

GUERNSEY STATUTORY INSTRUMENT

2024 No.63

**The Police Complaints (Conduct Proceedings and
Investigations) (Guernsey) (Amendment) Regulations,
2024**

<i>Made</i>	<i>15th August, 2024</i>
<i>Coming into operation</i>	<i>16th August, 2024</i>
<i>Laid before the States</i>	<i>, 2024</i>

THE COMMITTEE FOR HOME AFFAIRS, in exercise of the powers conferred upon it by sections 13 and 21 of the Police Complaints (Guernsey) Law, 2008^a, and all other powers enabling it in that behalf, and after having consulted the Guernsey Police Association LBG and the Senior Officers' Staff Association, hereby makes the following Regulations:-

Amendment of Regulations.

1. (1) The Police Complaints (Conduct Proceedings and Investigations) (Guernsey) Regulations, 2011^b are amended as follows.

^a Order in Council No. XIX of 2009; this enactment has been amended.

^b G.S.I. 2011 No. 16.

(2) In Part II (Investigations), before regulation 7 (assessment of conduct following complaint) insert –

"Initial assessment of complaint.

6A. (1) This regulation applies where the appropriate authority receives a complaint.

(2) The appropriate authority, upon receiving the complaint and taking into account any relevant information available to it, including any evidence obtained or preserved by it in accordance with section 3 of the Law, must assess whether –

- (a) there is reason to conclude that the conduct which is the subject of the complaint did not take place,
- (b) the complaint is repetitious within the meaning of paragraph (3) or otherwise an abuse of the procedures for dealing with complaints,
- (c) there is any other reason to conclude that the complaint is frivolous or vexatious.

(3) A complaint is repetitious for the purposes of paragraph (2)(b) if –

- (a) it is substantially the same as a complaint previously assessed under this Part, and

(b) no new evidence relevant to the complaint has been submitted in support of it.

(4) If, after conducting the assessment referred to in paragraph (2), the appropriate authority concludes that the complaint does not fall within subparagraph (a), (b) or (c) of paragraph (2), regulation 7 applies (in accordance with regulation 7(a)(i)).

(5) If, after conducting the assessment referred to in paragraph (2), the appropriate authority concludes the complaint falls within subparagraph (a), (b) or (c) of paragraph (2), it must refer the complaint to the Commission with a record of its conclusion and the reasons for it.

(6) On receipt of a reference under paragraph (5), the Commission must determine whether it agrees that the complaint falls within subparagraph (a), (b) or (c) of paragraph (2) and inform the appropriate authority of its determination.

(7) If the Commission informs the appropriate authority under paragraph (6) that it does not agree that the complaint falls within subparagraph (a), (b) or (c) of paragraph (2), regulation 7 applies (in accordance with regulation 7(a)(ii)).

(8) If the Commission informs the appropriate authority under paragraph (6) that it agrees that the complaint falls within subparagraph (a), (b) or (c) of paragraph (2), the appropriate authority must take no action in respect of the complaint, save that it must inform the complainant of the outcome of the complaint as soon as practicable, and these Regulations shall be construed accordingly.

(9) No appeal shall lie against decisions of the appropriate authority or the Commission under this regulation."

(3) In regulation 7, for paragraph (1)(a) substitute –

"(a) applies where the appropriate authority has made the assessment required under paragraph (2) of regulation 6A in respect of a complaint and -

(i) has concluded that the complaint does not fall within subparagraph (a), (b) or (c) of that paragraph, or

(ii) has concluded that the complaint falls within subparagraph (a), (b) or (c) of that paragraph, but the Commission has informed the appropriate authority that it does not agree, and",

and in paragraph (2) delete "Upon receiving the complaint,".

Citation and commencement.

2. These Regulations may be cited as the Police Complaints (Conduct Proceedings and Investigations) (Guernsey) (Amendment) Regulations, 2024 and shall come into force on 16th August, 2024.

Dated this 15th day of August, 2024



R. PROW

President of the Committee for Home Affairs

For and on behalf of the Committee

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Complaints (Conduct Proceedings and Investigations) (Guernsey) Regulations, 2011 to provide that on receiving a complaint, the appropriate authority must, before any other steps are taken, assess whether there is reason to conclude that the conduct which is the subject of the complaint did not take place, the complaint is substantially the same as a previously submitted complaint and supported by no new evidence or otherwise an abuse of the procedures for dealing with complaints, or there is any other reason to conclude that the complaint is frivolous or vexatious. If it concludes that the complaint falls into one of these categories it must refer the complaint to the Police Complaints Commission, and if the Commission agrees with the finding of the appropriate authority, the complaint shall be dismissed.

These Regulations come into force on 16th August, 2024.