
STATUTORY INSTRUMENTS

2012 No. 62

The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012

PART 3

Investigation of Serious Complaints and Conduct Matters

Suspension and resumption of an investigation

22.—(1) The Commission may suspend any investigation or other procedure under these Regulations which would, if it were to continue, prejudice any criminal proceedings.

(2) Where the whole or part of the investigation of a complaint has been suspended until the conclusion of criminal proceedings, and the complainant has failed to indicate after the conclusion of those proceedings that he wishes the investigation to start or be resumed, the Commission shall take the steps set out in paragraph (3).

(3) The Commission shall take all reasonable steps to contact the complainant to ascertain whether he wants the investigation to start or be resumed, as the case may be.

(4) If the complainant indicates that he does wish the investigation to start or be resumed, the Commission shall start or resume the investigation, as the case may be.

(5) If the complainant indicates that he does not wish the investigation to start or be resumed, or if he fails to reply within 21 days to a letter sent to him by the Commission, the Commission shall determine whether it is in the public interest for the investigation to start or be resumed.

(6) If the Commission determines that it is not in the public interest for the investigation to start or be resumed, the provisions of these Regulations shall cease to apply to the complaint.

(7) If the Commission determines that it is in the public interest for the investigation to start or be resumed, the Commission shall treat the complaint as if it was a conduct matter referred to the Commission by a police and crime panel in accordance with these Regulations.

(8) The Commission shall notify the person complained against if paragraph (6) or (7) applies.

(9) But nothing in paragraph (8) shall require the Commission to make a notification if it is of the opinion that that might prejudice any criminal investigation or pending proceedings or would be contrary to the public interest.

Commencement Information

II Reg. 22 in force at 16.1.2012, see [reg. 1](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations applied (with modifications) by [S.I. 2017/863 art. 28Sch. 1](#)
- Regulations applied (with modifications) by [S.I. 2021/112 art. 35\(1\)\(2\)Sch. 5 para. 52](#)
- Regulations words substituted by [S.I. 2017/1250 reg. 21\(2\)\(a\)](#)
- Regulations words substituted by [S.I. 2017/1250 reg. 21\(2\)\(b\)](#)
- Regulations words substituted by [S.I. 2017/1250 reg. 21\(2\)\(c\)](#)
- Regulations words substituted by [S.I. 2017/1250 reg. 21\(2\)\(d\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 3(4A) inserted by [S.I. 2017/1250 reg. 21\(5\)\(a\)](#)
- reg. 3A3B inserted by [S.I. 2017/1250 reg. 21\(6\)](#)
- reg. 20(2)(2A) substituted for reg. 20(2) by [S.I. 2017/1250 reg. 21\(10\)\(b\)](#)