

2015 No. 625

POLICE, ENGLAND AND WALES

The Police Appeals Tribunals (Amendment) Rules 2015

<i>Made</i> - - - -	<i>9th March 2015</i>
<i>Laid before Parliament</i>	<i>12th March 2015</i>
<i>Coming into force</i> - -	<i>1st May 2015</i>

The Secretary of State makes the following Rules in exercise of the powers conferred by section 85 of the Police Act 1996(a).

In accordance with section 63(3)(a) of the Police Act 1996(b), the Secretary of State supplied a draft of these Rules to the Police Advisory Board for England and Wales and has taken into consideration their representations before making these Rules.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Police Appeals Tribunals (Amendment) Rules 2015 and come into force on 1st May 2015.

(2) In these Rules “the 2012 Rules” means the Police Appeals Tribunals Rules 2012(c).

Amendment to the Police Appeals Tribunals Rules 2012

2. The 2012 Rules are amended in accordance with rules 3 to 9.

3. In rule 4(1), after sub-paragraph (b) insert—

“(c) any order made under regulation 35(12) or 55(11) of the Conduct Regulations.”.

4. In rule 14, after paragraph (3) insert—

“(4) The chair may require notice of the hearing to be given which contains information relating to one or more of—

- (a) the name of the officer concerned;
- (b) the date of the hearing;
- (c) the time of the hearing;
- (d) the place at which the hearing will take place; and

(a) 1996 c.16. Section 85 is amended by paragraph 8 of Schedule 22 to the Criminal Justice and Immigration Act 2008 (c. 4).
(b) Section 63(3) was substituted by paragraph 78 of Schedule 4 to the Serious Organised Crime and Police Act 2005 (c. 15) and further amended by paragraph 68 of Schedule 1 to the Police and Justice Act 2006 (c. 48), paragraph 6 of Schedule 22 to the Criminal Justice and Immigration Act 2008 and section 10 of the Policing and Crime Act 2009 (c. 26).
(c) S.I. 2012/2630.

- (e) the finding made under the Conduct Regulations or the disciplinary action, if any, imposed under the Conduct Regulations in consequence of a finding in relation to which the appeal has been brought.

(5) Where the chair requires notice to be given in accordance with paragraph (4), the relevant police force shall publish the notice on its website no less than 5 working days before the day on which the hearing begins.

(6) Any person to whom this paragraph applies may make written representations to the chair in relation to—

- (a) whether, and (if so) the extent to which, the chair should exclude any person from all or any part of the hearing under rule 21(1);
- (b) whether the chair should impose any conditions under rule 21(2);
- (c) in the light of the representations made under sub-paragraphs (a) and (b)—
 - (i) whether the chair should require notice to be given under paragraph (4);
 - (ii) which types of information mentioned in paragraph (4)(a) to (e) should be included in any such notice.

(7) Paragraph (6) applies to—

- (a) the appellant;
- (b) the respondent;
- (c) the complainant;
- (d) any interested person;
- (e) any witness;
- (f) the IPCC.

(8) Any written representations made in accordance with paragraph (6) must be provided no later than the date specified by the chair for provision of such representations.”

(9) Paragraphs (4) to (8) only apply to an appeal brought in accordance with rule 4.”.

5. For rule 18 substitute—

“Attendance at hearing

18.—(1) Subject to rule 21, the hearing of an appeal brought in accordance with rule 4 shall be held in public.

(2) Subject to paragraph (3) and rules 19 and 20, the hearing of an appeal brought in accordance with rule 5 shall be held in private.

(3) The tribunal may allow a person to attend all or part of the hearing of an appeal brought under rule 5 as an observer for the purposes of training.”.

6. In rule 19—

- (a) in paragraph (1) for “This rule” substitute “Subject to paragraph (7), this rule”;
- (b) after paragraph (6) insert—

“(7) Paragraphs (3) to (5) do not apply to an appeal brought in accordance with rule 4.”.

