
STATUTORY INSTRUMENTS

2013 No. 2325

**The National Crime Agency (Complaints
and Misconduct) Regulations 2013**

PART 6

Investigations and Subsequent Proceedings

Procedure where conduct matter is revealed during investigation of DSI matter

65.—(1) If during the course of an investigation of a DSI matter it appears to a person appointed under regulation 43 or designated under regulation 44 that there is an indication that the Director General or an NCA officer (“the person whose conduct is in question”) may have—

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

the appointed or designated person shall make a submission to that effect to the Commission.

(2) If, after considering a submission under paragraph (1), the Commission determines that there is such an indication, it shall—

- (a) notify the appropriate authority in relation to the DSI matter and (if different) the appropriate authority in relation to the person whose conduct is in question of its determination; and
- (b) send to it (or each of them) a copy of the submission under paragraph (1).

(3) If during the course of an investigation of a DSI matter it appears to a person appointed under regulation 41 or 42 that there is an indication that the Director General or an NCA officer (“the person whose conduct is in question”) may have—

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

the appointed person shall make a submission to that effect to the appropriate authority in relation to the DSI matter.

(4) If, after considering a submission under paragraph (3), the appropriate authority determines that there is such an indication, it shall—

- (a) if it is not the appropriate authority in relation to the person whose conduct is in question, notify that other authority of its determination and send to that authority a copy of the submission under paragraph (3); and
- (b) notify the Commission of its determination and send to it a copy of the submission under paragraph (3).

(5) Where the appropriate authority in relation to the person whose conduct is in question—

- (a) is notified of a determination by the Commission under paragraph (2);
- (b) (in a case where it is also the appropriate authority in relation to the DSI matter) makes a determination under paragraph (4); or

- (c) (in a case where it is not the appropriate authority in relation to the DSI matter) is notified by that other authority of a determination by it under paragraph (4),
it shall record the matter under regulation 29 as a conduct matter.
- (6) Where a DSI matter is recorded under regulation 29 as a conduct matter by virtue of paragraph (5)—
 - (a) the person investigating the DSI matter shall (subject to any determination made by the Commission under regulation 38(5)) continue the investigation as if appointed or designated to investigate the conduct matter; and
 - (b) the other provisions of these Regulations shall apply in relation to that matter accordingly.