
STATUTORY INSTRUMENTS

2017 No. 1134

**The Police (Conduct, Complaints and Misconduct
and Appeal Tribunal) (Amendment) Regulations 2017**

PART 2

Amendment of the Conduct Regulations

Amendment of the Conduct Regulations

3. The Conduct Regulations are amended in accordance with this Part.

Amendment of regulation 3 (interpretation and delegation)

4. In regulation 3(1)(1), in the appropriate places, insert the following definitions—
““barred list report” means a report under section 88A(1) of the 1996 Act(2);”;
““police barred list” means the list referred to in section 88B(2) of the 1996 Act(3);”.

Amendment of regulation 5 (application)

5. In regulation 5—
(a) after paragraph (1), insert—
““(2) Except as set out in paragraph (6), these Regulations also apply, with the modifications set out in Schedule 3(4), where—
(a) an allegation comes to the attention of a relevant body which indicates that the conduct of a person who at the time of the alleged conduct was a police officer (“P”) may amount to gross misconduct; and
(b) condition A, B or C is satisfied.
(3) Condition A is that P ceased to be a police officer after the allegation first came to the attention of a relevant body.
(4) Condition B is that—
(a) P ceased to be a police officer before the allegation first came to the attention of a relevant body; and
(b) the period between the date P ceased to be a police officer and the date the allegation first came to the attention of the relevant body did not exceed 12 months.
(5) Condition C is that—

(1) Regulation 3(1) has been amended but the amendments are not relevant to these Regulations.
(2) Section 88A was inserted by section 30(1) of, and Schedule 8 to, the Policing and Crime Act 2017.
(3) Section 88B was inserted by section 30(1) of, and Schedule 8 to, the Policing and Crime Act 2017.
(4) See sections 50(3A) to (3G) and 51(2B) to (2H) of the Police Act 1996 as inserted by section 29(1) to (3) of the Policing and Crime Act 2017.

- (a) P ceased to be a police officer before the allegation first came to the attention of a relevant body;
 - (b) the period between the date P ceased be a police officer and the date the allegation first came to the attention of the relevant body exceeded 12 months; and
 - (c) the Commission has made a Condition C special determination under Part 1A of these Regulations (as modified by paragraph (2) and Schedule 3) that taking disciplinary proceedings against P in respect of the alleged gross misconduct would be reasonable and proportionate.
- (6) Paragraph (2) does not apply—
- (a) in relation to a person who ceased to be a police officer before 15th December 2017;
 - (b) where the disciplinary proceedings would not be the first disciplinary proceedings to be taken against P in respect of the alleged gross misconduct unless they result from a re-investigation of the allegation (whether carried out under these Regulations or under the 2002 Act) that begins not later than 12 months after the date on which P ceased to be a police officer.”;
- (b) paragraph (2) becomes paragraph (7) and in that paragraph, after “police officer” insert “or person in relation to whom these Regulations apply by virtue of paragraph (2)”;
- (c) after paragraph (7), insert—
- “(8) In this regulation, “relevant body” means—
- (a) a chief officer of police;
 - (b) a local policing body; or
 - (c) the Commission.”.

Omission of regulation 10A (appropriate authority consent to notice of intention to resign or retire)

6. Omit regulation 10A(5).

Amendment of regulation 15 (written notices)

7. In regulation 15(1), after sub-paragraph (e) insert—
- “(ea) that if he is dismissed at misconduct proceedings, his full name and a description of the conduct which led to his dismissal will be added to the police barred list and may be subject to publication for a period of up to five years;”.

Amendment of regulation 29 (participation of Commission and investigator at misconduct proceedings)

8. In regulation 29(5), for “5(2)” substitute “5(7)”.

Amendment of regulation 35 (outcome of misconduct proceedings)

9. In regulation 35(6), at the end insert—

(5) Regulation 10A was inserted by regulation 2 of [S.I. 2014/3347](#) and amended by regulations 2 and 4 of [S.I. 2015/626](#).
 (6) Paragraphs (12) to (14) of regulation 35 were inserted by regulations 2 and 11 of [S.I. 2015/626](#).

“(15) Paragraph (16) applies where an officer is dismissed (with or without notice) at a misconduct hearing.

(16) The chair of the panel which conducted the misconduct hearing may provide any information to the appropriate authority that the chair considers ought to be included by virtue of regulation 3(2)(l) of the Police Barred List and Advisory List Regulations 2017⁽⁷⁾ in the barred list report relating to the officer concerned (information relating to whether exemptions to requirement to publish the barred list entry apply).”.

Amendment of regulation 55 (outcome of special case hearing)

10. In regulation 55⁽⁸⁾, at the end insert—

“(14) Paragraph (15) applies where an officer is dismissed without notice at a special case hearing.

(15) The person who conducted or chaired the special case hearing may provide any information to the appropriate authority that the person considers ought to be included by virtue of regulation 3(2)(l) of the Police Barred List and Advisory List Regulations 2017 in the barred list report relating to the officer concerned (information relating to whether exemptions to requirement to publish the barred list entry apply).”.

New Schedule

11. After Schedule 2 insert Schedule 3 which is set out in Schedule 1 to these Regulations.

⁽⁷⁾ [S.I. 2017/1135](#).

⁽⁸⁾ Paragraphs (11) to (13) of regulation 55 were inserted by regulations 2 and 18 of [S.I. 2015/626](#).