
STATUTORY INSTRUMENTS

2023 No. 624

The Service Police (Complaints etc.) Regulations 2023

PART 3

Complaints etc.

CHAPTER 5

Investigations and Subsequent Proceedings etc.

General duties of the Defence Council, the Boards, Provost Marshals and Inspectors

73.—(1) The following bodies or persons must ensure that it or they are kept informed about all matters falling within paragraph (2)—

- (a) the Defence Council in relation to the tri-service serious crime unit;
- (b) each Board in relation to their force;
- (c) each of the Provost Marshals in relation to their force or the tri-service serious crime unit; and
- (d) every inspector of constabulary carrying out functions in relation to a service police force or the tri-service serious crime unit.

(2) Those matters are—

- (a) matters with respect to which any provision of this Part has effect;
- (b) anything which is done under or for the purposes of any such provision; and
- (c) any obligations to act or refrain from acting that have arisen by or under this Part but have not yet been complied with, or have been contravened.

(3) Where it appears to the Defence Council or a Board that—

- (a) an obligation to act or refrain from acting has arisen by or under this Part;
- (b) that obligation is an obligation on a Provost Marshal for whom it is the appropriate authority; and
- (c) that Provost Marshal has not yet complied with that obligation, or has contravened it,

it may direct that Provost Marshal to take such steps as it thinks appropriate.

(4) A Provost Marshal must comply with any direction given under paragraph (3).

(5) Where an appropriate authority requires a Provost Marshal to provide a member of a service police force under their direction for appointment under regulation 33 or 34 as an investigator in relation to a complaint, conduct or DSI matter, it is the duty of the Provost Marshal to whom the requirement is directed to comply with it.

(6) The following bodies or persons must provide the Commissioner and the Commissioner's staff with all such assistance as the Commissioner may reasonably require for the purposes of, or in connection with, the carrying out of any investigation by the Commissioner under this Part or any review under regulation 64—

- (a) the Defence Council;
- (b) the Boards; and
- (c) the Provost Marshals.

(7) The following bodies or persons must ensure that a person appointed under regulation 33 or 34 to carry out an investigation is given all such assistance and co-operation in the carrying out of that investigation as that person may reasonably require—

- (a) the Defence Council;
- (b) the Boards; and
- (c) the Provost Marshals.

(8) The duties imposed by paragraphs (6) and (7) on the Defence Council in relation to the tri-service serious crime unit, a Board in relation to its service police force and a Provost Marshal of a service police force or the tri-service serious crime unit, have effect—

- (a) irrespective of whether the investigation or review (as the case may be) relates to the conduct of a person who is or has been a member of that service police force or serves or served in the tri-service serious crime unit;
- (b) in the case of an investigation, irrespective of whether the person appointed to investigate is under the direction of the Provost Marshal on whom the duties are imposed; and
- (c) in the case of a review applied for under regulation 64(1) in respect of an investigation, irrespective of whether the person appointed to carry out the investigation was under the direction of the Provost Marshal on whom the duties are imposed;

but a Provost Marshal of a third service police force may be required to give assistance and co-operation under paragraph (7) to a person only with the approval of the Provost Marshal of the force of which that person is a member or, where that person is serving with the tri-service serious crime unit, the Provost Marshal of that unit.

(9) In paragraph (8) “third service police force” includes the tri-service serious crime unit and, in relation to an investigation, means a service police force other than—

- (a) the service police force which the person carrying out the investigation is a member of or serves with; or
- (b) the service police force which the person whose conduct is under investigation was a member of or served with at the time of the conduct.

Commencement Information

II Reg. 73 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 73.