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## STATUTORY INSTRUMENTS

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### 2020 No. 4

## The Police (Conduct) Regulations 2020

### PART 2

#### General

#### Suspension

**11.**—(1) The appropriate authority may, subject to the provisions of this regulation, suspend the officer concerned from the office of constable and (in the case of a member of a police force) from membership of the force<sup>M1</sup>.

(2) An officer who is suspended under this regulation remains a police officer for the purposes of these Regulations.

(3) A suspension under this regulation must be with pay.

(4) The appropriate authority may not suspend a police officer under this regulation unless the following conditions (“the suspension conditions”) are satisfied—

(a) having considered temporary redeployment to alternative duties or an alternative location as an alternative to suspension, the appropriate authority has determined that such redeployment is not appropriate in all the circumstances of the case, and

(b) it appears to the appropriate authority that either—

(i) the effective investigation of the case may be prejudiced unless the officer concerned is so suspended, or

(ii) having regard to the nature of the allegation and any other relevant considerations, the public interest requires that the officer should be so suspended.

(5) The appropriate authority may exercise the power to suspend the officer concerned under this regulation at any time beginning with the day on which these Regulations first apply in respect of the officer in accordance with regulation 4 and ending with the date on which—

(a) it is decided that the conduct of the officer should not be referred to misconduct proceedings or an accelerated misconduct hearing, or

(b) such proceedings have concluded.

(6) The appropriate authority may suspend the officer concerned with effect from the date and time of notification which must be given either—

(a) in writing with a summary of the reasons, or

(b) orally, in which case the appropriate authority must confirm the suspension in writing with a summary of the reasons before the end of 3 working days beginning with the first working day after the suspension.

(7) The officer concerned (or the officer's police friend) may make representations against suspension to the appropriate authority—

(a) before the end of 7 working days beginning with the first working day after being suspended;

- (b) at any time during the suspension if the officer reasonably believes that circumstances relevant to the suspension conditions have changed.
- (8) The appropriate authority must review the suspension conditions—
  - (a) on receipt of any representations under paragraph (7);
  - (b) if there has been no previous review, before the end of 4 weeks beginning with the first working day after the suspension;
  - (c) in any other case—
    - (i) when it becomes aware that circumstances relevant to the suspension conditions may have changed (whether by means of representations made under paragraph (7)(b) or otherwise), or
    - (ii) before the end of 4 weeks beginning with the first working day after the previous review.
- (9) Where, following a review under paragraph (8), the suspension conditions remain satisfied and the appropriate authority decides the suspension should continue, it must, before the end of 3 working days beginning with the day after the review, so notify the officer concerned in writing with a summary of the reasons.
- (10) Where the officer concerned is suspended under this regulation, the officer must remain so suspended until whichever of the following occurs first—
  - (a) the appropriate authority decides, following a review, that the suspension conditions are no longer satisfied;
  - (b) either of the events mentioned in paragraph (5)(a) and (b).
- (11) In a case to which paragraph 18 or 19 of Schedule 3 to the 2002 Act (directed and independent investigations) applied, the appropriate authority must consult with the Director General—
  - (a) in deciding whether or not to suspend the officer concerned under this regulation, and
  - (b) in deciding, following a review, whether or not to end a suspension under this regulation.

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#### Commencement Information

**II** Reg. 11 in force at 1.2.2020, see [reg. 1](#)

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#### Marginal Citations

**M1** [Sections 38\(2\)](#) and 48(1) of the Police Reform and Social Responsibility Act 2011 provide respectively the Police and Crime Commissioner for a police area with a power to suspend the chief constable of the police force for that area and the Mayor's Office for Policing and Crime with a power to suspend the Commissioner of Police of the Metropolis. These powers are subject to regulations made under section 50 of the 1996 Act (sections 38(7) and 48(7) of the 2011 Act).

**Changes to legislation:**

There are currently no known outstanding effects for the The Police (Conduct) Regulations 2020, Section 11.