
STATUTORY INSTRUMENTS

1985 No. 518**POLICE****The Police (Discipline) Regulations 1985**

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Coming into Operation 29th April 1985

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In exercise of the powers conferred on me by section 33 of the Police Act 1964(a) and sections 94(5), 101 and 102 of the Police and Criminal Evidence Act 1984(b), and after furnishing a draft thereof to the Police Advisory Board for England and Wales and taking into consideration the representations made by the said Board in accordance with section 46(3) of the said Act of 1964, I hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Police (Discipline) Regulations 1985 and shall come into operation on 29th April 1985.

Revocations and transitional provisions

2.— (1) Subject to the following provisions of this Regulation, the Police (Discipline) Regulations 1977(c) (hereinafter called “the Regulations of 1977”) are hereby revoked.

(2) In relation to a charge preferred before 29th April 1985 against a member of a police force—

- (a) nothing in these Regulations shall apply, and
- (b) the former discipline provisions shall, so far as applicable, continue to have effect,

except that, in relation to an internal appeal by a member of the metropolitan police force where the notice of appeal is received by the Commissioner of Police of the Metropolis on or after 29th April 1985, these Regulations shall apply notwithstanding that the charge to which the appeal relates was preferred before that date.

(3) In the case of a member of a police force—

- (a) in whose case anything has been done before 29th April 1985 for the purpose of any provision of the Regulations of 1977; but
- (b) who has not been charged with an offence, before that date, under those Regulations,

anything done, before 29th April 1985, for the purpose of any provision of the Regulations of 1977 shall have effect, on and after that date, as if it had been done for the corresponding provision of these Regulations and, in particular, where a member is immediately before 29th April 1985 suspended under the Regulations of 1977 he shall be treated on and after that date as if he had been suspended under these Regulations.

(4) Without prejudice to paragraph (2), where a member of a police force has been charged with an offence, before 29th April 1985, under the Regulations of 1977, in connection with the charge and offence in question the provisions of those Regulations relating to suspension from membership of the

(a) 1964 c. 48.

(b) 1984 c. 60.

(c) S.I. 1977/580; there are no amending instruments.

force and the office of constable and to punishment shall continue to have effect.

Regulations not to apply in the case of a senior officer

3. These Regulations shall not apply in relation to an offence committed, or alleged to have been committed, by a chief constable or other senior officer within the meaning of the Police (Discipline) (Senior Officers) Regulations 1985(a).

Interpretation

4.— (1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“Act of 1984” means the Police and Criminal Evidence Act 1984;

“Authority” means the Police Complaints Authority established under section 83(1) of the Act of 1984;

“chief officer” shall be construed as including a reference to a person discharging the functions of a chief officer;

“complaints matter” means, in a case where the report of an investigation into a complaint is sent to the Authority under section 90(9) of the Act of 1984, the matter or matters dealt with in the report;

“conclusion of the hearing” does not include the termination of a hearing on a case being remitted under Regulation 14 or paragraph 7 of Schedule 3;

“discipline code” means the code of offences contained in Schedule 1; except that in relation to conduct occurring before 29th April 1985 it means the code of offences contained in Schedule 2 to the Regulations of 1977;

“discipline form” means such a form as is mentioned in Regulation 8(3);

“the former discipline provisions” means the provisions relating to the determination of questions whether offences against discipline have been committed by members of police forces, and for the imposition of punishments in respect thereof, in force immediately before 29th April 1985.

“internal appeal” means such an appeal as is mentioned in Regulation 26, or, in the case of the metropolitan police force, paragraph 8 of Schedule 3.

“member subject to investigation” has the meaning assigned thereto by Regulation 6(1);

“offence” or “disciplinary offence” means an offence set out in the discipline code;

“officer”, in relation to the metropolitan police force, includes both a member thereof and an assistant commissioner of police;

“officer conducting the hearing” has the meaning assigned thereto by Regulation 13;

“police force concerned” means, in relation to a person who may have committed, or has been accused of, an offence, the police force of which he is

(a) S.I. 1985/519.

a member; and, in relation to him, any reference to the chief officer concerned is a reference to the chief officer of that force;

“Police Regulations” means the Police Regulations 1979(a);

“Regulations of 1977” has the meaning assigned thereto by Regulation 2(1);

“representative” means, in relation to an accused person, the member of a police force or other person conducting his case or appeal in pursuance of Regulation 18(7), 26(5), or paragraph 8(2) of Schedule 3.

(2) In these Regulations, unless the context otherwise requires, any reference to a Regulation shall be construed as a reference to a Regulation contained in these Regulations, a reference to a Schedule shall be construed as a reference to a Schedule to these Regulations and a reference to a paragraph shall be construed as a reference to a paragraph in the same Regulation or, as the case may be, the same Schedule.

Disciplinary offences

5. A member of a police force commits an offence against discipline if he commits an offence set out in the discipline code.

Investigation procedure

6.— (1) Where a report, allegation or complaint is received from which it appears that an offence may have been committed by a member of a police force (hereinafter referred to as “the member subject to investigation”), the following provisions of this Regulation shall have effect for the purpose of investigating the matter.

(2) The provisions of paragraphs (3) and (4) shall have effect—

(a) in relation to a case arising otherwise than from a complaint to which Part IX of the Act of 1984 applies; and

(b) in relation to cases arising from such complaints where the requirements of the said Part IX are dispensed with by or under Regulations made thereunder.

(3) Unless the chief officer concerned decides that no disciplinary proceedings need be taken, the matter shall be referred to an investigating officer who shall cause it to be investigated.

(4) The investigating officer shall be—

(a) a member of the police force concerned, or, if the chief officer of some other force is requested and agrees to provide an investigating officer, a member of that other force;

(b) of at least the rank of chief inspector; and

(c) of at least the rank of the member subject to investigation.

(a) S.I. 1979/1470; the only relevant amending instrument is S.I. 1985/130.

(5) Neither—

- (a) the chief officer of the police force concerned, nor
- (b) any member of the police force concerned serving in the same sub-division or branch as the member subject to investigation,

shall be appointed as the investigating officer for the purposes of paragraph (3) or section 85 of the Act of 1984 (formal investigation of a complaint).

(6) The provisions of this Regulation are without prejudice to the powers of the Authority with regard to the approval of the investigating officer under section 89(4)(a) and (b) of the Act of 1984 in a case where the Authority are required or have determined to supervise the investigation of a complaint or other matter under that section.

Personal explanation

7. The investigating officer shall, as soon as is practicable (without prejudicing his or any other investigation of the matter), in writing inform the member subject to investigation of the report, allegation or complaint and give him a written notice—

- (a) informing him that he is not obliged to say anything concerning the matter, but that he may, if he so desires, make a written or oral statement concerning the matter to the investigating officer or to the chief officer concerned, and
- (b) warning him that if he makes such a statement it may be used in any subsequent disciplinary proceedings.

