
STATUTORY INSTRUMENTS

2017 No. 84

The Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) (Amendment) Regulations 2017

PART 2

Amendment of the Ministry of Defence Police (Conduct etc.) Regulations 2015

Substitution of regulation 35

13. For regulation 35 (attendance of others at misconduct proceedings), substitute—

“Attendance of others at misconduct proceedings

35.—(1) Subject to regulations 33 and 34 and paragraphs (3) to (7), a misconduct meeting must be held in private.

(2) Subject to paragraphs (6) and (7) and regulation 36, a misconduct hearing must be held in public.

(3) A person nominated by the Commission or the Ombudsman may attend a misconduct meeting which arises from a case which has been investigated under external procedures as an observer.

(4) Unless expressly authorised by the person conducting or chairing a misconduct meeting, a witness, other than a witness who is also a complainant, an interested person or the officer concerned, may only attend the meeting for the purpose of giving evidence.

(5) The person conducting or chairing a misconduct meeting may permit a witness in the meeting to be accompanied by one other person at that meeting.

(6) The person conducting or chairing the misconduct proceedings may—

(a) exclude from the whole or a part of the proceedings any person who would otherwise be entitled to attend the proceedings by virtue of regulation 34 or this regulation; and

(b) in order to facilitate the proper conduct of those proceedings, impose conditions relating to the attendance at the proceedings of any person who is entitled to attend the proceedings by virtue of regulation 34 or this regulation.

(7) If a person is to give evidence as a witness in misconduct proceedings, the witness, and any person accompanying the witness, must not attend the proceedings before the witness is called to give evidence.”.