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STATUTORY INSTRUMENTS

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**2023 No. 624**

**The Service Police (Complaints etc.) Regulations 2023**

**PART 3**

**Complaints etc.**

**CHAPTER 5**

**Investigations and Subsequent Proceedings etc.**

**Procedure for interviews of witnesses who are members of the service police forces during certain investigations**

**53.**—(1) This regulation applies to an investigation of a complaint, recordable conduct matter or DSI matter which—

- (a) is carried out by the appropriate authority under regulation 34; or
- (b) is carried out by a person designated under regulation 36.

(2) Where a member of a service police force is required for interview as part of an investigation to which this regulation applies, the relevant investigator, or in the case of an investigation by a designated person under regulation 36 who is not the Commissioner, the Commissioner must give written notice to that member that the interview will take place in accordance with this regulation, and if reasonably practicable, agree a date and time for the interview with that member.

(3) Where no date and time is agreed under paragraph (2), the relevant investigator, or, in the case of an investigation by a designated person under regulation 36 who is not the Commissioner, the Commissioner, must specify a date and time for the interview.

(4) Where a date and time is specified under paragraph (3) and—

- (a) the member required for interview or the member's accompanying person will not be available at that time; and
- (b) the member proposes an alternative time which satisfies paragraph (5), the interview must be postponed to the time proposed by that member.

(5) An alternative time must—

- (a) be reasonable; and
- (b) fall before the end of the period of 5 working days beginning with the first working day after the day specified by the relevant investigator or, in the case of an investigation by a designated person under regulation 36 who is not the Commissioner, the Commissioner.

(6) The member required for interview must be given written notice of the date, time and place of the interview.

(7) The relevant investigator or, in the case of an investigation by a designated person under regulation 36 who is not the Commissioner, the Commissioner must, in advance of the interview, provide the member required for interview with such information as that person considers appropriate in the circumstances of the case to enable the member to prepare for the interview.

**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 53. (See end of Document for details)

(8) The member required for interview must attend the interview.

(9) During an interview, the accompanying person may not answer any questions asked of the member required for interview.

(10) Where an accompanying person is a member of a service police force, the Provost Marshal under whose direction that officer comes must permit that person to use a reasonable amount of duty time for the purposes of this regulation.

(11) Nothing in this regulation applies, in the case of an investigation to which regulation 46 applies, to an interview of a member of a service police force who is the person concerned in relation to the investigation (within the meaning of that regulation).

(12) In this regulation—

- (a) “accompanying person” means a person nominated by the member of the service police force to be interviewed and who is not otherwise involved in the matter;
- (b) “relevant investigator” means a person appointed or designated to investigate under regulation 34 or 36.

**Commencement Information**

**II** Reg. 53 in force at 19.6.2023, see [reg. 1\(1\)](#)

**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 53.