

SCHEDULES

SCHEDULE 11

Section 53

REMOVAL AND SUSPENSION OF SENIOR OFFICERS OF CONSTABULARY

Removal of senior officers by Police Authority

- 1 (1) The Police Authority may call on a senior officer, in the interests of efficiency or effectiveness, to retire or to resign.
- (2) The approval of the Secretary of State is required before the Police Authority may call on a senior officer to retire or to resign.
- (3) Before seeking the approval of the Secretary of State, the Police Authority must—
 - (a) give the senior officer a notice of its intention to call on him to retire or to resign and an explanation of its grounds for doing so;
 - (b) give the senior officer an opportunity of making representations, including an opportunity of making representations in person; and
 - (c) consider any representations made by or on behalf of the senior officer.
- (4) A senior officer who is called on to retire or to resign must retire or resign with effect from—
 - (a) such date as the Police Authority may specify; or
 - (b) such earlier date as may be agreed between him and the Police Authority.
- (5) Oral notice is not effective for the purposes of sub-paragraph (3).

Power of Secretary of State to require removal of chief constable

- 2 (1) The Secretary of State may require the Police Authority to exercise its power under paragraph 1 to call on the chief constable to retire or to resign.
- (2) Before requiring the Police Authority to exercise that power, the Secretary of State must—
 - (a) give the chief constable a notice of his intention to require the Police Authority to exercise that power and an explanation of his grounds for doing so;
 - (b) give the chief constable an opportunity of making representations, including an opportunity of making representations in person; and
 - (c) consider any representations made by or on behalf of the chief constable.
- (3) Where the Secretary of State gives a notice under sub-paragraph (2), he must send a copy of the notice to the Police Authority.
- (4) The Secretary of State must not exercise his power under sub-paragraph (1) unless he has—
 - (a) appointed one or more persons to hold an inquiry and to report to him; and

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- (b) considered the report made to him.
- (5) At least one of the persons appointed under sub-paragraph (4)(a) must be a person who is not any of the following—
 - (a) a constable;
 - (b) an employee of the Police Authority;
 - (c) an officer of a Government department.
- (6) At an inquiry held under sub-paragraph (4)—
 - (a) the chief constable, and
 - (b) the Police Authority,
 must each be given an opportunity of making representations, including (in the case of the chief constable) an opportunity of making representations in person.
- (7) The Police Authority must pay the costs reasonably incurred by the chief constable in respect of an inquiry under this paragraph.
- (8) The amount of those costs is to be assessed in such manner as the Secretary of State may direct.
- (9) If the Secretary of State exercises his power under sub-paragraph (1) in relation to the chief constable, the Police Authority—
 - (a) must call on him to retire or to resign; and
 - (b) is not required to comply with paragraph 1(3) before doing so.
- (10) Oral notice is not effective for the purposes of sub-paragraph (2).

Suspension of senior officers by Police Authority pending removal

- 3
- (1) This paragraph applies where—
 - (a) the Police Authority has notified a senior officer that it intends to exercise its power under paragraph 1 to call on him to retire or to resign;
 - (b) the Secretary of State has notified the chief constable under paragraph 2 that he intends to require the Police Authority to exercise that power in his case; or
 - (c) the Police Authority has exercised its power under paragraph 1 in the case of a senior officer, or has been required to do so under paragraph 2, but the senior officer has not yet retired or resigned.
 - (2) The Police Authority may suspend the senior officer from duty.
 - (3) But this power is to be exercisable only where the Police Authority considers that it is necessary to exercise it in order to maintain public confidence in the Constabulary.
 - (4) The approval of the Secretary of State is required for a suspension under this paragraph.

Power of Secretary of State to require suspension of chief constable

- 4
- (1) This paragraph applies where—
 - (a) the Police Authority has notified the chief constable that it intends to exercise its power under paragraph 1 to call on him to retire or to resign;

- (b) the Secretary of State has notified the chief constable under paragraph 2 that he intends to require the Police Authority to exercise that power in his case;
or
 - (c) the Police Authority has exercised that power, or has been required to do so under paragraph 2, but the chief constable has not yet retired or resigned.
- (2) The Secretary of State may require the Police Authority to suspend the chief constable from duty.
- (3) But this power is to be exercisable only where the Secretary of State considers that it is necessary to exercise it in order to maintain public confidence in the Constabulary.
- (4) The Police Authority must comply with a requirement under this paragraph to suspend the chief constable from duty.
- (5) Paragraph 3(3) and (4) do not apply to the suspension of the chief constable in pursuance of a requirement under this paragraph.