
STATUTORY INSTRUMENTS

2015 No. 25

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

PART 4

Misconduct Proceedings

Timing and notice of misconduct proceedings

28.—(1) Subject to paragraphs (2) and (6), the misconduct proceedings must commence—

- (a) in the case of a misconduct meeting, before the end of 20 working days; or
- (b) in the case of a misconduct hearing, before the end of 30 working days,

beginning with the first working day after the documents have been given to the officer concerned under regulation 25(1).

(2) The person conducting or chairing the misconduct proceedings may extend the period specified in paragraph (1) where they consider that it would be in the interests of justice to do so.

(3) Where the person conducting or chairing the misconduct proceedings decides to extend the period under paragraph (2), or decides not to do so following representations from the officer concerned or the relevant authority, that person must provide in writing the reasons for that decision to the relevant authority and the officer concerned.

(4) The person conducting or chairing the misconduct proceedings must, if reasonably practicable, agree a date and time for the misconduct proceedings with the officer concerned.

(5) Where no date and time is agreed under paragraph (4), the person conducting or chairing the misconduct proceedings must specify a date and time for those proceedings.

(6) Where a date and time is specified under paragraph (5) and—

- (a) the officer concerned or the police friend will not be available at that date and time; and
- (b) the officer concerned proposes an alternative date and time which satisfies paragraph (7),

the misconduct proceedings must be postponed to the date and time proposed by the officer concerned.

(7) An alternative date and time must—

- (a) be reasonable; and
- (b) fall before the end of 5 working days beginning with the first working day after the day specified by the person conducting or chairing the misconduct proceedings.

(8) The person conducting or chairing the misconduct proceedings must give the officer concerned written notice of the date, time and place of the misconduct proceedings.

(9) Where the Commission or the Ombudsman is entitled to attend the misconduct proceedings to make representations (regulation 33) or to nominate a person to attend the proceedings as an observer (regulation 35), the person conducting or chairing the misconduct proceedings must give the Commission or the Ombudsman written notice of the date, time and place of the proceedings.