
STATUTORY INSTRUMENTS

2012 No. 62

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

PART 3

Investigation of Serious Complaints and Conduct Matters

Power to discontinue an investigation

24.—(1) If at any time it appears to the Commission (whether on an application by a chief officer of police made in accordance with paragraph (3) or otherwise) that a complaint or conduct matter that is being investigated under the management of the Commission is of a description specified in paragraph (2), the Commission may by order require the discontinuance of the investigation.

(2) The descriptions of complaints or matters specified for the purposes of paragraph (1) are any complaint or matter—

- (a) in which the complainant refuses to co-operate to the extent that the Commission considers that it is not reasonably practicable to continue the investigation;
- (b) which the Commission considers should be handled in accordance with Part 4 (resolution of other complaints);
- (c) which the Commission considers is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints or conduct matters;
- (d) which is repetitious, as defined in regulation 15(4); or
- (e) which the Commission otherwise considers is such as to make it not reasonably practicable to proceed with the investigation.

(3) Any application by a chief officer of police to the Commission for an order under paragraph (1) shall be in writing and shall be accompanied by—

- (a) a copy of the complaint, and
- (b) a memorandum from the chief officer of police containing a summary of the investigation undertaken so far and explaining the reasons for the application to discontinue the investigation.

(4) The chief officer of police shall—

- (a) send the complainant a copy of any such application on the same day as the day on which the application is sent to the Commission; and
- (b) supply any further information requested by the Commission for the purpose of considering that application.

(5) The Commission shall not require the discontinuance of an investigation in a case where there has been no application to do so by the chief officer of police under paragraph (3) unless it has consulted with that chief officer of police.

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(6) The Commission shall not discontinue any investigation that is being carried out by the Commission itself except in a case where the complaint or conduct matter under investigation falls within paragraph (2).

(7) Where the Commission makes an order under paragraph (1) or discontinues an investigation being carried out by the Commission itself, it shall give notification of the discontinuance—

- (a) to the police and crime panel; and
- (b) to every person entitled to be kept properly informed in relation to the subject matter of the investigation under regulation 32(3).

(8) Where an investigation of a complaint or conduct matter is discontinued in accordance with this regulation—

- (a) the Commission may give the chief officer of police or the police and crime panel directions to do anything specified in paragraph (9);
- (b) the Commission may itself take any such steps of a description specified in paragraph (10) as it considers appropriate for purposes connected with the discontinuance of the investigation; and
- (c) subject to sub-paragraphs (a) and (b), neither the panel nor the Commission shall take any further action under these Regulations in relation to that complaint or matter.

(9) A direction under paragraph (8)(a) may—

- (a) require the chief officer of police to produce an investigation report on the discontinued investigation under regulation 25 (final reports on investigations) and to take any subsequent steps under these Regulations;
- (b) where the investigation concerned a complaint, require the police and crime panel to disapply the requirements of these Regulations as regards that complaint;
- (c) in a case within paragraph (2)(b), require the police and crime panel to handle the complaint in accordance with Part 4;
- (d) direct the police and crime panel to handle the matter in whatever manner (if any) that panel thinks fit.

(10) The steps that may be taken by the Commission under paragraph (8)(b) are—

- (a) to produce an investigation report on the discontinued investigation and take any subsequent steps under these Regulations;
- (b) where the investigation concerned a complaint, to disapply the requirements of these Regulations as regards that complaint;
- (c) to handle the matter in whatever manner it thinks fit.

(11) A chief officer of police or a police and crime panel shall comply with any directions given to him or to it under paragraph (8)(a).

Commencement Information

II Reg. 24 in force at 16.1.2012, see [reg. 1](#)

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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\(2\)\(d\)](#)
- reg. 24(7) word omitted by [S.I. 2017/1250 reg. 21\(12\)](#)

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\(10\)\(b\)](#)