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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**

**Procedure and finding of the appeal**

**44.**—(1) Subject to the provisions of this regulation, the person determining the appeal may determine the procedure at the appeal meeting.

(2) Any interested person or complainant entitled to be given notice of the appeal meeting under regulation 43(4) may attend the appeal meeting as an observer.

(3) Where the officer concerned objects to the complainant or interested person being present while a submission is made in mitigation on the officer's behalf, the person determining the appeal may require the complainant or interested person to withdraw while the submission is made.

(4) The person determining the appeal may impose such conditions as they see fit relating to the attendance of persons under paragraph (2) at the appeal meeting (including circumstances in which they may be excluded) in order to facilitate the proper conduct of the appeal meeting.

(5) The person determining the appeal may—

(a) confirm or reverse the decision appealed against;

(b) deal with the officer concerned in any manner in which the person conducting the misconduct meeting could have dealt with that officer under regulation 39.

(6) Before the end of 3 working days beginning with the first working day after the determination of the appeal, the officer concerned shall be given written notice of that determination with a summary of the reasons.

(7) The decision of the person determining the appeal shall take effect by way of substitution for the decision of the person conducting the misconduct meeting and as from the date of the written notice of the outcome of that meeting.

(8) In a case 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 relevant authority must give the Commission or the Ombudsman written notice of the determination of the appeal with a summary of the reasons.