with any obligation which the authority has under the disciplinary proceedings in relation to any person whose conduct is the subject-matter of the investigation;
- (b) ensuring that any such officer (a person whose conduct is in question) receives a fair hearing at any disciplinary proceedings in respect of any such conduct of that officer.