Formulation of charges

8.— (1) The decision whether or not the member subject to investigation should be charged with an offence shall (subject, as respects a complaints matter, to sections 89(12), 90(6) and 93(1) and (3) of the Act of 1984) be taken by the chief officer concerned after considering the report of the investigating officer and any statement made under Regulation 7.

(2) Where the chief officer concerned decides (or, as respects a complaints matter, the Authority directs under section 93(3) of the Act of 1984) that a charge be preferred, the chief officer shall, as soon as possible, cause—

- (a) to be entered on a discipline form the offence in question together with such particulars as will leave the member subject to investigation in no doubt as to the precise offence alleged, and
- (b) the member to be charged by being served with a copy of the discipline form.

(3) A discipline form shall be in the form set out in Schedule 2 or a form to the like effect with, where the accused is a member of the metropolitan police force, such modifications as the case may require.

Withdrawal of charges

9.— (1) At any time before the beginning of the hearing of a charge, the chief officer concerned may (subject, as respects a complaints matter, to the

leave of the Authority under section 93(6) of the Act of 1984) direct that the charge be withdrawn.

(2) Where the chief officer concerned so directs he shall, as soon as possible, cause—

- (a) his direction to be noted on the discipline form, and
- (b) the member subject to investigation to be served with written notice of his direction.

Documents to be supplied to accused

10.— (1) Subject to paragraphs (2) and (3), where a member of a police force is charged with an offence, he shall not less than 21 days before the date of the hearing, be supplied with copies—

- (a) of any statement he may have made under Regulation 7;
- (b) of the report, allegation or complaint on which the charge is founded (or so much thereof as relates to the accused) and of any reports thereon (other than the report of the investigating officer) notwithstanding that they may be confidential;
- (c) of any statement relating to the charge made by any witness to be called in support of the charge, together with the witness's name and address;
- (d) of any statement relating to the charge made by any person, other than a witness to be called in support of the charge, to the investigating officer or to anybody on his behalf, together with the person's name and address; and
- (e) of any statement made by a witness to be called by the presenting officer, in pursuance of Regulation 24(6), for the purpose of assisting the person conducting the hearing or the chief officer concerned in determining, in the event of a finding of guilt, the punishment to be imposed or recommended.

(2) In a case to which this paragraph applies the hearing of a charge against a member of a police force may, if the chief officer considers it appropriate in the circumstances, take place before the expiry of the period of 21 days referred to in paragraph (1).

(3) Paragraph (2) applies where a member charged with an offence—

- (a) at the time he is so charged, is detained in pursuance of the sentence of a court in a prison or other institution to which the Prison Act 1952(a) applies, or has received a suspended sentence of imprisonment, and
- (b) having been supplied under paragraph (1) with the documents therein mentioned, does not elect under Regulation 12 to be legally represented at the hearing.

(4) The officer conducting the hearing may, with the consent of the accused, allow any document to be adduced in evidence during the hearing notwithstanding that a copy thereof has not been supplied to the accused in accordance with the foregoing provisions of this Regulation.

(a) 1952 c.52.

(5) Where the charge is founded on a report, allegation or complaint and a statement arising therefrom made by the same person, the reference in paragraph (1)(b) to the report, allegation or complaint shall, without prejudice to paragraph (1)(c) or (d), be construed as including a reference to that statement.

(6) In this Regulation any reference to a copy of a statement, report, allegation or complaint shall, where it was not made in writing, be construed as a reference to a copy of an account thereof.

Questions in the discipline form to be answered by accused

11.— (1) The accused shall be invited to state in writing on the discipline form, within 14 days from the date on which it was served on him (or 14 days from the date on which the last of the documents required by Regulation 10(1) to be supplied to him is so supplied, if later),—

- (a) whether he admits or denies the charge;
- (b) in a case where Regulation 12 applies, whether he wishes to be legally represented at the hearing; and
- (c) whether he proposes to call any witnesses to relevant facts at the hearing and the names and addresses of any such witnesses whose attendance he wishes the chief officer concerned to take steps to secure.

(2) Any witness whose attendance he wishes the chief officer concerned to take steps to secure who is a member of a police force shall be ordered to attend at the hearing of the case, and the chief officer, where so requested, shall cause any other such witnesses to be given due notice that their attendance is desired and of the time and place of the hearing.

(3) Nothing in this Regulation shall require a hearing to be adjourned where a document is adduced in evidence with the consent of the accused under Regulation 10(4).

Election to be legally represented

12. Where the officer responsible for formulating charges against a member of a police force in pursuance of Regulation 8 is of opinion that there should, on a finding of guilt, be available any such punishment as is mentioned in subparagraphs (a), (b) and (c) of Regulation 24(1), he shall, on the copy of the discipline form served on the member, give the member an opportunity to elect, in the manner prescribed therein, to be legally represented at the hearing.

Hearing

13.— (1) Subject to paragraph (2) and to Regulation 16, a charge against a member of a police force shall be heard—

- (a) unless the accused is a member of the metropolitan police force, by the chief officer concerned;
- (b) if the accused is such a member, as provided in paragraph 3, 4, 5 or 7 of Schedule 3 by such an officer as is mentioned in the paragraph in

question or, as the case may be, by such a disciplinary board as is mentioned in paragraph 2 of that Schedule, the provisions whereof shall apply in the case of such a member;

except that where a case has been remitted under Regulation 14 the charge shall be heard by the chief officer to whom it is remitted and, in the case of a member of the metropolitan police force, the provisions of Schedule 3 shall not apply; and any reference in these Regulations to the officer conducting the hearing shall be construed as a reference to the chief officer in question or to the officer or board referred to in sub-paragraph (b), above.

(2) Paragraph (1) shall not apply where section 94 of the Act of 1984 (disciplinary tribunals) applies to the hearing and, in such case, any reference in these Regulations to the officer conducting the hearing shall be construed as a reference to the tribunal mentioned in that section.

Remission of cases

14.— (1) The case of a member of a police force charged with an offence—

- (a) shall, in the circumstances mentioned in paragraph (2), or
- (b) may, in the circumstances mentioned in paragraph (7),

be remitted by the chief officer concerned to another chief officer who, at his request, has agreed to act in the matter.

