
STATUTORY INSTRUMENTS

2009 No. 2133

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

PART 7

REPORTS AND RECOMMENDATIONS

Action by the IPCC in response to an investigation report under regulation 65

66.—(1) If the IPCC determines under regulation 65(4) (final reports on investigations: other DSI matters) that the report indicates that a relevant officer, relevant official or official exercising customs revenue functions may have—

- (a) committed a criminal offence, or
- (b) behaved in a manner which would justify the bringing of disciplinary proceedings,

it shall notify the relevant appropriate authority in relation to the person whose conduct is in question of its determination and, if it appears that that authority has not already been sent a copy of the report, send a copy of the report to that authority.

(2) Where the relevant appropriate authority is notified of a determination by the IPCC under paragraph (1), it shall record the matter under regulation 18 (recording etc. of conduct matters in other cases) as a conduct matter (and the other provisions of these Regulations shall apply in relation to that matter accordingly).

(3) Where a DSI matter is recorded under regulation 18 as a conduct matter by virtue of paragraph (2)—

- (a) the person investigating the DSI matter shall (subject to any determination made by the IPCC under regulation 31(6) (power of the IPCC to determine the form of an investigation) investigate the conduct matter as if appointed or designated to do so, and
- (b) the other provisions of these Regulations shall apply in relation to that matter accordingly.