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STATUTORY INSTRUMENTS

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**2024 No. 521**

**The Police (Conduct) (Amendment) Regulations 2024**

**Amendments relating to composition of misconduct panels**

3.—(1) In regulation 2 (interpretation and delegation)—

- (a) in paragraph (3), for “paragraph (4)”, substitute “paragraphs (4) and (4A)”;  
(b) after paragraph (4), insert—

“(4A) Where a chief officer of police is required to—

- (a) chair misconduct proceedings under regulation 28(4)(a); or  
(b) conduct an accelerated misconduct hearing under regulation 55,

the chief officer of police may delegate the responsibility for chairing or conducting the disciplinary proceedings in accordance with paragraphs (4B) and (4C).

(4B) Where the chief officer of police delegates under paragraph (4A) the responsibility for chairing or conducting disciplinary proceedings, the person to whom that responsibility is delegated must be—

- (a) a senior officer;  
(b) a former senior officer, who last served as a senior officer no more than five years before the date on which the responsibility for chairing or conducting the disciplinary proceedings is to be delegated to them; or  
(c) unless the case to which the disciplinary proceedings relate substantially involves operational policing matters, a police staff member who, in the opinion of the chief officer of police, is of at least a similar level of seniority to a senior officer.

(4C) But where the chief officer of police delegates, under paragraph (3), their functions under regulation 49, the person to whom the responsibility has been delegated under paragraph (4A) must not be the same senior officer who—

- (a) certified the case under regulation 49 as being one where the special conditions are satisfied; or  
(b) authorised the decision to certify under paragraph (4)(b).”.

(2) In regulation 8 (legal and other representation)—

- (a) in paragraph (6), for “the misconduct proceedings or accelerated misconduct hearing or”, substitute “a misconduct meeting or an”; and  
(b) in paragraph (7), omit “At a misconduct meeting or an appeal meeting.”.

(3) In regulation 28 (persons conducting misconduct proceedings)—

- (a) in paragraph (1), in sub-paragraph (b), for “appointed” substitute “constituted”;  
(b) in paragraph (2), for “and (5)”, substitute “to (5A)”,  
(c) for paragraph (4), substitute—

“(4) Subject to paragraphs (4A), (5) and (5A) (and see also regulation 2(4A) (delegation of responsibility for chairing or conducting misconduct proceedings)), the panel of persons must comprise—

- (a) a chair, who must be the chief officer of police of the police force concerned;
- (b) a person appointed by the local policing body, who—
  - (i) has qualifications or experience relevant for the purpose of disciplinary proceedings; and
  - (ii) is selected on a fair and transparent basis from the list of candidates with such qualifications or experience maintained by the local policing body for the purpose of this sub-paragraph; and
- (c) a person appointed by the local policing body, who need not have such qualifications or experience, selected on a fair and transparent basis from the list of candidates maintained by the local policing body for the purpose of this sub-paragraph.

(4A) A person may not be appointed under paragraph (4)(b) or (c) unless the person is a lay person, within the meaning set out in paragraph 10(aa) of Schedule 6 to the Police Act 1996<sup>(1)</sup>

(d) for paragraph (5), substitute—

“(5) Subject to paragraph (5A), where the officer concerned is a senior officer, for paragraph (4)(a) substitute—

“(a) a chair, appointed by the appropriate authority, who must be a senior officer of a police force other than the police force concerned, who is of a more senior rank than the officer concerned;”.

(5A) Where the officer concerned is a chief officer of police, Deputy Commissioner of Police of the Metropolis or Assistant Commissioner of Police of the Metropolis, for paragraph (4)(a) substitute—

“(a) a chair, appointed by the local policing body, who must be HMCIC or an inspector of constabulary nominated by HMCIC;”.

(5B) A person is to be appointed by the local policing body as an adviser to the chair and panel of persons conducting a misconduct hearing under paragraphs (4) to (5A), selected on a fair and transparent basis from a list of legally qualified persons maintained by a local policing body for the purpose of this paragraph.

(5C) The legally qualified person appointed under paragraph (5B) must provide advice to the panel of persons conducting or to the person chairing a misconduct hearing upon request by the chair in respect of any legal or procedural issues relating to the misconduct proceedings.