7. In rule 20—

- (a) in paragraph (1) for “This rule” substitute “Subject to paragraph (4), this rule”;
- (b) after paragraph (3) insert—

“(4) Paragraph (3) does not apply to an appeal brought in accordance with rule 4.”.

8. In rule 21 after paragraph (2) insert—

“(3) In relation to the hearing of an appeal brought in accordance with rule 4, where a person is to give evidence as a witness at the hearing, the witness (and any person

accompanying the witness) shall not be allowed to attend the proceedings before giving evidence.”.

9. In rule 22—

(a) after paragraph (3) insert—

“(3A) In any case where an order was made under regulation 35(12) or 55(11) of the Conduct Regulations, if on determination of an appeal the tribunal’s decision results in the final written warning or extension of the final written warning to which the order related being cancelled, the order shall be cancelled.”;

(b) after paragraph (8) insert—

“(9) The chair may require the relevant police force to publish, during the notification period and in the manner prescribed in paragraph (11), a written statement containing information relating to one or more of—

- (a) the name of the appellant;
- (b) the finding made under the Conduct Regulations or the disciplinary action, if any, imposed under the Conduct Regulations in consequence of a finding in relation to which the appeal has been brought;
- (c) the tribunal’s determination of the appeal; and
- (d) the reasons for the decision.

(10) In this rule, the notification period is the period of 5 working days beginning 5 working days after the day on which the hearing is concluded.

(11) Where the chair requires publication to take place in accordance with paragraph (9), the relevant police force shall publish the information on its website for a period of no less than 28 days.

(12) In making a decision under paragraph (9), the chair may have regard to any representations—

- (a) that were provided under rule 14(6);
- (b) made at the hearing.

(13) In any case where the disciplinary action imposed under the Conduct Regulations was dismissal (whether with or without notice), if on determination of the appeal the tribunal’s decision results in the appellant no longer being dismissed, the relevant local policing body shall notify the College of Policing of the decision of the tribunal.

(14) Paragraphs (9) to (13) only apply to an appeal brought in accordance with rule 4.”.

Transitional provision

10. These Rules do not apply to any appeal where notice of the appeal under the 2012 Rules was given to the relevant local policing body before 1st May 2015.

Home Office
9th March 2015

Mike Penning
Minister of State

EXPLANATORY NOTE

(This note is not part of these Rules)

These Rules amend the Police Appeals Tribunals Rules 2012 (“the 2012 Rules”) to make provision in relation to appeals brought under rule 4 of the 2012 Rules in respect of decisions made under the Police (Conduct) Regulations 2012 (“the 2012 Regulations”). The provisions govern the information which may be published in respect of appeal hearings and the holding of those hearings in public.

Rule 3 amends rule 4 of the 2012 Rules so as to enable a senior officer against whom an order is made under regulation 35(12) or 55(11) of the 2012 Regulations (an order in relation to the compensation payable to the officer in the event that the officer's fixed term of appointment is not extended or the officer is required to resign before the expiry of the fixed term) to appeal against the order.

Rule 4 amends rule 14 of the 2012 Rules to enable the chair (defined in rule 3 of the 2012 Rules) to arrange for the publication of certain information about an appeal hearing at least 5 working days before the hearing starts and to receive written representations in relation to attendance at the hearing and publication of information about the hearing. Rule 5 substitutes a new rule 18 to provide, subject to exceptions, that an appeal hearing under rule 4 of the 2012 Rules takes place in public. Rules 6 to 8 make consequential amendments to rules 19 to 21 of the 2012 Rules. Rule 9 amends rule 22 of the 2012 Rules to enable the chair to arrange for the publication of certain information about an appeal hearing between 5 and 10 working days after its conclusion and to consider representations in relation to that power. Rule 9 also ensures that the relevant local policing body notifies the College of Policing where a dismissed officer is reinstated on appeal and that an order made under regulation 35(12) or 55(11) of the 2012 Regulations is cancelled where the final written warning to which that order related is cancelled as a result of an appeal.

Rule 10 makes transitional provision in relation to the coming into force of provisions in these Rules.

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