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STATUTORY INSTRUMENTS

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**2009 No. 2133**

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

**PART 6**

**PROVISION OF INFORMATION**

**Duty to provide information for other persons**

**50.**—(1) A person has an interest in being kept properly informed about the handling of a complaint or recordable conduct matter or DSI matter which is the subject of an investigation in accordance with the provisions of these Regulations if—

(a) it appears to the IPCC or to a relevant appropriate authority that that person is a person falling within paragraph (2) or (3); and that person consented to the provision of information in accordance with this regulation and that consent has not been withdrawn.

(2) A person falls within this paragraph if (in the case of a complaint or recordable conduct matter) that person—

- (a) is a relative of a person whose death is the alleged result from the conduct complained of or to which the recordable conduct matter relates;
- (b) is a relative of a person whose serious injury is the alleged result from that conduct and that person is incapable of making a complaint;
- (c) has suffered serious injury as the alleged result of that conduct.

(3) A person falls within this paragraph if (in the case of a DSI matter) that person—

- (a) is a relative of the person who has died;
- (b) is a relative of the person who has suffered serious injury and that person is incapable of making a complaint;
- (c) is the person who has suffered serious injury.

(4) A person who does not fall within paragraph (2) or (3) has an interest in being kept properly informed about the handling of a complaint, recordable conduct matter or DSI matter if—

- (a) the IPCC or a relevant appropriate authority considers that that person has an interest in the handling of the complaint, conduct matter or DSI matter which is sufficient to make it appropriate for information to be provided to that person in accordance with this regulation; and
- (b) that person has consented to the provision of information in accordance with this regulation.

(5) In relation to a complaint, this regulation confers no rights on the complainant.

(6) A person who has an interest in being kept properly informed about the handling of a complaint conduct matter or DSI matter is referred to in this regulation as an “interested person”.

(7) In any case in which there is an investigation of the complaint, recordable conduct matter or DSI matter in accordance with the provisions of these Regulations—

- (a) by the IPCC, or
- (b) under its management,

it shall be the duty of the IPCC to provide the interested person with all such information as will keep the interested person properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in paragraph (11).

(8) In any case in which there is an investigation of the complaint, recordable conduct matter or DSI matter in accordance with the provisions of these Regulations—

- (a) by the relevant appropriate authority on its own behalf, or
- (b) under the supervision of the IPCC,

it shall be the duty of the relevant appropriate authority to provide the interested person with all such information as will keep him properly informed, while the investigation is being carried out and subsequently, of all the matters mentioned in paragraph (11).

(9) Where paragraph (8) applies, it shall be the duty of the IPCC to give the relevant appropriate authority all such directions as it considers appropriate for securing that that authority complies with its duty under that paragraph; and it shall be the duty of the relevant appropriate authority to comply with any direction given to it under this paragraph.

(10) The IPCC shall consult the relevant appropriate authority before deciding whether or not to disclose information to the interested person in accordance with paragraph (7) or to give directions under paragraph (9), and shall have regard to any representations made to it by the relevant appropriate authority in taking that decision.

(11) The matters of which the interested person must be kept properly informed are—

- (a) the progress of the investigation;
- (b) any provisional findings of the person carrying out the investigation;
- (c) whether the IPCC or the relevant appropriate authority has made a determination under regulation 29 (procedure where conduct matter is revealed during investigation of a DSI matter);
- (d) whether any report has been submitted under regulation 61 (action by a police force on completion of an investigation report), 63 (action by the IPCC in response to an investigation report under regulation 62) or 64 (action by the relevant appropriate authority in response to an investigation report under regulation 62);
- (e) the action (if any) that is taken in respect of the matters dealt with in any such report; and
- (f) the outcome of any such action.

(12) Paragraphs (5) and (6) of regulation 49 (duty to keep the complainant informed) apply for the purposes of this regulation as they apply for the purposes of that regulation.

(13) In this regulation “relative” means any spouse, partner, parent or adult child.