(5D) The panel of persons conducting or the person chairing a misconduct hearing must have regard to any advice given by the legally qualified person in accordance with paragraph (5C).

(5E) Paragraph (5F) applies where the officer concerned is not a senior officer and—

- (a) the appropriate authority, when its views were sought in respect of the case under paragraph 23(5A)(a)(i) or (iii) of Schedule 3 to the 2002 Act (action by the Director General in relation to an investigation report under paragraph 22 of that Schedule), expressed a view on the matter that differed from the determination of the Director General under paragraph 23(5A)(b) of that Schedule; or

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(1) Paragraph 10(aa) was added by section 31(5) of the Police and Crime Act 2017 (c. 3).

- (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) of that Schedule (reviews with respect to an investigation).
    - (5F) Where this paragraph applies, the Director General may, within 10 working days beginning with the day after the day on which the Director General makes the determination referred to in paragraph (5E)(a) or the recommendation referred to in paragraph (5E)(b), make written representations to the chief officer of police who is to chair the misconduct proceedings under paragraph (4)(a) as to whether the chief officer of police should delegate responsibility for chairing the misconduct proceedings to a person from a police force other than the police force concerned.
    - (5G) The chief officer of police to whom representations have been made under paragraph (5F) must—
      - (a) have regard to those representations; and
      - (b) within 10 working days beginning with the day on which the representations were received, determine whether or not to delegate responsibility for chairing the misconduct proceedings to a person from a police force other than the police force concerned.”.
- (4) In regulation 29(1) (role of chair of misconduct hearing)—
  - (a) for “appointed” substitute “constituted”; and
  - (b) after “regulation 28” insert “or the person to whom the responsibility for chairing the hearing has been delegated under regulation 2(4A)”.
- (5) In regulation 30 (notice of referral to misconduct proceedings)—
  - (a) in paragraph (1)(a)(iv)—
    - (i) for “appointed” substitute “who is”;
    - (ii) omit the words beginning with “and” to the end;
  - (b) after paragraph (1) insert—

“(1A) Where, under regulation 2(4A), the chief officer of police of the police force concerned delegates responsibility for chairing a misconduct hearing to another person, the chief officer of police must, as soon as practicable afterwards, give the officer concerned written notice of the name of the person to whom that responsibility has been delegated and the effect of paragraphs (3) to (6) of this regulation.”;
  - (c) in paragraph (2), for “misconduct proceedings”, substitute “misconduct meeting”;
  - (d) after paragraph (2) insert—

“(2A) As soon as practicable after a legally qualified person has been appointed under regulation 28(5B) in relation to the misconduct hearing, the appropriate authority must give the officer concerned written notice of the name of that person and the effect of paragraphs (3) to (6) of this regulation.”;
  - (e) in paragraph (3)—
    - (i) omit “or” at the end of sub-paragraph (a);
    - (ii) in sub-paragraph (b), for “misconduct proceedings”, substitute “misconduct meeting”;
    - (iii) at the end of sub-paragraph (b), insert “or”; and
    - (iv) after sub-paragraph (b) insert—

