
STATUTORY INSTRUMENTS

2008 No. 2863

The Police Appeals Tribunals Rules 2008

Circumstances in which a police officer may appeal to a tribunal

4.—(1) Subject to paragraph (3), a police officer to whom paragraph (2) applies may appeal to a tribunal in reliance on one or more of the grounds of appeal referred to in paragraph (4) against—

- (a) the finding referred to in paragraph (2)(a), (b) or (c) made under the Conduct Regulations; or
- (b) the disciplinary action, if any, imposed under the Conduct Regulations in consequence of that finding,

or both.

(2) This paragraph applies to—

- (a) an officer other than a senior officer against whom a finding of misconduct or gross misconduct has been made at a misconduct hearing; or
- (b) a senior officer against whom a finding of misconduct or gross misconduct has been made at a misconduct meeting or a misconduct hearing; or
- (c) an officer against whom a finding of gross misconduct has been made at a special case hearing.

(3) A police officer may not appeal to a tribunal against the finding referred to in paragraph (2) (a), (b) or (c) where that finding was made following acceptance by the officer that his conduct amounted to misconduct or gross misconduct (as the case may be).

(4) The grounds of appeal under this rule are—

- (a) that the finding or disciplinary action imposed was unreasonable; or
- (b) that there is evidence that could not reasonably have been considered at the original hearing which could have materially affected the finding or decision on disciplinary action; or
- (c) that there was a breach of the procedures set out in the Conduct Regulations, the Police (Complaints and Misconduct) Regulations 2004(1), Schedule 3 to the Police Reform Act 2002(2) or other unfairness which could have materially affected the finding or decision on disciplinary action.

(1) S.I. 2004/643, as amended by S.I. 2005/3389, 2006/594, 2006/1406, and 2008/2866.

(2) Schedule 3 was amended by paragraph 11 of Schedule 2, Schedule 11 and paragraphs 11 to 24 of Schedule 12 to the Serious Organised Crime and Police Act 2005 and by paragraph 89 of Schedule 1 to the Police and Justice Act 2006. It is also amended by paragraphs 3 to 19 of Schedule 23 and part 8 of Schedule 28 to the Criminal Justice and Immigration Act 2008.