
STATUTORY INSTRUMENTS

2020 No. 4

The Police (Conduct) Regulations 2020

PART 4

Misconduct proceedings

Witnesses and documents to be supplied

32.—(1) The appropriate authority or, as the case may be, the originating authority must supply to the person conducting or chairing the misconduct proceedings any lists of proposed witnesses supplied or notice given under regulation 31(4).

(2) Any such lists or notice must be supplied before the end of 10 working days beginning with the first working day after the parties supplied the lists or notice under regulation 31(4).

(3) The person conducting or chairing the misconduct proceedings must—

- (a) consider any lists of proposed witnesses;
- (b) consider any documents supplied under paragraph (6), and
- (c) subject to paragraph (5), determine as soon as practicable, which, if any, witnesses should attend the misconduct proceedings.

(4) Paragraph (3) does not apply where regulation 33(8) applies (matters to be decided at misconduct pre-hearing).

(5) No witness may give evidence at misconduct proceedings unless the person conducting or chairing the proceedings reasonably believes that it is necessary for the witness to do so in the interests of justice, in which case the person conducting or chairing the proceedings must—

- (a) where the witness is a police officer, cause that person to be ordered to attend the misconduct proceedings, and
- (b) in any other case, cause the witness to be given notice that their attendance is necessary and of the date, time and place of the proceedings.

(6) Before the end of 10 working days beginning with the first working day after the date on which the officer concerned has complied with regulation 31(2), the appropriate authority or, as the case may be, the originating authority must supply to the person conducting or chairing the misconduct proceedings a copy of—

- (a) the documents given to the officer under regulation 30(1);
- (b) the documents provided by the officer under—
 - (i) regulation 31(2) and (3), and
 - (ii) where paragraph (7) applies, regulation 54, and
- (c) where the officer—
 - (i) does not accept that the conduct amounts to misconduct or gross misconduct, as the case may be, or
 - (ii) disputes any part of the case,

any other documents that, in the opinion of the appropriate authority or, as the case may be, the originating authority should be considered at the misconduct proceedings.

(7) This paragraph applies where the appropriate authority has directed, in accordance with regulation 50(1), that the case be dealt with under this Part.

(8) Prior to the misconduct proceedings, the appropriate authority or, as the case may be, the originating authority, must supply the officer concerned with—

- (a) a list of the documents supplied under paragraph (6), and
- (b) a copy of any such document, where it has not already been supplied.

(9) The appropriate authority or, as the case may be, the originating authority may apply to the person conducting or chairing the misconduct proceedings for an extension of—

- (a) the period of 10 working days referred to in paragraph (2);
- (b) the period of 10 working days referred to in paragraph (6).

(10) Any such application must set out the period of the required extension and the reasons for the application.

(11) On receipt of such an application the person conducting or chairing the misconduct proceedings must determine whether the period should be extended and if so by how long.

(12) Where a period is extended, paragraph (2) or, as the case may be, paragraph (6), has effect as if for the period specified in those provisions there were substituted the extended period.

(13) Where the Director General has made a decision under regulation 24(1) to present a case—

- (a) the duty specified in paragraph (1) to supply any lists of witnesses or notice lies with the Director General and not with the appropriate authority or the originating authority;
- (b) the duty specified in paragraph (6) to supply the specified documents to the person conducting or chairing the misconduct proceedings lies with the Director General and not with the appropriate authority or the originating authority;
- (c) paragraph (6)(c) must be read as if “or the Director General” were inserted after “the originating authority”, and
- (d) the power referred to in paragraph (9) to apply for an extension of the periods of time referred to in paragraphs (2) and (6) lies with the Director General and not with the appropriate authority or the originating authority.