
STATUTORY INSTRUMENTS

2015 No. 25

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

PART 4

Misconduct Proceedings

Appeal meeting

43.—(1) This regulation applies where the officer concerned requests a meeting in the written notice of appeal (regulation 42(3)).

(2) The person determining the appeal must determine whether the notice of appeal sets out arguable grounds of appeal and—

- (a) if so, the person determining the appeal must hold an appeal meeting with the officer concerned, subject to paragraphs (3) and (5), before the end of 5 working days beginning with the first working day after that determination; and
- (b) if not, that person must dismiss the appeal.

(3) The person determining the appeal may extend the time period specified in paragraph (2)(a) where that person considers that it would be in the interests of justice to do so.

(4) The person determining the appeal must give written notice of the date, time and place for the appeal meeting to—

- (a) the officer concerned;
- (b) where the Commission or the Ombudsman was entitled to attend the misconduct meeting to make representations (regulation 33(1) or (2)), or to nominate a person to attend the meeting as an observer (regulation 35(2)), the Commission or the Ombudsman;
- (c) where the complainant or an interested person was entitled to attend the misconduct meeting (regulation 34), the complainant or interested person.

(5) Where—

- (a) the officer concerned or the police friend will not be available at that time; and
- (b) the officer concerned proposes an alternative time which satisfies paragraph (6),

the appeal meeting must be postponed to the time proposed by the officer concerned.

(6) An alternative 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 determining the appeal.

(7) Prior to the appeal meeting the relevant authority must give the person determining the appeal a copy of—

- (a) the documents given to the person who held the misconduct meeting as specified in regulation 31(1);
- (b) the notice of appeal given by the officer concerned under regulation 42(3);

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- (c) the record of the misconduct meeting taken under regulation 41(1); and
- (d) any evidence of a kind referred to in regulation 42(2)(b) that the officer concerned wishes to submit in support of the appeal.