- “(c) be the legally qualified person appointed under regulation 28(5B) in respect of the misconduct hearing.”;
- (f) in paragraph (4)(a)—
- (i) at the end of paragraph (i), omit “or”; and
  - (ii) after paragraph (i), insert—
    - “(ia) where the objection is to the chief officer of police chairing a misconduct hearing under regulation 28(4)(a) or a person to whom the responsibility for chairing a misconduct hearing has been delegated under regulation 2(4A), the chief officer of police of the police force concerned; or”
- (g) in paragraph (5)—
- (i) after “authority”, insert “, the chief officer of police of the police force concerned”;
  - (ii) for the words from “appointed” to “chair” substitute “conducting or, as the case may be, chairing”;
  - (iii) after “misconduct proceedings” in the first place it occurs, insert “, the legally qualified person appointed under regulation 28(5B)”;
  - (iv) for “misconduct proceedings”, in the second place it appears, substitute “misconduct meeting”;
- (h) in paragraph (6)—
- (i) after “authority”, insert “, the chief officer of police of the police force concerned”;
  - (ii) for “regulation” insert “paragraph (6A) or (6C), or regulation 2(4A),”;
- (i) after paragraph (6) insert—
- “(6A) Where—
- (a) the chair of the misconduct hearing is the chief officer of police of the police force concerned; and
  - (b) an objection is upheld against them,
- the chief officer of police must delegate responsibility for chairing that misconduct hearing in accordance with regulation 2(4B).
- (6B) The delegation referred to in paragraph (6A) is to be treated as having been done under regulation 2(4A).
- (6C) Where—
- (a) the chair of the misconduct proceedings is appointed by the local policing body under regulation 28(5A); and
  - (b) an objection is upheld against the chair,
- the local policing body must require HMCIC to chair the misconduct proceedings or to nominate an inspector of constabulary to replace the chair under regulation 28(5A).”;
- (j) in paragraph (7)—
- (i) after “appointment”, insert “or after any such delegation,”;
  - (ii) for “appointed to” substitute “who is to”;
  - (iii) after “misconduct proceedings”, in the first place it occurs, insert “, the new legally qualified person appointed under regulation 28(5B)”;
  - (iv) for “misconduct proceedings”, in the second place it appears, substitute “misconduct meeting”; and

- (k) in paragraph (8), for the words beginning with “appointment” to the end, substitute “person who, in accordance with paragraph (6), replaces a person in respect of whom an objection has been upheld”.
- (6) In regulation 33 (misconduct pre-hearing)—
  - (a) at the end of paragraph (1)(b)(iv)(bb) insert “and”;
  - (b) after paragraph (1)(b)(iv), insert—
    - “(v) the legally qualified person appointed under regulation 28(5B).”;
  - (c) after paragraph (8), insert—
    - “(8A) At the misconduct pre-hearing, the chair—
      - (a) may require the legally qualified person appointed under regulation 28(5B) to provide advice on any legal or procedural matters relating to the misconduct proceedings;
      - (b) must have regard to advice provided by the legally qualified person under subparagraph (a) or regulation 28(5C).”.
- (7) In regulation 39 (reporting restrictions, participation and exclusions from proceedings), in paragraph (3)(c), for “chair appointed under regulation 28(4)” substitute “person chairing the misconduct hearing under regulation 28(4) to (5A) or to whom the responsibility for chairing the hearing has been delegated under regulation 2(4A)”.
- (8) In regulation 41 (procedure at misconduct proceedings), after paragraph (14) insert—
  - “(14A) The advice provided by the legally qualified person under regulation 28(5D) must be given to all parties to the misconduct hearing.
  - (14B) In paragraph (14A) “parties” means the panel of persons constituted in accordance with regulation 28, any person to whom responsibility for chairing the misconduct hearing has been delegated under regulation 2(4A), the appropriate authority or, as the case may be, the originating authority, the officer concerned, the representatives of the officer concerned and, where the Director General is presenting the case, the Director General.”.
- (9) In regulation 43 (notification of outcome)—
  - (a) in paragraph (1), at the beginning, insert “Subject to paragraph (1B),”;
  - (b) after paragraph (1) insert—
    - “(1A) The person chairing a misconduct hearing may require the legally qualified person appointed under regulation 28(5B) to provide advice in respect of legal and procedural issues relating to the report under paragraph (1).
    - (1B) The person chairing a misconduct hearing may delegate responsibility for preparing the report under paragraph (1) to the legally qualified person appointed under regulation 28(5B).
    - (1C) Where the person chairing the misconduct hearing delegates responsibility for preparing the report under paragraph (1B)—
      - (a) the legally qualified person must submit the report to the person chairing the misconduct hearing within five working days beginning with the first working day after completion of the misconduct hearing; and
      - (b) the person chairing the misconduct hearing—
        - (i) may amend the report prepared by the legally qualified person; and
        - (ii) must satisfy themselves that they are content with the report prepared by the legally qualified person (whether or not they have amended it under paragraph (i)).

(1D) Where the person chairing a misconduct hearing delegates responsibility for preparing the report under paragraph (1B), paragraph (1) is to be read as if for “five working days” there were substituted “10 working days”.

