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STATUTORY INSTRUMENTS

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**2015 No. 25**

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

**PART 4**

**Misconduct Proceedings**

**Notice of referral to misconduct proceedings and panel membership**

**25.**—(1) Where a case is referred to misconduct proceedings, the relevant authority must as soon as practicable give the officer concerned—

- (a) written notice of—
  - (i) the referral;
  - (ii) the conduct that is the subject matter of the case and how that conduct is alleged to amount to misconduct or gross misconduct;
  - (iii) the name of the person appointed to (in the case of a misconduct meeting for an officer other than a senior officer) conduct or (in any other case) chair the misconduct proceedings and of the effect of paragraphs (3) to (6) of this regulation; and
  - (iv) the effect of regulation 10 (police friend and legal representation);
- (b) a copy of any written statement, or transcript or note of any oral statement, the officer may have made to the investigator during the course of the investigation; and
- (c) subject to the harm test, a copy of—
  - (i) the investigator's report or such parts of that report which relate to the officer (together with any document attached to or referred to in that report which relates to the officer); and
  - (ii) any other relevant document gathered during the course of the investigation.

(2) As soon as practicable after—

- (a) any person has been appointed under regulation 11(2) to advise the person or persons conducting the misconduct proceedings; and
- (b) where the matter has been referred to misconduct proceedings conducted by a panel, the persons comprising the panel (other than the chair) have been determined,

the relevant authority must give the officer concerned written notice of the names of such persons and of the effect of paragraphs (3) to (6) of this regulation.

(3) The officer concerned may object to any person described in paragraph (1)(a)(iii) or (2).

(4) Any such objection must be made in writing to the relevant authority before the end of 3 working days beginning with the first working day after the officer concerned is given notice of the person's name and must set out the grounds of objection of the officer concerned.

(5) The relevant authority must notify the officer concerned in writing as soon as reasonably practicable whether it upholds or rejects an objection made under paragraph (3).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(6) If the relevant authority upholds the objection, the person to whom the officer concerned objects must be replaced (in accordance with regulations 11(2), 29 or 30 as appropriate).

(7) As soon as reasonably practicable after any such new appointment, the relevant authority must notify in writing the officer concerned of the name of the person appointed.

(8) The officer concerned may object to a new appointment under paragraph (6).

(9) Any such objection must be made in accordance with paragraph (4), provided that it must be made before the end of 3 working days beginning with the first working day after receipt of the notification referred to in paragraph (7); and the relevant authority must comply with paragraphs (5) to (7) in relation to that objection, but paragraph (8) shall not apply.