
STATUTORY INSTRUMENTS

2020 No. 4

The Police (Conduct) Regulations 2020

PART 4

Misconduct proceedings

Participation of the Director General and investigator at misconduct proceedings

38.—(1) Subject to paragraph (6), in any case where—

- (a) paragraph 18 or 19 of Schedule 3 to the 2002 Act (directed and independent investigations) applied, or
- (b) paragraph 16 of Schedule 3 to the 2002 Act (investigations by the appropriate authority on its own behalf) applied and the Director General—
 - (i) made a recommendation under paragraph 25(4C)(c) of that Schedule (duties with respect to disciplinary proceedings) which the appropriate authority accepted, or
 - (ii) gave a direction under paragraph 27(4)(a) of that Schedule (duties with respect to disciplinary proceedings),

the Director General may attend the misconduct proceedings to make representations.

(2) Where the Director General so attends the misconduct proceedings—

- (a) if it is a misconduct hearing the Director General may be represented by a relevant lawyer;
- (b) the Director General must notify the complainant or any interested person prior to those proceedings, and
- (c) the person conducting or chairing the misconduct proceedings must notify the officer concerned prior to those proceedings.

(3) The investigator or a nominated person must attend the misconduct proceedings on the request of the person conducting or chairing those proceedings to answer questions.

(4) For the purposes of this regulation, a “nominated person” is a person who, in the opinion of—

- (a) the appropriate authority or, as the case may be, the originating authority, or
- (b) in a case to which paragraph 18 or 19 of Schedule 3 to the 2002 Act (directed and independent investigations) applied, the Director General,

has sufficient knowledge of the investigation of the case to be able to assist the person conducting or chairing the misconduct proceedings.

(5) Where more than one allegation is considered in the same misconduct proceedings in accordance with regulation 4(9), this regulation applies to the whole of the proceedings and accordingly the Director General may make representations in respect of any allegation.

(6) Paragraph (1) does not apply in a case where the Director General has made a decision under regulation 24(1) to present a case.

Status: Point in time view as at 01/02/2020.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2020, Section 38. (See end of Document for details)

Commencement Information

II Reg. 38 in force at 1.2.2020, see [reg. 1](#)

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Point in time view as at 01/02/2020.

Changes to legislation:

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