(10) In regulation 51 (notice of referral to accelerated misconduct hearing)—

(a) in paragraph (2)—

(i) at the end of sub-paragraph (a), omit “and”;

(ii) after sub-paragraph (b), insert—

“(c) notify the officer concerned of the name of the person conducting or chairing the accelerated misconduct hearing; and

(d) notify the officer concerned of the effect of paragraphs (2C) to (2F) of this regulation.”

(b) after paragraph (2) insert—

“(2A) Where, under regulation 2(4A), the chief officer of police of the police force concerned delegates responsibility for conducting an accelerated misconduct hearing to another person, the chief officer of police must, as soon as practicable afterwards, give the officer concerned written notice of the name of the person to whom that responsibility has been delegated and the effect of paragraphs (2C) to (2F) of this regulation.

(2B) As soon as practicable after a legally qualified person has been appointed under regulation 55(4A) in relation to the misconduct proceedings, the appropriate authority must give the officer concerned written notice of the name of that person the effect of paragraphs (2C) to (2F) of this regulation.

(2C) The officer concerned may object to any person whom the officer is notified under the preceding provisions of this regulation is to—

(a) conduct, or as the case may be, chair the accelerated misconduct hearing; or

(b) be the legally qualified person appointed under regulation 55(4A) in respect of the accelerated misconduct hearing.

(2D) Any such objection must be—

(a) made in writing to—

(i) the local policing body, where the person in relation to whom the objection is made was appointed by that body;

(ii) where the objection is to the chief officer of police conducting an accelerated misconduct hearing under regulation 55(1) or a person to whom the responsibility for conducting an accelerated hearing has been delegated under regulation 2(4A), the chief officer of police of the police force concerned; or

(iii) the appropriate authority in all other cases; and

(b) in the case of a joint accelerated misconduct hearing, copied to each other officer concerned,

before the end of three working days beginning with the first working day after the officer is given notice of the person’s name and must set out the grounds of objection of the officer.

(2E) The appropriate authority, the chief officer of police of the police force concerned or, as the case may be, the local policing body must notify the officer concerned in writing whether it upholds or rejects an objection to a person conducting or, as the case may be, chairing the accelerated misconduct hearing or the legally qualified person appointed under regulation 55(4A).

(2F) If the appropriate authority, the chief officer of police of the police force concerned or, as the case may be, the local policing body upholds the objection, the person to whom the officer concerned objects must be replaced (in accordance with paragraph (2G) or (2I), or regulation 2(4A) or 55, as appropriate).

(2G) Where—

- (a) the person conducting the accelerated misconduct hearing is the chief officer of police of the police force concerned; and
- (b) an objection is upheld against them,

the chief officer of police must delegate responsibility for conducting that accelerated misconduct hearing in accordance with regulation 2(4B) and (4C).

(2H) The delegation referred to in paragraph (2G) is to be treated as having been done under regulation 2(4A).

(2I) Where—

- (a) the person chairing the accelerated misconduct hearing is appointed by the local policing body under regulation 55(4)(a); and
- (b) an objection is upheld against the chair,

the local policing body must require HMCIC to chair the accelerated misconduct hearing or nominate an inspector of constabulary to replace the chair under regulation 28(5A).

(2J) As soon as reasonably practicable after any such appointment or after any such delegation, the appropriate authority must give a written notice to the officer concerned of the name of the new person who is to conduct or, as the case may be, chair the accelerated misconduct hearing or, as the case may be, the legally qualified person appointed under regulation 55(4A), and of the effects of paragraphs (2K) and (2L).

(2K) The officer concerned may object to the person who, in accordance with paragraph (2F), replaces a person in respect of whom an objection has been upheld.

(2L) In relation to an objection under paragraph (2K)—

- (a) paragraph (2D) applies, except insofar as it specifies the period of time for making an objection;
- (b) the objection must be made before the end of three working days beginning with the first working day after the officer concerned has been given the notice referred to in paragraph (7); and
- (c) paragraphs (2E) to (2J) apply, with the exception of the requirement in paragraph (2J) for the appropriate authority to give written notice of the effects of paragraphs (2K) and this paragraph.”.

