
STATUTORY INSTRUMENTS

2023 No. 624

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 1

General

Complaints and conduct matters relating to the conduct of former members of a service police force

10.—(1) Where a complaint or conduct matter relates to the conduct of a person who has ceased to be a member of a service police force since the time of the conduct, this Part applies subject to the modifications in paragraph (2)—

- (a) as if the person were still serving in the position in which the person last served; and
 - (b) as if they did not include any requirement for the Commissioner or appropriate authority to determine whether administrative action procedures should be initiated against a person whose conduct is the subject-matter of a report.
- (2) The modifications mentioned in paragraph (1) are—
- (a) in regulation 46(5) the reference to “regulations 47 to 52” is to be read as a reference to “regulations 47 to 51A”;
 - (b) in regulation 48(1)(e) the reference to “regulation 50” is to be read as a reference to “regulation 50 or 51A”;
 - (c) in regulation 51—
 - (i) paragraph (1) is to be read as if, at the beginning there were inserted “Subject to regulation 51A (special procedure: notice of enquiry)”; and
 - (ii) paragraph (5) is to be read as if, for sub-paragraphs (a) and (b) there were substituted “be reasonable.”;
 - (d) this Part is to be read as if, after regulation 51 there were inserted—

“Special procedure: notice of enquiry

51A.—(1) Where in the case of an investigation under—

- (a) regulation 34; or
- (b) regulation 36 other than by the Commissioner acting personally,

the Commissioner indicates that, having regard to the circumstances of the person concerned, it would be unreasonable to require the person to attend an interview and that the person should be given a written notice of enquiry, the person investigating must cause the person to be given a written notice of enquiry.

Status: Point in time view as at 19/06/2023.

Changes to legislation: There are currently no known outstanding effects for the The Service Police (Complaints etc.) Regulations 2023, Section 10. (See end of Document for details)

(2) Where in the case of an investigation under—

(a) regulation 34; or

(b) regulation 36 other than by the Commissioner acting personally,

the person investigating forms the opinion that, having regard to the circumstances of the person concerned, it would be unreasonable to require the person to attend an interview, the person investigating must notify the Commissioner of that opinion.

(3) Where in any other case the person investigating is satisfied that, having regard to the circumstances of the person concerned, it would be unreasonable to require the person to attend an interview, the person investigating may cause the person to be given a written notice of enquiry.

(4) A notice of enquiry given under this regulation must—

(a) state any question the person investigating or, in the case of an investigation under regulation 34 or 36 other than by the Commissioner acting personally, the Commissioner, wishes to ask the person concerned; and

(b) request a response to any such question from the person concerned within a specified period.

(5) The person investigating must make a written record of any notice of enquiry and response received under this regulation.”;

(e) this Part is to be read as if regulation 52 were omitted.

Commencement Information

II Reg. 10 in force at 19.6.2023, see **reg. 1(1)**

Status:

Point in time view as at 19/06/2023.

Changes to legislation:

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