
STATUTORY INSTRUMENTS

2015 No. 25

The Ministry of Defence Police (Conduct etc.) Regulations 2015

PART 2

General

Suspension

14.—(1) The relevant authority may suspend the officer concerned from membership of the MDP if the following conditions (“the suspension conditions”) are satisfied—

- (a) having considered temporary redeployment to alternative duties or to an alternative location as an alternative to suspension, the relevant authority has determined that such deployment is not appropriate in all the circumstances of the case; and
- (b) it appears to the relevant authority that either—
 - (i) the effective investigation of the case may be prejudiced unless the officer concerned is suspended; or
 - (ii) having regard to the nature of the allegation and any other relevant considerations, the public interest requires that the officer should be suspended.

(2) An officer who is suspended under this regulation remains an MDP officer for the purposes of these Regulations.

(3) The relevant authority may suspend the officer concerned at any time from the date on which these Regulations first apply to the officer concerned (regulation 9) until—

- (a) the relevant authority decides that the conduct of the officer concerned shall not be referred to misconduct proceedings or a special case hearing; or
- (b) such proceedings have concluded.

(4) A suspension takes effect from the date and time of notification to the officer concerned, which must be given either—

- (a) in writing with a summary of the reasons; or
- (b) orally, in which case the relevant authority must confirm the suspension in writing with a summary of the reasons before the end of 3 working days beginning with the first working day after the suspension.

(5) The officer concerned (or the officer’s police friend) may make representations against the suspension to the relevant authority—

- (a) before the end of 7 working days beginning with the first working day after the suspension takes effect;
- (b) at any time during the suspension if the officer reasonably believes that circumstances relevant to the suspension conditions have changed.

(6) The relevant authority must review the suspension conditions—

- (a) on receipt of any representations under paragraph (5);

- (b) on being notified that circumstances relevant to the suspension conditions may have changed (whether by means of representations made under paragraph (5) or otherwise);
 - (c) if there has been no previous review, before the end of 4 weeks beginning with the first working day after the suspension; and
 - (d) if there has been no review in the intervening period, before the end of 4 weeks beginning with the day after the previous review.
- (7) Following any review under paragraph (6), the relevant authority must—
- (a) decide whether the suspension conditions remain satisfied and whether the suspension should continue;
 - (b) before the end of 3 working days beginning with the day after the review, notify the officer concerned in writing of the decision made and a summary of the reasons.
- (8) An officer who is suspended remains so suspended until the earlier of the following—
- (a) the suspension conditions are no longer satisfied;
 - (b) the events mentioned in paragraph (3)(a) or (subject to paragraph (10)) (3)(b).
- (9) Where an officer who is suspended is dismissed with notice under regulation 39(3)(b)(iv) the officer remains suspended until the end of the notice period.
- (10) In a case which will be investigated under external procedures, the relevant authority must consult with the Commission or the Ombudsman (as the case may be)—
- (a) in deciding whether or not to suspend the officer concerned; and
 - (b) before a suspension under this regulation is brought to an end by virtue of paragraph (7)(a).