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STATUTORY INSTRUMENTS

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**2011 No. 3029**

**POLICE, ENGLAND AND WALES**

**The Police Appeals Tribunals (Amendment:  
Metropolitan Police) Rules 2011**

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|-------------------------------|---------|---------------------------|
| <i>Made</i>                   | - - - - | <i>15th December 2011</i> |
| <i>Laid before Parliament</i> |         | <i>19th December 2011</i> |
| <i>Coming into force</i>      | - -     | <i>16th January 2012</i>  |

The Secretary of State, in exercise of the powers conferred by section 85 of the Police Act 1996<sup>(1)</sup>, makes the following Rules.

In accordance with section 63(3) of that Act<sup>(2)</sup>, the Secretary of State has supplied the Police Advisory Board for England and Wales with a draft of these Rules and has taken into consideration the representations of that Board.

In accordance with paragraph 24 of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007<sup>(3)</sup>, the Secretary of State has consulted the Administrative Justice and Tribunals Council.

**Citation, commencement and extent**

1.—(1) These Rules may be cited as the Police Appeals Tribunals (Amendment: Metropolitan Police) Rules 2011 and shall come into force on 16th January 2012.

(2) These Rules extend to England and Wales.

**Interpretation**

2. In these Rules—

“the 1999 Rules” means the Police Appeals Tribunals Rules 1999<sup>(4)</sup>;

“the 2008 Rules” means the Police Appeals Tribunals Rules 2008<sup>(5)</sup>.

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- (1) [1996 c.16](#). Section 85 is amended by paragraph 8 of Schedule 22 to the Criminal Justice and Immigration Act 2008 ([c.4](#)).
- (2) Section 63(3) was amended by paragraph 78(3) of Schedule 4 to the Serious Organised Crime and Police Act 2005 ([c.15](#)), paragraph 68(3) of Schedule 1 to the Police and Justice Act 2006 ([c.48](#)), paragraph 6 of Schedule 22 to the Criminal Justice and Immigration Act 2008 and section 10(3) of the Policing and Crime Act 2009 ([c. 26](#)).
- (3) [2007 c.15](#). Police Appeals Tribunals are a “listed tribunal” for the purposes of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007, under [S.I. 2007/2951](#).
- (4) [S.I. 1999/818](#) as amended by [S.I. 2003/2597](#). The 1999 Rules were revoked by the 2008 Rules except in relation to certain appeals – see regulation 2 of the 2008 Rules.
- (5) [S.I. 2008/2863](#).

### **Amendments to the 1999 Rules**

3.—(1) The 1999 Rules are amended as follows.

(2) In rule 3(1) (interpretation), after the definition of “original hearing” insert—

““police authority” means—

- (a) in relation to a police area listed in Schedule 1 to the Act, the police authority established under section 3 of the Act;
- (b) in relation to the metropolitan police district, the Mayor’s Office for Policing and Crime; and
- (c) in relation to the City of London police area, the Common Council;”.

(3) For rule 4 (the respondent) substitute—

“4.—(1) The respondent on an appeal by—

- (a) a senior officer of a police force maintained under section 2 of the 1996 Act or the City of London police force; or
- (b) the Commissioner of Police of the Metropolis or a person exercising powers or duties of the Commissioner in accordance with section 44 or 45(4) of the Police Reform and Social Responsibility Act 2011,

shall be a person designated for the purpose by the relevant police authority.

(2) The respondent on an appeal by any other member of a police force shall be the chief officer of that force.”.

### **Amendments to the 2008 Rules**

4.—(1) The 2008 Rules are amended as follows.

(2) In regulation 3(1) (interpretation), at the end of the definition of “relevant police authority” insert—

“and for the purposes of these Rules the Mayor’s Office for Policing and Crime shall be treated as the police authority maintaining the metropolitan police force;”.

(3) In rule 8 (the respondent), for paragraph (1) substitute—

“(1) Where the appellant is—

- (a) a senior officer of a police force maintained under section 2 of the 1996 Act or the City of London police force; or
- (b) the Commissioner of Police of the Metropolis or a person exercising powers or duties of the Commissioner in accordance with section 44 or 45(4) of the Police Reform and Social Responsibility Act 2011,

the respondent shall be a person designated by the relevant police authority.”.

### **Appeals already being dealt with under the 1999 Rules**

5. Where, as a result of the coming into force of rule 3(3), a chief officer of police replaces a person designated by a police authority as the respondent in relation to any appeal, the 1999 Rules shall have effect, as amended by these Rules, as if anything done or treated as done by or in relation to the person designated by the police authority in his capacity as respondent had been done by the chief officer of police.

### **Appeals already being dealt with under the 2008 Rules**

6. Where, as a result of the coming into force of rule 4(3), a chief officer of police replaces a person designated by a police authority as the respondent in relation to any appeal, the 2008 Rules shall have effect, as amended by these Rules, as if anything done or treated as done by or in relation to the person designated by the police authority in his capacity as respondent had been done by the chief officer of police.

Home Office  
15th December 2011

*Nick Herbert*  
Minister of State

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Police Appeals Tribunals Rules 1999 (“the 1999 Rules”) and the Police Appeals Tribunals Rules 2008 (“the 2008 Rules”) to reflect changes made by the Police Reform and Social Responsibility Act 2011(6) (“the 2011 Act”).

Section 3 of the 2011 Act replaces the Metropolitan Police Authority with a new body known as the Mayor’s Office for Policing and Crime.

Rule 3(2) has the effect that references to a police authority in the 1999 Rules apply to the Mayor’s Office for Policing and Crime. These references are to be found in the following provisions of the 1999 Rules: rule 4(1), rule 5(3), rule 6(1), (3), (4), (5) and (7), rule 7 and rule 13.

Rule 3(3) amends rule 4(1) of the 1999 Rules with the effect that the Mayor’s Office for Policing and Crime will designate a person to act as respondent only in cases where the appellant is the Commissioner of Police of the Metropolis or a senior officer exercising functions of the Commissioner. In a case where the appellant is any other officer of the Metropolitan Police, the respondent will be the Commissioner.

Rule 4 makes similar amendments to the 2008 Rules as those made to the 1999 Rules by rule 3. The provisions of the 2008 Rules affected by rule 4(2) of these Rules are rule 3(1), rule 6(2), rule 7(3), rule 8(1), rule 9(1), (2), (4), (6)(b), (7), (8) and (11), rule 10(1) and (3), rule 11(5), rule 15(4), rule 16(6) and rule 22(4), (5) and (6).

Rules 5 and 6 makes further provision in relation to the changes made by rules 3(3) and 4(3), ensuring that action taken by a person designated by a police authority as respondent remains valid when the person is replaced as respondent by the chief officer of police. The 2011 Act itself contains provision to ensure the validity of action taken by police authorities on their replacement by the new policing bodies, so there is no need for these Rules to make provision in that regard (see paragraph 21 of Schedule 15 to the 2011 Act).