
STATUTORY INSTRUMENTS

2020 No. 4

The Police (Conduct) Regulations 2020

PART 4

Misconduct proceedings

Presenting of case by the Director General

24.—(1) The Director General may decide to present the case on behalf of the appropriate authority where—

- (a) paragraph (2) applies and the case is referred to a misconduct hearing or an accelerated misconduct hearing, or
- (b) paragraph (4) applies and the case is referred to an accelerated misconduct hearing.

(2) This paragraph applies to a case where—

- (a) it is a case in respect of which the duty referred to in regulation 23(9)(a) arises, and
- (b) one of the conditions set out in paragraph (3) is satisfied.

(3) The conditions are—

- (a) the appropriate authority, when its views were sought in respect of the case under paragraph 23(5A)(a)(i) of Schedule 3 to the 2002 Act (action by the Director General in relation to an investigation report under paragraph 22)(1), or subsequently, expressed a view on the matter referred to in that paragraph that differed from the determination of the Director General under paragraph 23(5A)(b)(i) of that Schedule;
- (b) the appropriate authority notified the Director General under paragraph 25(4D)(a) of Schedule 3 to the 2002 Act (reviews with respect to an investigation) that it did not accept a recommendation of the Director General under paragraph 25(4C)(c)(i) of Schedule 3 to the 2002 Act (reviews with respect to an investigation)(2);
- (c) the appropriate authority and the Director General agree that the Director General should present the case, or
- (d) the Director General is of the view that in the particular circumstances of the case there is a compelling public interest for the Director General to present the case.

(4) This paragraph applies to a case where the appropriate authority submitted a memorandum to the Director General under regulation 26(5) of the Complaints and Misconduct Regulations (determination by the appropriate authority not to certify a case for accelerated procedure) and the Director General directed the appropriate authority to certify the case under regulation 26(8)(b) of those Regulations.

(1) Paragraph 23(5A) was amended by paragraphs 15 and 56(1) to (3) and (16)(c)(ii) of Schedule 9 to the Policing and Crime Act 2017.

(2) Paragraph 25(4C) and (4D) was amended by paragraphs 15 and 56(1) and (2) of Schedule 9 to the Policing and Crime Act 2017.

(5) Where the Director General makes a decision under paragraph (1) to present a case, the Director General must as soon as practicable inform the appropriate authority of the decision.

(6) The appropriate authority must give the Director General any assistance the Director General reasonably requires for the purpose of presenting a case.