
STATUTORY INSTRUMENTS

2015 No. 25

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

PART 4

Misconduct Proceedings

Senior officers: meeting of MOD Police Committee to consider disciplinary action

38.—(1) Where the officer concerned is a senior officer, the persons conducting the misconduct proceedings must, as soon as reasonably practicable after the meeting or hearing, submit a report to the MOD Police Committee setting out—

- (a) the finding of the persons conducting the proceedings (regulation 37(12));
- (b) the reasons for that finding;
- (c) if that finding was that the conduct of the officer concerned amounted to misconduct or gross misconduct, a recommendation as to any disciplinary action which in their opinion should be imposed; and
- (d) any other matter arising out of the proceedings which they desire to bring to the notice of the relevant authority.

(2) Where a report is submitted under paragraph (1), the persons conducting the misconduct proceedings must send a copy to—

- (a) the officer concerned; and
- (b) if the Commission or the Ombudsman was entitled to attend to make representations (regulation 33(1) or (2)), to the Commission or the Ombudsman.

(3) On receiving a report under paragraph (1), the MOD Police Committee must meet for the purpose of considering what disciplinary action (if any) should be imposed.

(4) The provisions of these Regulations specified in paragraph (6) apply, with the modifications specified in paragraph (7), to a meeting held under paragraph (3) as if it were a misconduct hearing.

(5) The MOD Police Committee may appoint a person (who may be a relevant lawyer) to advise it at the meeting.

(6) The provisions are—

- (a) regulation 10 (police friend and legal representation);
- (b) regulation 12 (provision of notices or documents);
- (c) regulation 13 (outstanding or possible criminal proceedings);
- (d) regulation 26(5) and (6) (procedure on receipt of notice);
- (e) regulation 27 (witnesses);
- (f) regulation 28 (timing and notice of misconduct proceedings);
- (g) regulation 32 (attendance of officer concerned at misconduct proceedings);

- (h) regulation 33 (participation of Commission or Ombudsman and investigator at misconduct proceedings);
 - (i) regulation 34 (attendance of complainant or interested person at misconduct proceedings);
 - (j) regulation 35 (attendance of others at misconduct proceedings);
 - (k) regulation 36 (exclusion from misconduct proceedings);
 - (l) regulation 37(1) to (11) (procedure at misconduct proceedings); and
 - (m) regulation 41 (record of misconduct proceedings).
- (7) The modifications are that—
- (a) each reference to the person conducting or chairing the misconduct proceedings has effect as a reference to the Chair of the MOD Police Committee;
 - (b) in regulation 26(5), the reference to the date on which the officer concerned has complied with paragraph (3) has effect as a reference to the date on which the report is submitted under paragraph (1) of this regulation; and
 - (c) in regulation 28—
 - (i) the reference in paragraph (1) to the first working day after the documents have been supplied to the officer concerned has effect as a reference to the first working day after the report is submitted under paragraph (1) of this regulation;
 - (ii) the references in paragraph (3) to the relevant authority are omitted.