

## SCHEDULE 1

Modifications to these Regulations in their application to former officers

### **Modification to regulation 2 (interpretation and delegation)**

1. Regulation 2 is to be read as if—

(a) in paragraph (1)—

(i) the following definitions were inserted in the appropriate places—

““Condition C person” means a person in relation to whom regulation 4(2)(a) and (5)(a) and (b) is satisfied;”;

““Condition C special determination” has the meaning given in regulation 4A(2);”;

““disciplinary action for gross misconduct” means a finding that the officer concerned would have been dismissed if the officer had not ceased to be a member of a police force or a special constable;”;

““relevant time” means the time immediately before the officer concerned ceased to be a member of a police force or a special constable;”;

(ii) the definitions of “the Performance Regulations”, “appeal meeting”, “disciplinary action”, “human resources professional”, “line manager”, “misconduct meeting”, “practice requiring improvement” and “reflective practice review process” were omitted;

(iii) in the definition of “allegation”, for “, conduct matter or practice requiring improvement” there were substituted “or conduct matter”;

(iv) for the definition of “appropriate authority”, there were substituted—

““appropriate authority” means, subject to regulation 26(3), where the officer concerned was—

(a) the chief officer or acting chief officer of any police force at the relevant time, the local policing body for the force’s area;

(b) any other police officer at the relevant time, the chief officer of police of the police force concerned;”;

(v) in the definition of “gross misconduct”, for “as to justify dismissal” there were substituted “that the officer concerned would have been dismissed if the officer had not ceased to be a member of a police force or a special constable”;

(vi) in the definition of “gross misconduct”, for “as to justify dismissal” there were substituted “that the officer concerned would have been dismissed if the officer had not ceased to be a member of a police force or a special constable”;

(vii) in the definition of “misconduct”—

(aa) “, other than in regulation 23(2)(a) and the first reference to “misconduct” in regulation 23(2)(b),” were omitted;

(bb) for “so serious as to justify disciplinary action” there were substituted “not so serious that the officer concerned would have been dismissed if the officer had not ceased to be a member of a police force or a special constable”;

(viii) in the definition of “misconduct hearing”, after “disciplinary action”, there were inserted “for gross misconduct”;

(ix) for the definition of “misconduct proceedings”, there were substituted—

*Status: This is the original version (as it was originally made).*

- ““misconduct proceedings” means a misconduct hearing;”;
- (x) for the definition of “police force concerned”, there were substituted—
  - ““police force concerned” means—
  - (a) the police force of which the officer concerned was a member at the relevant time, or
  - (b) where the officer concerned was a special constable at the relevant time, the police force maintained for the police area for which the officer was appointed at that time;”;
- (i) for the definition of “police officer”, except in its application to regulations 4, 7 and 8, there were substituted—
  - ““police officer” and “officer” mean a person who has ceased to be a member of a police force or a special constable;”;
- (ii) in the definition of “proposed witness”, “conducting or” were omitted;
- (iii) for the definition of “staff association”, there were substituted—
  - ““staff association” means—
  - (a) in relation to an officer who was a member of a police force of the rank of chief inspector or below at the relevant time, the Police Federation of England and Wales;
  - (b) in relation to an officer who was a member of a police force of the rank of superintendent or chief superintendent at the relevant time, the Police Superintendents’ Association, and
  - (c) in relation to an officer who was a senior officer at the relevant time, the Chief Police Officers’ Staff Association;”;
- (b) for paragraph (4), there were substituted—
  - “(4) Where the appropriate authority delegates its functions under regulation 49, a decision under that regulation as to whether to certify a case as one where the special conditions are satisfied must be authorised by a senior officer.”.