(2) A case shall be so remitted if—

- (a) subject to paragraph (3), the chief officer concerned is interested in the case otherwise than in his capacity as such; or
- (b) subject as aforesaid, he is a material witness; or
- (c) there would not, because the accused was not given an opportunity under Regulation 12 to elect to be legally represented at the hearing, be available on a finding of guilt any of the punishments referred to in that Regulation, and it appears to the chief officer concerned that those punishments ought to be so available and that accordingly it would be desirable for there to be a hearing before another chief officer at which the accused could, if he so wished, be so represented.

(3) Paragraphs (2)(a) and (b) shall not apply where the chief officer concerned—

- (a) would not be the officer conducting the hearing of the charge; or
- (b) where section 94 of the Act of 1984 (disciplinary tribunals) applies thereto and the chief officer concerned is the Commissioner of Police of the Metropolis.

(4) An officer by whom a case falls to be heard in pursuance of Regulation 16 shall remit the case to the chief officer concerned if—

- (a) he is interested in the case otherwise than in his capacity as such an officer; or
- (b) he is a material witness; or
- (c) he considers that, by reason of section 101(8)(a) of the Act of 1984, his powers would be insufficient for the case if he were to find the charge proved.

(5) Where a case is remitted to a chief officer under paragraph 2(c) or (4)(c) a notice in writing shall be served on the accused inviting him to elect, within 14 days of the receipt thereof, to be legally represented at the hearing before the chief officer.

(6) An officer remitting a case under paragraph (4) shall not give the chief officer concerned any indication of his assessment of the case or of the punishment which might be imposed in the event of the charge being found proved.

(7) A case not falling within paragraph (2) may be remitted by the chief officer concerned to another chief officer if, either before or during the hearing, the chief officer concerned considers remission appropriate and directs that the function of determining whether the accused has committed an offence against discipline should be determined by another chief officer.

Delegation of functions under Regulation 8

15.— (1) Subject to paragraph (3), the chief officer concerned may delegate to such officer as is mentioned in paragraph (2) the duty of deciding under Regulation 8 whether a member of a police force should be charged with an offence and, where he does so delegate that duty, any reference in Regulation 6(3), 7, 8 or 9 to that chief officer shall be taken as a reference to the officer to whom that duty is delegated.

(2) The said duty may be delegated—

- (a) in the City of London police force, to an assistant commissioner or a commander thereof;
- (b) in the metropolitan police force, in a case arising out of a complaint to which Part IX of the Act of 1984 applies, to an officer thereof of, or above, the rank of commander and, in any other case to an officer thereof of, or above, the rank of chief superintendent; and
- (c) in any other police force, to a deputy chief constable or an assistant chief constable thereof.

(3) A member of a police force who has acted as investigating officer in a case, or an officer appointed to deal with a case by way of informal resolution under section 85(4) of the Act of 1984, shall not, as respects that case, exercise any duty or function in pursuance of a delegation under paragraph (1).

Delegation of functions under Regulation 13

16.— (1) Subject to paragraph (4), a chief officer of a force other than the metropolitan police force may delegate to such officer as is mentioned in paragraph (2) the duty under Regulation 13 of hearing charges against members of the force.

(2) The said duty may be delegated—

- (a) in the City of London police force, to an assistant commissioner thereof;
- (b) in any other police force, to a deputy chief constable thereof.

(3) Where the said duty has been so delegated, the duty of deciding under Regulation 8 whether a member of a police force should be charged with an offence shall, in the case of a force other than the City of London police force, be delegated under Regulation 15(1) to an assistant chief constable thereof.

(4) A member of a police force who in relation to a case—

(a) has acted as investigating officer;

(b) has performed any duty or function in pursuance of a delegation under Regulation 15(1); or

(c) was appointed to deal with it by way of informal resolution under section 85(3) of the Act of 1984,

shall not, as respects that case, perform any duty or function in pursuance of a delegation under paragraph (1).

(5) An officer conducting a hearing by virtue of this Regulation shall not, under Regulation 24, impose a punishment specified in paragraph (1)(a), (b) or (c) thereof.

Disciplinary tribunal cases

17.— (1) This Regulation shall apply where section 94 of the Act of 1984 (disciplinary tribunals) applies to the hearing of a case.

(2) Where this Regulation applies and the chief officer concerned remits the case to another chief officer under Regulation 14, he shall inform the Authority that he has done so and that the other chief officer will, in pursuance of section 94 of the Act of 1984, be the chairman of the tribunal.

(3) Where this Regulation applies and the chief officer concerned is the Commissioner of Police of the Metropolis, he may, in pursuance of section 94 of the Act of 1984, nominate an assistant commissioner or a member of the metropolitan police force of the rank of deputy assistant commissioner to be the chairman of the tribunal and, in such case, he shall inform the Authority of his nomination.

(4) Where this Regulation applies and the Authority, in pursuance of section 94 of the Act of 1984, nominate two members of the Authority to be members of the tribunal, they shall inform the chief officer concerned of their nominations and, if that chief officer will not be the chairman of the tribunal, shall similarly inform the officer who will be the chairman.

Procedure at hearing

18.— (1) The accused shall be ordered to attend at the hearing of the case.

(2) The hearing shall be in private:

Provided that it shall be within the discretion of the officer conducting the hearing to allow any member of the Authority, any solicitor or any such member or members of a police force as he considers desirable to attend the whole or such part of the hearing as he may think fit, subject to the accused or his representative not objecting to the attendance of the person or persons in question.

(3) The case against the accused shall, unless by virtue of section 102 of the Act of 1984 it may be presented by counsel or a solicitor, be presented by a member of a police force not being the chief officer concerned nor the officer on whom, by virtue of Regulation 8, fell the duty of deciding whether the member in question should be charged with an offence.

(4) The person presenting the case and the representative of the accused may be assisted at the hearing by a serving member of a police force; and where the case against the accused is presented by counsel or a solicitor, the officer conducting the hearing may be assisted at the hearing by counsel or a solicitor.

(5) If the accused does not admit the charge, the hearing shall proceed as though he denied the charge.

(6) Before the case against the accused is presented, the accused may submit that the facts alleged in the charge are not such as to constitute the offence with which he is charged and the officer conducting the hearing, if he upholds that submission, shall dismiss the charge to which the submission relates.

(7) The accused may conduct his case in person, or by a member of a police force selected by him, or, where he has so elected in accordance with Regulation 12, by counsel or a solicitor:

Provided that if the accused is represented by a member of a police force, the accused, as well as his representative, may cross-examine the witnesses called in support of the case against him.

(8) Any question as to whether any evidence is admissible, or whether any question should or should not be put to a witness, shall be determined by the officer conducting the hearing.

(9) Where any decision falls to be taken by the officer conducting a hearing, under these Regulations or otherwise for the purposes of the hearing, then, if the hearing is conducted by such a tribunal as is mentioned in section 94 of the Act of 1984 or such a disciplinary board as is mentioned in paragraph 2 of Schedule 3, the decision may be a majority decision but it shall not be indicated whether it was taken unanimously or by a majority.

(10) A verbatim record of the proceedings at the hearing of the case shall be taken, and if the charge is found proved and the accused contemplates an appeal (whether to the Secretary of State or an internal appeal), then, at his request made within the period during which notice of appeal may be given, a transcription of the record shall be made and a copy thereof supplied to him.

Statements in lieu of oral evidence

19.— (1) Subject to the provisions of this Regulation, the officer conducting a hearing may admit evidence by way of a written statement made by a person, notwithstanding that he may not be called as a witness, so, however, that evidence shall not be admissible hereunder if it would not have been admissible had it been given orally.

(2) For the purposes hereof, a written statement purporting to be made and signed by a person and witnessed by another person shall be presumed to have been made by that person unless the contrary be shown.

(3) Subject to paragraph (4), if either the accused or the presenting officer (in this Regulation referred to as “the parties”) proposes to adduce written evidence, in pursuance of this Regulation, at a hearing, he shall give the other party a copy of the statement at least 21 days before the date of that hearing and invite that party to agree or object, in writing, to the admission of the statement in evidence without the maker thereof being called as a witness and being available for cross-examination and, if that party within 14 days from the receipt by him of the copy of the statement has so objected, the statement shall only be admitted in evidence if the maker thereof is called and is available as aforesaid:

Provided that if the parties in writing so agree in the case of a particular statement, this paragraph shall have effect in relation to that statement as though—

- (a) the reference to a period of 21 days were a reference to such shorter period as they may agree;
- (b) the reference to a period of 14 days were a reference to such shorter period, expiring before the date of the hearing, as they may agree.

(4) Notwithstanding paragraph (3), if at the hearing either of the parties wishes to adduce in evidence a written statement without the maker thereof being called and available as aforesaid, without a copy of the statement having been made available to the other party in accordance with that paragraph, the officer conducting the hearing may, with the agreement of the other party, allow the statement to be so adduced.

(5) Where, notwithstanding that a written statement has been admitted in evidence under the foregoing provisions of this Regulation without the maker thereof being called and being available as aforesaid, the officer conducting the hearing is of the opinion that oral evidence should be given, he may request that the maker be called as a witness and, in such case, unless the maker gives oral evidence, the officer conducting the hearing shall be entitled to disregard the written evidence.

(6) Nothing in this Regulation shall prejudice the admission of written evidence which would be admissible apart from the provisions thereof.

Adjournment of hearing

20. The officer conducting the hearing of a case may from time to time adjourn the hearing if it appears to him necessary or expedient so to do for the due hearing of the case.

Procedure in absence of accused

21.— (1) If the accused does not attend the hearing of the case, the hearing may be proceeded with and concluded in his absence:

Provided that—

- (a) if the accused is detained in pursuance of the sentence of a court in a

prison or other institution to which the Prison Act 1952(a) applies, and desires to make representations in person at the hearing, the hearing shall not be concluded until the accused has been enabled to make such representations;

- (b) if good reason is given to the officer conducting the hearing by, or on behalf of, the accused why the accused is unable to attend the hearing, other than that the accused is detained as aforesaid, the hearing shall be postponed or adjourned, as the case may be.

(2) Where, owing to the absence of the accused, it is impossible to comply with any of the procedure described in Regulations 7, 8, 10, 11 and 18(1), that procedure shall be dispensed with.

Attendance of complainant at hearing

22.— (1) This Regulation shall apply in relation to the hearing of a charge against a member of a police force where the charge is in respect of a complaints matter.

(2) Notwithstanding anything in Regulation 18(2) but subject to paragraph (4), the officer conducting the hearing shall allow the complainant to attend the hearing while witnesses are being examined, or cross-examined, on the facts alleged in the charge and, if he considers it appropriate so to do on account of the age of the complainant or otherwise, shall allow him to be accompanied by a personal friend or relative who is not to be called as a witness at the hearing:

Provided that—

- (a) where the complainant is to be called as a witness at the hearing, he and any person allowed to accompany him shall not be allowed to attend before he gives his evidence, and
- (b) where it appears to the officer conducting the hearing that a witness may, in giving evidence, disclose information which, in the public interest, ought not to be disclosed to a member of the public, he shall require the complainant and any person allowed to accompany him to withdraw while that evidence is given.

(3) Where the accused gives evidence, then, after the presenting officer has had an opportunity of cross-examining him, the officer conducting the hearing shall put to him any questions which the complainant requests should be so put and might have been properly so put by the presenting officer or, at his discretion, may allow the complainant himself to put such questions to the accused.

(4) Subject as aforesaid, the complainant and any person allowed to accompany him shall neither intervene in, nor interrupt, the hearing; and if he or such a person should behave in a disorderly or abusive manner, or otherwise misconduct himself, the officer conducting the hearing may exclude him from the remainder of the hearing.

(5) In this Regulation a reference to the complainant is a reference to the originator of the complaint notwithstanding that it was transmitted to the chief

(a) 1952 c. 52.

officer of the police force concerned by some other person or by the Authority or some other body.

Finding

23.— (1) The officer conducting the hearing of a charge shall, at its conclusion, dismiss the charge or find it proved.

(2) A charge shall not be found proved unless it is—

(a) admitted by the accused; or

(b) proved by the officer presenting the case to the officer conducting the hearing beyond reasonable doubt.

(3) The said decision shall, as soon as possible, be recorded on the discipline form and notified in writing to the accused.

Punishment

24.—(1) Subject to section 102 of the Act of 1984 and to Regulation 25, where a charge is found to be proved one of the following punishments shall be imposed, namely:—

(a) dismissal from the force;

(b) requirement to resign from the force as an alternative to dismissal, taking effect (subject, where the accused is a member of the metropolitan police force, to paragraph (9)) either forthwith or on such date as may be specified in the decision;

(c) reduction in rank;

(d) reduction in the accused's rate of pay for such period, not exceeding 12 months, as shall be specified in the decision;

(e) fine;

(f) reprimand;

(g) caution;

and separate punishments shall be imposed for separate offences.

(2) Subject to paragraphs (3) and (4), the punishment shall be imposed by the officer conducting the hearing.

(3) Paragraph (2) shall not apply where—

(a) the case has been remitted under Regulation 14, and

(b) the chief officer concerned is neither interested in the case otherwise than in his capacity as such nor is a material witness

but, subject to paragraph (4), the officer conducting the hearing shall recommend to the chief officer concerned the punishment which, in his opinion, should be imposed.

(4) Paragraphs (2) and (3) shall not apply where section 94 of the Act of 1984 (disciplinary tribunals) applies to the hearing and, in pursuance thereof, it falls to the chief officer who is the chairman of the tribunal, after consulting the

other members thereof to impose the punishment or, in the circumstances mentioned in paragraph (3), it falls to the chairman, after so consulting, to recommend the punishment.

(5) Where a chief officer to whom a case has been remitted under Regulation 14, or the chairman of a tribunal not being the chief officer concerned, recommends a punishment in pursuance of paragraph (3), or of section 94 of the Act of 1984, he shall send a report to the chief officer concerned, and a copy thereof to the accused, which report shall in addition to the recommendation include—

- (a) a statement as to the charge found proved;
- (b) a statement of the facts admitted or found to be proved, so far as they appear to him material to the question of punishment, and
- (c) any other matter arising out of the hearing which appears to him so material;

and, after considering the report, the chief officer concerned shall impose a punishment.

(6) Where the question of the punishment to be imposed or recommended is being considered by the officer conducting a hearing or by the chief officer concerned—

- (a) he shall have regard to the accused's record of police service as shown on his personal record and may receive evidence from any witness whose evidence would, in his opinion, assist him in determining the question, and
- (b) the accused, or his representative, shall be afforded an opportunity to make oral or, if he thinks fit, written representations as respects the question or to adduce evidence relevant thereto.

(7) Any proceedings at which such evidence as is referred to in paragraph (6)(a) or (b) or such oral representations as are referred to in paragraph (6)(b) is given or are made shall be treated for the purposes of Regulation 18(10) as proceedings at the hearing.

(8) As soon as possible after a decision to impose a punishment has been taken that decision shall be recorded on the discipline form and notified in writing to the accused.

(9) Where an officer conducting a hearing in pursuance of Regulation 16, or Schedule 3, imposes a punishment then, without prejudice to the accused giving notice of appeal under Regulation 26, that punishment shall not take effect unless and until the period for giving such notice under paragraph (2) thereof has expired or, where such notice is given, the appeal has been determined.

Limitations on punishments

25.— (1) The punishment of a reduction in the accused's rate of pay or of a fine shall not be imposed for the offence set out in paragraph 16 of the discipline code.

(2) The punishment of a reduction in the accused's rate of pay shall not be such as to reduce the accused's rate of pay below the minimum of the scale of pay for his rank in the police force.

(3) A fine imposed in respect of any one offence shall be such that, if it were recovered by way of deductions from the accused's pay during the period of thirteen weeks following the imposition of the punishment, in pursuance of the Police Regulations, the aggregate sum which might be so deducted in respect of any one week (whether on account of one or more fines) would not exceed a seventh of his weekly pay.

(4) Where a charge against a member of a police force is heard by an officer other than a chief officer, that officer's powers of punishment shall be restricted, in the case of the metropolitan police force, as mentioned in paragraph 6 of Schedule 3, and, in the case of any other force, as mentioned in Regulation 16(5).

Internal appeals

26.— (1) Where, in the case of a hearing conducted by an officer in pursuance of Regulation 16, a charge has been found proved and a punishment imposed, the accused may appeal in accordance with this Regulation against—

- (a) both the finding and the punishment, or
- (b) the punishment only.

(2) The appeal shall be instituted by the appellant giving written notice of appeal to the chief officer concerned specifying whether he is appealing as mentioned in sub-paragraph (1)(a) or (1)(b).

(3) The notice of the appeal shall be given within the 2 days following the day on which the accused was notified of the punishment in accordance with Regulation 24(8) and, within the 21 days following the day on which—

- (a) he receives the transcription of the record of the proceedings at the hearing at which the charge was found proved ("the original hearing"), where he has requested under Regulation 18(10) to be supplied with such a transcription, or
- (b) he gave the notice of appeal, where he has not so requested,

he shall furnish the chief officer concerned with a statement setting out the grounds of his appeal:

Provided that, where the chief officer is satisfied that by reason of the special circumstances of the case it is just and right so to do, he may extend either or both of the periods mentioned in this paragraph and, in such case, this paragraph shall have effect as if for the period in question there were substituted such extended period as he may specify.

(4) The appeal shall be considered by the chief officer concerned, and the appellant shall be given reasonable notice of the time and place for the consideration of the appeal ("the appellate proceedings").

(5) The appellant may attend the appellate proceedings and conduct his appeal either in person or by a member of a police force selected by him; but the provisions of Regulation 21(1) relating to a hearing in the absence of the

accused shall have effect, subject to any necessary modifications, in relation to appellate proceedings in the absence of the appellant.

(6) The appellant or his representative may make oral or written representations in support of the appeal but may only adduce evidence which could not have been adduced, or which was not adduced for reasons which satisfy the person considering the appeal, at the hearing at which the charge was found proved; and where evidence is adduced in support of the appeal the officer who was the presenting officer at the original hearing or an officer acting in his place ("the presenting officer") may adduce evidence in rebuttal.

(7) Notwithstanding anything in paragraph (6), where the person considering the appeal is considering the question of punishment, he may receive evidence from any witness whose evidence would, in his opinion, assist him in determining the question.

(8) A witness giving oral evidence may be cross-examined by the presenting officer or, as the case may be, by the representative of the appellant:

Provided that if the appellant is represented by a member of a police force the appellant, as well as his representative, may cross-examine the witnesses called in support of the case against him.

(9) The person considering the appeal may, in his discretion, admit written evidence which would not be admissible but for this paragraph but which would have been admissible if given orally.

(10) As soon as possible after the conclusion of the appellate proceedings the decision shall be recorded on the discipline form and notified in writing to the appellant; and a decision to allow an appeal against the finding at the original hearing or vary the punishment imposed shall have effect from the date of the decision appealed against except that, where the punishment as varied is such as is specified in Regulation 24(1)(b) or (c), that punishment shall have effect from a date not earlier than, or from the date of, the decision in the appellate proceedings.

(11) A verbatim record of the appellate proceedings shall be taken and, if the appellant is dissatisfied with the decision and contemplates an appeal to the Secretary of State, then, at his request made within the period during which notice of appeal may be given, a transcription of the record shall be made and a copy thereof supplied to him.

(12) On an internal appeal, the officer conducting the appeal shall not have power to award a punishment greater than the punishment awarded at the original hearing.

Suspension

27.— (1) Where a report, allegation or complaint is received from which it appears that a member of a police force may have committed a disciplinary or criminal offence, the chief officer concerned may suspend that member from membership of the force and from his office as constable, whether or not the matter has been investigated.

(2) The chief officer concerned may exercise the power to suspend a member of the police force under this Regulation at any time from the time of receipt of the report, allegation or complaint until—

- (a) it is decided that the member shall not be charged with a disciplinary offence;
- (b) the member has been so charged and either all the charges have been dismissed, or, subject to sub-paragraph (c) below, punishments have been imposed; or
- (c) where a punishment has been imposed and an appeal lies to the chief officer concerned the period for giving notice of appeal under paragraph (3) of Regulation 26 has expired, or the appeal has been determined.

(3) Where a member is suspended under this Regulation, he shall be suspended until there occurs any of the events mentioned in sub-paragraphs (a) to (c) of paragraph (2), or the chief officer decides that he shall cease to be so suspended, whichever first occurs.

(4) The chief officer concerned may delegate his powers under this Regulation to any officer to whom, under Regulation 15, he has delegated or could delegate the duty there mentioned; and where he does so, any reference in the foregoing provisions of this Regulation to the chief officer concerned shall be taken as a reference to the officer to whom the powers are delegated.

Effect of successful appeal against criminal conviction

28.— (1) This Regulation applies where a member of a police force who has been found guilty by a court of law of a criminal offence (“his criminal conviction”)—

- (a) is charged with and found guilty of the offence of criminal conduct under paragraph 16 of Schedule 1 in respect thereof (“his disciplinary conviction”); and
- (b) subsequently successfully appeals against his criminal conviction.

(2) Where this Regulation applies (and whether or not the member has actually appealed against his disciplinary conviction)—

- (a) the decision allowing his appeal against his criminal conviction shall, in relation to his disciplinary conviction, have effect as if it were an order or decision under the Police Act 1964^(a) allowing an appeal by him against his disciplinary conviction; but
- (b) subject to section 104 of the Act of 1984 (which relates to double jeopardy) nothing in sub-paragraph (a) shall prevent the chief officer concerned from instituting disciplinary proceedings against him in respect of some other disciplinary offence.

(3) For the purposes of this Regulation a member of a police force found guilty of a criminal offence and subsequently pardoned shall be treated as if he had successfully appealed against his criminal conviction.

(a) 1964 c. 48.

Discipline book

29. The chief officer concerned shall cause a discipline book to be kept in which shall be entered every charge made against a member of the police force, together with the decision thereon and a record of the decision in any further disciplinary proceedings in connection therewith.

Leon Brittan,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
28th March 1985.

Regulation 4(1).

SCHEDULE 1

DISCIPLINE CODE

1. *Discreditable conduct*, which offence is committed where a member of a police force acts in a disorderly manner or any manner prejudicial to discipline or reasonably likely to bring discredit on the reputation of the force or of the police service.

2. *Misconduct towards a member of a police force*, which offence is committed where—

- (a) the conduct of a member of a police force towards another such member is oppressive or abusive, or
- (b) a member of a police force assaults another such member.

3. *Disobedience to orders*, which offence is committed where a member of a police force, without good and sufficient cause—

- (a) disobeys or neglects to carry out any lawful order, written or otherwise;
- (b) fails to comply with any requirement of a code of practice for the time being in force under section 60 or 66 of the Act of 1984; or
- (c) contravenes any provision of the Police Regulations containing restrictions on the private lives of members of police forces, or requiring him to notify the chief officer of police that he, or a relation included in his family, has a business interest within the meaning of those Regulations.

4. *Neglect of duty*, which offence is committed where a member of a police force, without good and sufficient cause—

- (a) neglects or omits to attend to or carry out with due promptitude and diligence anything which it is his duty as a member of a police force to attend to or carry out, or
- (b) fails to work his beat in accordance with orders, or leaves the place of duty to which he has been ordered, or having left his place of duty for an authorised purpose fails to return thereto without undue delay, or
- (c) is absent without leave from, or is late for, any duty, or
- (d) fails properly to account for, or to make a prompt and true return of, any money or property received by him in the course of his duty.

5. *Falsehood or prevarication*, which offence is committed where a member of a police force—

- (a) knowingly or through neglect makes any false, misleading or inaccurate oral or written statement or entry in any record or document made, kept or required for police purposes, or
- (b) either wilfully and without proper authority or through lack of due care destroys or mutilates any record or document made, kept or required for police purposes, or
- (c) without good and sufficient cause alters or erases or adds to any entry in such a record or document, or

- (d) has knowingly or through neglect made any false, misleading or inaccurate statement in connection with his appointment to the police force.

6. *Improper disclosure of information*, which offence is committed where a member of a police force—

- (a) without proper authority communicates to any person, any information which he has in his possession as a member of a police force, or
- (b) makes any anonymous communication to any police authority, or any member of a police force, or
- (c) without proper authority, makes representations to the police authority or the council of any county or district comprised in the police area with regard to any matter concerning the force, or
- (d) canvasses any member of that authority or of such a council with regard to any such matter.

For the purposes of this paragraph the Isles of Scilly shall be treated as if they were a county.

7. *Corrupt or improper practice*, which offence is committed where a member of a police force—

- (a) in his capacity as a member of the force and without the consent of the chief officer of police or the police authority, directly or indirectly solicits or accepts any gratuity, present or subscription, or
- (b) places himself under a pecuniary obligation to any person in such a manner as might affect his properly carrying out his duties as a member of the force, or
- (c) improperly uses, or attempts so to use, his position as a member of the force for his private advantage, or
- (d) in his capacity as a member of the force and without the consent of the chief officer of police, writes, signs or gives a testimonial of character or other recommendation with the object of obtaining employment for any person or of supporting an application for the grant of a licence of any kind.

8. *Abuse of authority*, which offence is committed where a member of a police force treats any person with whom he may be brought into contact in the execution of his duty in an oppressive manner and, without prejudice to the foregoing, in particular where he—

- (a) without good and sufficient cause conducts a search, or requires a person to submit to any test or procedure, or makes an arrest; or
- (b) uses any unnecessary violence towards any prisoner or any other person with whom he may be brought into contact in the execution of his duty, or improperly threatens any such person with violence; or
- (c) is abusive or uncivil to any member of the public.

9. *Racially discriminatory behaviour*, which offence is committed (without prejudice to the commission of any other offence) where a member of a police force—

- (a) while on duty, on the grounds of another person's colour, race, nationality or ethnic or national origins, acts towards that other person in any such way as is mentioned in paragraph 8 (abuse of authority); or
- (b) in any other way, on any of those grounds, treats improperly a person with whom he may be brought into contact while on duty.

10. *Neglect of health*, which offence is committed where a member of a police force, without good and sufficient cause, neglects to carry out any instructions of a medical officer appointed by the police authority or, while absent from duty on account of sickness, commits any act or adopts any conduct calculated to retard his return to duty.

11. *Improper dress or untidiness*, which offence is committed where without good and sufficient cause a member of a police force while on duty, or while off duty but wearing uniform in a public place, is improperly dressed or is untidy in his appearance.

12. *Damage to police property*, which offence is committed where a member of a police force—

- (a) wilfully or through lack of due care causes any waste, loss or damage to any police property, or
- (b) fails to report as soon as is reasonably practicable any loss of or damage to any such property issued to, or used by him, or entrusted to his care.

13. *Drunkenness*, which offence is committed where a member of a police force renders himself unfit through drink for duties which he is or will be required to perform or which he may reasonably foresee having to perform.

14. *Drinking on duty or soliciting drink*, which offence is committed where a member of a police force, while on duty—

- (a) without proper authority, drinks, or receives from any other person, any intoxicating liquor, or
- (b) demands, or endeavours to persuade any other person to give him, or to purchase or obtain for him, any intoxicating liquor.

15. *Entering licensed premises*, which offence is committed where a member of a police force—

- (a) while on duty, or
- (b) while off duty but wearing uniform,

without good and sufficient cause, enters any premises in respect of which a

licence or permit has been granted in pursuance of the law relating to liquor licensing or betting and gaming or regulating places of entertainment.

16. *Criminal conduct*, which offence is committed where a member of a police force has been found guilty by a court of law of a criminal offence.

17. *Being an accessory to a disciplinary offence*, which offence is committed where a member of a police force incites, connives at or is knowingly an accessory to any offence against discipline.

Regulation 8(3)

SCHEDULE 2

DISCIPLINE FORM

CHARGE[S] AGAINST Name

No. Rank Rate of Pay

Particulars of Service

Charge[s]

Offence[s] of which member is accused	Particulars of alleged offence[s], including time, date and place	Names and addresses of witnesses in support of charge[s] and whose statements are attached
(1)	(1)	(1) (a) (b)
(2)	(2)	(2) (a) (b)
(3)	(3)	(3) (a) (b)

[Where applicable. The charge[s] numbered . . . has/have been brought on the direction of the Police Complaints Authority in accordance with section 93(3) of the Police and Criminal Evidence Act 1984.]

QUESTIONS TO BE ANSWERED BY ACCUSED

- 1. Do you admit or deny the charge[s]? (1)
 (give a separate answer as respects (2)
 each charge.) (3)

2. Do you wish—

- (a) to select a member of a police force to assist you in presenting your case? If so, give his name, rank and police force or indicate that this information will be given later.

Yes/No.

(particulars of friend)

.....

- (b) the chief constable to take steps with a view to securing the attendance of any witnesses for you at the hearing of the case? If so, give their names and addresses or indicate that this information will be given later. If not, write "No".

.....

.....

.....

Date Signature of accused

- 3. Do you intend to make your own arrangements for other witnesses (not being members of a police force) to attend?

Yes/No.

- 4. If the answer to question 3 is "Yes", it would assist in the preparation of the hearing if you would indicate the number of other witnesses you intend to call.

[] (indicate number)

Date Signature of the accused

[You are reminded that the information requested in questions 1 to 4 above must be provided within 14 days from the service of this form.]

DATE OF DISCIPLINARY HEARING

- 5. You will be notified as soon as possible of the date of the hearing and be told at that time whether it will be conducted by a tribunal or by your chief or deputy chief constable or by the chief constable of another force. This notification which will be in writing will be given to you at least 21 days before the date set for the hearing of your case.

LEGAL REPRESENTATION [IF APPROPRIATE]

- 6. If you are found guilty of [any of] the above offence[s] the officer or tribunal conducting the hearing will wish to have available the full range of penalties including reduction in rank, requirement to resign and dismissal. You are therefore entitled to be legally represented at the hearing. You should indicate below whether or not you intend to be so represented. If you elect to be legally represented you may also have a 'friend' present at the hearing.

I do/I do not intend to be legally represented at the disciplinary hearing (delete where appropriate).

Date Signature of the accused

You are reminded that you may forfeit your right to legal representation if without reasonable cause you fail to state your intention on this matter, in writing, within 14 days from the service of the documents and statements that are referred to in Regulation 10(1) of the Police (Discipline) Regulations 1985. If you forfeit your right to legal representation the full range of penalties will remain available to the officer or tribunal conducting the hearing should you be found guilty.

*Documents and statements attached

*Documents and statements to follow

(*Delete as necessary)

PART II

HEARING

Date Time Place
and by adjournment on

Date Time Place

Hearing to be conducted by [the chief constable or his deputy where the case has been delegated under Regulation 16 of the Police (Discipline) Regulations 1985] [the chief constable of the police force to whom the case has been remitted under Regulation 14(1)/14(6) of the Police (Discipline) Regulations 1985] [a tribunal constituted as provided in section 94 of the Police and Criminal Evidence Act 1984 and comprising]

Above information notified to accused on (date)

..... Initials.

..... Date.

[Where applicable. Particulars of any subsequent hearing before the chief constable or the deputy chief constable solely on punishment.

Date Time Place
Subsequent hearing notified to accused.

..... Initials.

..... Date.]

DECISIONS ON FINDING AND PUNISHMENT

Finding

The finding[s] as respects the disciplinary offence[s] specified below, with which the accused has been charged, is/are as specified opposite thereto.

Signature [Chief constable of the
police force.]
[Deputy chief constable of the
police force.]
[Chairman of the tribunal.]

Date

Punishment

I have referred to and taken note of the personal record of the accused.
 The punishment[s] imposed as respects the disciplinary offence[s] specified below, with which the accused has been charged and of which he has been found guilty, is/are as specified opposite thereto.

Signature [Chief constable of the
 police force.]
 [Deputy chief constable of the
 police force.]

Date

Decisions referred to above

Offence[s] charged	Finding	Punishment imposed where accused has been found guilty
(1)	Guilty/Not Guilty
	Guilty/Not guilty
	Guilty/Not guilty

Decisions on finding and punishment notified to accused
 I have been notified of the decisions above.

Signature of accused

Date

PART III Internal appeal (where appropriate)

Particulars of date and outcome of internal appeal hearing.

Decisions on appeal notified to accused
 I have been notified of the decisions above.

Signature of accused

Date

PART IV

FOR OFFICE USE ONLY

1. Copy of discipline form served on accused. Initials
- Date form served

2. Accused officer notified of the nature of the hearing with full
 explanation of what this entails. Initials
- Date so notified

-
- 3. Date on which accused provided with copies of documents listed in Regulation 10(1) of the 1985 Discipline Regulations: (insert date)
 - Initials
 - Date

 - 4. Date on which accused officer indicated his intention to be/not to be legally represented at the hearing (if applicable): (insert date)
 - Initials
 - Date

 - 5. Case entered in Complaints Register (if applicable) (insert date)
 - Initials
 - Date

 - 6. Case entered in discipline book.
 - Initials
 - Date

PART V

PARTICULARS OF ANY APPEAL TO THE SECRETARY OF STATE

.....

.....

.....

.....

SCHEDULE 3

Regulations 13(1), 18(9), 25(4).

DISCIPLINARY HEARINGS AND APPEALS IN THE METROPOLITAN POLICE FORCE

1. The provisions of this Schedule shall have effect in the case of a member of the metropolitan police force accused of an offence except—

- (a) where section 94 of the Act of 1984 (disciplinary tribunals) applies to the hearing of the charge against him, or
- (b) where, in the circumstances mentioned in Regulation 14(7), his case has been remitted by the Commissioner to the chief officer of another force.

2. In this Schedule the following expressions have the meanings hereby respectively assigned to them, that is to say—

“the commissioner” means the Commissioner of Police of the Metropolis or the deputy commissioner acting in his place;

“disciplinary board” means a board appointed by the Commissioner for the purposes of paragraph 3, 4, 5 or 7 consisting of a chairman and 2 other members, being officers of the force of a rank, in the case of the chairman, not lower than that of deputy assistant commissioner or, in the case of the other 2 members, not lower than that of commander;

“inspector” includes chief inspector;

“superintendent” includes chief superintendent.

3. A charge against a superintendent shall be heard by a disciplinary board.

4. A charge against an inspector shall be heard—

- (a) subject to paragraph 7, by an officer of the force not below the rank of deputy assistant commissioner appointed for the purpose by or on behalf of the Commissioner, or
- (b) if it is so determined by or on behalf of the Commissioner, by a disciplinary board.

5. A charge against a sergeant or constable shall be heard—

- (a) subject to paragraph 7, by an officer of the force not below the rank of commander appointed for the purpose by or on behalf of the Commissioner, or
- (b) if it is so determined by or on behalf of the Commissioner, by a disciplinary board.

6. — (1) A deputy assistant commissioner conducting a hearing in pursuance of paragraph 4(a) or 5(a) shall not, under Regulation 24, impose a punishment specified in paragraph (1)(a) or (b) thereof.

(2) A commander conducting a hearing in pursuance of paragraph 5(a) shall not, under Regulation 24, impose—

- (a) a punishment specified in paragraph (1)(a), (b) or (c) thereof;

- (b) a reduction in the accused's rate of pay for a period in excess of 26 weeks, or
- (c) a fine in excess of 7 days' pay.

7.— (1) An officer by whom a case falls to be heard in pursuance of paragraph 4(a) or 5(a) may remit the case to a disciplinary board if, either before or during the hearing, he considers that, by reason of paragraph 6, his powers of punishment would be insufficient for the case if he were to find the charge proved.

(2) An officer remitting a case under this paragraph shall not give the disciplinary board any indication of his assessment of the case or of the punishment which might be imposed in the event of the charge being found proved.

(3) Where a case has been remitted to a disciplinary board under this paragraph the board shall proceed by way of a hearing or rehearing of the charge.

8.— (1) Subject to sub-paragraph (2) below, Regulation 26 shall apply for the purpose of enabling a member of the metropolitan police force to appeal where a charge has been found proved and a punishment imposed under the foregoing provisions of this Schedule as it applies in the case of a hearing under Regulation 13, but as if in Regulation 26(4), for the reference to the chief officer concerned, there were substituted a reference to the Commissioner of Police of the Metropolis or, if he so directs, an assistant commissioner appointed by him.

(2) Without prejudice to Regulation 26(5) (as applied by sub-paragraph (1) above), a member of the metropolitan police force shall, if he was entitled to elect to be legally represented at the original hearing (and whether he did or did not so elect) be given an opportunity to elect to be so represented in the appellate proceedings, and the respondent may be so represented in those proceedings—

- (a) if he was so represented at the original hearing; or
- (b) if the appellant has given notice that he wishes to be so represented in the appellate proceedings, whether or not he is actually so represented.

9. An officer who, in relation to a case—

- (a) has acted as investigating officer;
- (b) has performed any duty or function in pursuance of a delegation under Regulation 15(1); or
- (c) was appointed to deal with it by way of informal resolution under section 85(3) of the Act of 1984,

shall not, as respects that case, conduct a hearing under paragraph 4 or 5, or be a member of a disciplinary board dealing with the case or conduct appellate proceedings under paragraph 8.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations replace, with amendments, the Police (Discipline) Regulations 1977. They implement Part IX of the Police and Criminal Evidence Act 1984 and take account of the new provision made by the Act of 1984 for complaints by members of the public against police officers. The changes of substance are described below. The Regulations apply to charges preferred on or after 29th April 1985.

By Regulation 6 an investigating officer must now be of at least the rank of chief inspector and of at least the rank of the member subject to investigation.

Regulation 10 specifies that the documents required to be supplied to the accused should be served at least 21 days before the hearing (instead of 'as soon as possible').

Regulation 12, which implements section 102 of the Act of 1984, gives an accused officer the right to elect to be legally represented at a disciplinary hearing where the officer responsible for formulating charges considers that on a finding of guilt there should be available the punishments of dismissal, requirement to resign or reduction in rank.

Regulation 14 provides for the remission of cases where it becomes apparent that these punishments should be available.

Regulation 16 allows a chief officer to delegate the function of hearing charges under Regulation 13 to an assistant commissioner, in the City of London police force, and to a deputy chief constable elsewhere (provision for hearings in the Metropolitan police force is continued by Schedule 3).

Regulation 18(2) allows the officer conducting the hearing to admit members of the Police Complaints Authority and solicitors to the hearing. Provision is made for legal representation at the hearing by paragraphs (4) and (7) of Regulation 18.

Regulation 23 expressly requires that a charge must (unless it is admitted by the accused) be proved beyond reasonable doubt.

Regulation 26 provides for an internal appeal where the hearing has not been conducted by the chief officer.

Regulation 28 provides that a successful appeal against a criminal conviction automatically quashes a disciplinary conviction for criminal conduct based upon it, but without prejudice to the bringing of any other disciplinary charges.

A number of amendments are made to the Discipline Code (Schedule 1). The offence of disobedience to orders (paragraph 3) is extended to breaches of codes of practice in force under section 60 or 66 of the Act of 1984. The offence of abuse of authority (paragraph 8) will now cover all oppressive conduct by an officer towards those with whom he comes into contact in the execution of duty. Paragraph 9, implementing section 101(1)(b) of the Act of 1984, creates an offence of racially discriminatory conduct. The offence of being an accessory to a disciplinary offence (paragraph 17) will henceforth include inciting such an offence.

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