
STATUTORY INSTRUMENTS

2015 No. 25

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

PART 4

Misconduct Proceedings

Attendance of complainant or interested person at misconduct proceedings

34.—(1) This regulation applies in any misconduct proceedings arising from a case which has been investigated under external procedures.

(2) The relevant authority must notify the complainant or any interested person of the date, time and place of the misconduct proceedings.

(3) Subject to regulation 36 and any conditions imposed under regulation 35(9), a complainant or any interested person may attend the misconduct proceedings as an observer up to but not including the point at which the person or panel conducting those proceedings considers the question of disciplinary action.

(4) Subject to paragraph (5), regulation 36 and any conditions imposed under regulation 35(9), a complainant or interested person may be accompanied by one other person, and if the complainant or interested person has a special need, by one further person to accommodate that need.

(5) Where a complainant or interested person is to give evidence as a witness at the misconduct proceedings, that witness and any person allowed to accompany that witness may not attend the proceedings before giving evidence.

(6) Where the officer concerned objects to the complainant or interested person, or any person accompanying the complainant or interested person, being present while a submission is made in mitigation on the officer's behalf, the person conducting or chairing the misconduct proceedings may require the complainant or interested person, or any person accompanying them, to withdraw while the submission is made.

(7) The person conducting or chairing the misconduct proceedings may put any questions to the officer concerned that the complainant or interested person may request be put.

(8) For the purposes of this regulation, a person has a special need if, in the opinion of the person conducting or chairing the misconduct proceedings, they have a disability or learning difficulty, or do not have sufficient knowledge of English to fully participate in or understand the misconduct proceedings.