
STATUTORY INSTRUMENTS

2015 No. 25

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

PART 5

Fast Track Procedure for Special Cases

Referral of case to special case hearing

45.—(1) On receipt of—

- (a) a statement made under regulation 22(3) (investigator's belief that special conditions satisfied), or
- (b) a statement from the Commission or Ombudsman to the effect that—
 - (i) a case is being, or has been, investigated under external procedures; and
 - (ii) in the view of the Commission or Ombudsman (as the case may be), the special conditions are satisfied,

the relevant authority must determine whether the special conditions are satisfied.

(2) In any case where special case proceedings have been delayed by virtue of regulation 13(3), the relevant authority must, as soon as practicable after it considers that such proceedings would no longer prejudice any criminal proceedings, make a further determination as to whether the special conditions are satisfied.

(3) In any case where disciplinary proceedings have been delayed by virtue of regulation 13(3), the relevant authority may, as soon as practicable after it considers that such proceedings would no longer prejudice any criminal proceedings, determine whether the special conditions are satisfied.

(4) Where the relevant authority determines that the special conditions are satisfied, unless it considers that the circumstances are such as to make it inappropriate to do so, it must certify the case as a special case and refer it to a special case hearing.

(5) This paragraph applies where the relevant authority determines—

- (a) that the special conditions are not satisfied; or
- (b) that, although those conditions are satisfied, the circumstances are such that it is inappropriate to certify the case as a special case.

(6) Where paragraph (5) applies, the relevant authority must—

- (a) if the determination was made on receipt of a statement made under regulation 22(3)(a), return the case to the investigator to complete the investigation;
- (b) if the determination was made on receipt of a statement made under paragraph (1)(b), and the investigation has not been completed, return the case to the Commission or the Ombudsman (as the case may be) for the investigation to be completed;
- (c) in any other case, proceed in accordance with Part 4.

(7) Where the relevant authority is to proceed in accordance with Part 4, regulation 23 shall be read as if for paragraph (1) there were substituted—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(1) Subject to paragraph (7), the relevant authority must, as soon as practicable, determine whether the officer concerned has a case to answer in respect of misconduct or gross misconduct or whether there is no case to answer.”.

(8) All referrals to a special case hearing under this regulation are subject to regulation 13(3) (outstanding or possible criminal proceedings).