SCHEDULES

SCHEDULE 22

POLICE MISCONDUCT AND PERFORMANCE PROCEDURES

PART 1

AMENDMENTS OF POLICE ACT 1996

Representation at disciplinary and other proceedings

7 For section 84 substitute—

"**84 Representation etc. at disciplinary and other proceedings**

(1) The Secretary of State shall by regulations make provision for or in connection with—

(a) enabling the officer concerned or a relevant authority to be represented in proceedings conducted under regulations made in pursuance of section 50(3) or section 51(2A);

(b) enabling the panel conducting such proceedings to receive advice from a relevant lawyer or another person falling within any prescribed description of persons.

(2) Regulations under this section may in particular make provision—

(a) specifying the circumstances in which the officer concerned or a relevant authority is entitled to be legally represented (by a relevant lawyer);

(b) specifying the circumstances in which the officer concerned or a relevant authority is entitled to be represented by a person (other than a relevant lawyer) who falls within any prescribed description of persons;

(c) for securing that—

(i) a relevant authority may be legally represented, and

(ii) the panel conducting the proceedings may receive advice from a relevant lawyer,

whether or not the officer concerned is legally represented.

(3) Without prejudice to the powers conferred by this section, regulations under this section shall, in relation to cases where the officer concerned is entitled to legal or other representation, make provision—

(a) for securing that the officer is notified of his right to such representation;

(b) specifying when the officer is to be so notified;

(c) for securing that proceedings at which the officer may be dismissed are not to take place unless the officer has been notified of his right to such representation.

(4) In this section—

"the officer concerned", in relation to proceedings within subsection (1)(a), means the member of a police force or special constable to whom the proceedings relate;

"the panel", in relation to proceedings within subsection (1)(a), means the panel of persons, or the person, prescribed for the purpose of conducting the proceedings;

"prescribed" means prescribed by regulations under this section;

"relevant authority" means—

(a) where the officer concerned is a member of a police force (other than a senior officer), or a special constable, the chief officer of police of the police force of which the officer is a member, or for which the officer is appointed as a special constable;

(b) where the officer concerned is a senior officer, the police authority for the police force of which the officer is a member;

"relevant lawyer" means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience (within the meaning of that Act);

"senior officer" means a member of a police force holding a rank above that of chief superintendent.

(5) But in prescribed circumstances "relevant authority" also includes the Independent Police Complaints Commission.

(6) Regulations under this section may make different provision for different cases and circumstances.

(7) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) Subsection (7) does not apply to a statutory instrument containing (whether alone or with other provision) any regulations under this section coming into force at a time that is the earliest time at which any regulations under this section are to come into force since the commencement of paragraph 7 of Schedule 22 to the Criminal Justice and Immigration Act 2008.

(9) A statutory instrument within subsection (8) may not be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament."