

2003 No. 2599

POLICE, ENGLAND AND WALES

The Police (Conduct) (Amendment) Regulations 2003

Made - - - - - *14th October 2003*
Laid before Parliament *16th October 2003*
Coming into force - - *15th November 2003*

The Secretary of State, in exercise of the powers conferred on him by section 50 of the Police Act 1996(a) and section 81 of the Police Act 1997(b), and after supplying a draft of these Regulations to the Police Advisory Board for England and Wales and taking into consideration their representations in accordance with section 63(3) of the Police Act 1996(c), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Police (Conduct) (Amendment) Regulations 2003 and shall come into force on 15th November 2003.

(2) In these Regulations “the 1999 Regulations” means the Police (Conduct) Regulations 1999(d).

Amendments to the 1999 Regulations

2.—(1) Regulation 4 of the 1999 Regulations is amended as follows.

(2) The following paragraph is inserted—

“(1A) In these Regulations a reference to a police force shall include a reference to the National Crime Squad and a reference to a chief officer shall include a reference to the Director General of that Squad.”.

3. The following regulation shall be inserted in the 1999 Regulations—

“15A. Legal representation for members of the National Crime Squad

(1) A member of the National Crime Squad of the rank of chief superintendent or below may not be dismissed, required to resign or reduced in rank by a decision taken in proceedings under these Regulations unless he has been given an opportunity to elect to be legally represented at any hearing held in the course of those proceedings.

(2) Where a member of the National Crime Squad makes an election to which paragraph (1) refers, he may be represented at the hearing, at his option, either by counsel or by a solicitor.

(a) 1996 c. 16; the powers in section 50 are extended by section 84(4).
(b) 1997 c. 50; section 81 was amended by section 89(2) of the Police Reform Act 2002 (c. 30).
(c) Section 63(3) was amended by section 134(1) of, and paragraphs 72 and 83(1) and (3) of Schedule 9 to, the Police Act 1997 and by sections 90(5), 91(5) and 134(1) of, and paragraph 17 of Schedule 7 to, the Police Reform Act 2002 (c. 30).
(d) S.I. 1999/730; as amended by S.I.s 2000/1549 and 2001/3888.

(3) Except in a case where a member of the National Crime Squad of the rank of chief superintendent or below has been given an opportunity to elect to be legally represented and has so elected, he may be represented at the hearing only by another member of a police force.”

4.—(1) Regulation 16 of the 1999 Regulations is amended as follows.

(2) After “1996 Act” there shall be inserted “or regulation 15A as appropriate”.

5.—(1) Regulation 17 of the 1999 Regulations is amended as follows.

(2) In paragraph (1)(b) for the words “regulation 16” there shall be substituted “regulation 15A or 16”.

6.—(1) Regulation 18 of the 1999 Regulations is amended as follows.

(2) In paragraph (3) for the words “the Police Act 1996” there shall be substituted “the 1996 Act or the National Crime Squad”.

7.—(1) Regulation 30 of the 1999 Regulations is amended as follows.

(2) In paragraph (3) for the words “the Police Act 1996” there shall be substituted “the 1996 Act or section 82 of the Police Act 1997”.

8.—(1) Regulation 37 of the 1999 Regulations is amended as follows.

(2) For paragraph (1) there shall be substituted the following paragraph—

“(1) Subject to paragraphs (2) to (4), where the chief officer is an interested party or the circumstances in section 12A(1) or (2) of the 1996 Act^(a) or section 54(1) of the 1997 Act apply, the review shall be conducted by the deputy chief constable or assistant chief constable designated under section 12A(2) of the 1996 Act or, in the case of members of the National Crime Squad, by the Deputy Director General of that Squad.”

(3) In paragraph (2) before the words “designated assistant chief constable” there shall be inserted “deputy chief constable or”.

9.—(1) Schedule 2 to the 1999 Regulations is amended as follows.

(2) In paragraph 2 in the substituted regulation 13(4)(b) for the word “constable” there is substituted “officer”.

(3) In paragraph 3 in the substituted regulation 16 after “1996 Act” there shall be inserted “or regulation 15A as appropriate”.

Home Office
14th October 2003

Caroline Flint
Parliamentary Under-Secretary of State

(a) Section 12A was inserted by section 124(2) of the Criminal Justice and Police Act 2001 (c. 16).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police (Conduct) Regulations 1999 in consequence of the National Crime Squad being able to directly recruit officers below the rank of assistant chief constable. The provisions applicable to police officers of the rank of chief superintendent or below in forces maintained under section 2 of the Police Act 1996 and the metropolitan police force and City of London police are applied to members of the National Crime Squad holding those ranks.

Consequential changes are also made to regulation 37 to reflect the reintroduction of the rank of deputy chief constable.

STATUTORY INSTRUMENTS

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