
STATUTORY INSTRUMENTS

2023 No. 624

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 2

Handling of complaints

Initial handling and recording of complaints

12.—(1) Where a complaint is made to the Commissioner, the Commissioner must give notification of the complaint to the appropriate authority.

(2) But the Commissioner need not give that notification if the Commissioner considers that there are exceptional circumstances that justify it not being given.

(3) Where a complaint is made to the Defence Council or a Board, it must—

- (a) determine whether or not it is the appropriate authority; and
- (b) if it determines that it is not, give notification of the complaint to the appropriate authority.

(4) Where a complaint is made to a Provost Marshal, that Provost Marshal must—

- (a) determine whether or not that person is the appropriate authority; and
- (b) if that person determines that they are not the appropriate authority, give notification of the complaint to the appropriate authority.

(5) Where a notification is given under paragraph (1), (3) or (4), the person or body that gave the notification must notify the complainant that the notification has been given and of what it contained.

(6) Where—

- (a) the Defence Council or a Board determines under paragraph (3)(a) that it is the appropriate authority;
- (b) a Provost Marshal determines under paragraph (4)(a) that they are the appropriate authority; or
- (c) notification of the complaint has been given to the Defence Council, a Board or a Provost Marshal that it is or they are the appropriate authority under this regulation,

the appropriate authority must contact the complainant and seek the complainant's views on how the complaint should be handled.

(7) The appropriate authority must record the complaint if—

- (a) at any time the complainant indicates a wish for the complaint to be recorded; or
- (b) the appropriate authority determines that the complaint is to be handled in accordance with this Part.

(8) The appropriate authority must determine that a complaint is to be handled in accordance with this Part if—

- (a) the complaint is one alleging that the conduct or other matter complained of has resulted in death or serious injury;
- (b) the complaint is one alleging that there has been conduct by a member of a service police force which (if proved) might constitute the commission of a service offence or would justify the initiation of administrative action procedures;
- (c) the conduct or other matter complained of (if proved) might have involved the infringement of a person's rights under Article 2 or 3 of the Convention (within the meaning of the Human Rights Act 1998); or
- (d) the complaint falls within sub-paragraph (b), (c) or (d) of regulation 13(1).

(9) Where an appropriate authority determines (for the purposes of paragraph (7)) that a complaint is to be handled otherwise than in accordance with this Part, it must handle the complaint in such other manner as it considers appropriate with a view to resolving the complaint to the complainant's satisfaction.

(10) The duty in paragraph (9) ceases to apply if the complaint is recorded in accordance with paragraph (7).

(11) Where an appropriate authority records a complaint under paragraph (7), or determines that a complaint is to be handled otherwise than in accordance with this Part, it must notify the complainant of the recording of the complaint or (as the case may be) of the determination.

(12) Nothing in this regulation requires the taking of any action in relation to a complaint if the complaint has been withdrawn.

(13) Where the Defence Council, a Board or a Provost Marshal determines that what purports to be a complaint is not a complaint for the purposes of this Part, that body or person must notify the complainant of the determination and the grounds on which it was made.

(14) Where the Defence Council, a Board or a Provost Marshal determines that part of what has been received (whether directly or by virtue of a notification under this paragraph) is a complaint and part is not, that body or person must proceed under this paragraph as if those two parts had been separately received.

Commencement Information

II Reg. 12 in force at 19.6.2023, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Service Police (Complaints etc.) Regulations 2023, Section 12.