
STATUTORY INSTRUMENTS

2020 No. 2

The Police (Complaints and Misconduct) Regulations 2020

PART 3

Investigations and subsequent proceedings

Notification of determination of form of investigation etc: exceptions

11.—(1) Subject to paragraph (3), the duties imposed by—

- (a) paragraph 15(9) of Schedule 3 (duty to notify interested persons etc. of determination of form of investigation)(1);
- (b) section 13B(11) of the 2002 Act (duty to notify interested persons etc. of determination that complaint or matter is to be re-investigated and of form of re-investigation), and
- (c) paragraph 26(5A) of Schedule 3 (duty to notify interested persons etc. of determination of form of re-investigation following review)(2),

on the Director General do not apply where in the opinion of the Director General the non-disclosure of information is necessary for a purpose mentioned in paragraph (2).

(2) The purposes are—

- (a) preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in, any actual or prospective criminal proceedings;
- (b) preventing the disclosure of information in any circumstances in which its non-disclosure—
 - (i) is in the interests of national security;
 - (ii) is for the purposes of the prevention or detection of crime, or the apprehension or prosecution of offenders;
 - (iii) is required on proportionality grounds, or
 - (iv) is otherwise necessary in the public interest.

(3) The Director General may only conclude that the non-disclosure of information is necessary under paragraph (1) if satisfied that—

- (a) there is a real risk of the disclosure of that information causing an adverse effect, and
- (b) that adverse effect would be significant.

(4) The Director General must consider whether the non-disclosure of information is justified under paragraph (1) in circumstances where—

(1) Paragraph 15(9) was inserted by paragraphs 9 and 15 of Schedule 5 to the Policing and Crime Act 2017 and amended by paragraphs 15 and 56 of Schedule 9 to that Act.
(2) Paragraph 26(5A) was substituted by paragraphs 29 and 37 of Schedule 5 to the Policing and Crime Act 2017 and amended by paragraphs 15 and 56 of Schedule 9 to that Act.

- (a) that information is relevant to, or may be used in, any actual or prospective disciplinary proceedings or performance proceedings or appeal against the outcome of such proceedings;
- (b) the disclosure of that information may lead to the contamination of the evidence of witnesses during such proceedings or appeal;
- (c) the disclosure of that information might prejudice the welfare or safety of any third party;
- (d) that information constitutes criminal intelligence.