(11) In regulation 52 (notice of accelerated misconduct hearing), after paragraph (1) insert—

“(1A) Where—

- (a) the officer concerned raises an objection under regulation 51(2C) or (2K); and
- (b) that objection is upheld,

the appropriate authority must specify a date to replace that specified under paragraph (1), which must be not less than 10 and not more than 15 working days after the date on which the person in respect of whom the objection was made is replaced.”.

(12) In regulation 55 (persons conducting accelerated misconduct hearing)—

- (a) for paragraph (1) substitute—

“(1) Where the officer concerned is an officer other than a senior officer, the accelerated misconduct hearing must be conducted by the chief officer of police of the police force concerned (but see regulation 2(4A)).”;

- (b) omit paragraph (2);
- (c) in paragraph (3), omit “appointed by the local policing body”;
- (d) in paragraph (4)—
  - (i) for sub-paragraph (a), substitute—
    - “(a) a chair, who must be—
      - (i) where the officer is a chief officer of police, a Commissioner of Police of the Metropolis, a Deputy Commissioner of Police of the Metropolis or an Assistant Commissioner of Police of the Metropolis, HMCIC or an inspector of constabulary nominated by HMCIC, appointed by the local policing body; or
      - (ii) in every other case, a more senior officer than the officer concerned from a force other than the force concerned, appointed by the appropriate authority;
    - (aa) a person selected in accordance with regulation 28(4)(b); and”;
  - (ii) omit sub-paragraph (b);
- (e) after paragraph (4) insert—

“(4A) A legally qualified person is to be appointed by the local policing body as an adviser to the chair and the panel of persons specified in paragraph (4), to be selected in accordance with regulation 28(5B).

(4B) The legally qualified person appointed under paragraph (4A) must provide advice to the panel of persons conducting or to the person chairing an accelerated misconduct hearing on request by the chair in respect of any legal or procedural matters relating to the accelerated misconduct hearing.

(4C) The panel of persons conducting or the person chairing an accelerated misconduct hearing must have regard to any advice given by the legally qualified person in accordance with paragraph (4B).

(4D) Paragraph (4E) applies where the officer concerned is not a senior officer and—

- (a) the appropriate authority, when its views were sought in respect of the case under paragraph 23(5A)(a)(i) or (iii) of Schedule 3 to the 2002 Act (action by the Director General in relation to an investigation report under paragraph 22 of that Schedule), expressed a view on the matter that differed from the determination of the Director General under paragraph 23(5A)(b) of that Schedule; or
- (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) of that Schedule (reviews with respect to an investigation).

(4E) Where this paragraph applies, the Director General may, within five working days beginning with the day after the day on which the Director General makes the determination referred to in paragraph (4D)(a) or the recommendation referred to in paragraph (4D)(b), make written representations to the chief officer of police who is to chair the accelerated misconduct hearing under paragraph (1) as to whether the chief officer of police should delegate responsibility for chairing the accelerated misconduct hearing to a person from a police force other than the police force concerned.



- (4F) The chief officer of police to whom representations have been made under paragraph (4E) must—
- (a) have regard to those representations; and
  - (b) within five working days beginning with the day on which the representations were received, determine whether or not to delegate responsibility for chairing the accelerated misconduct hearing to a person from a police force other than the police force concerned.”.
- (13) In regulation 61 (procedure at accelerated misconduct hearing), after paragraph (14) insert—
- “(14A) The advice provided by the legally qualified person under regulation 55(4B) must be given to all parties to the accelerated misconduct hearing.
- (14B) In paragraph (14A) “parties” means the panel of persons appointed in accordance with regulation 55(4), the appropriate authority or, as the case may be, the originating authority, the officer concerned, the representatives of the officer and, where the Director General is presenting the case, the Director General.”.
- (14) In regulation 63 (notification of outcome of accelerated misconduct hearing)—
- (a) at the beginning of paragraph (1) insert “Subject to paragraph (1B),”;
  - (b) after paragraph (1) insert—
- “(1A) The person chairing the accelerated misconduct hearing under regulation 55(4) may require the legally qualified person appointed under regulation 55(4A) to provide advice in respect of legal and procedural issues relating to the report under paragraph (1).
- (1B) The person chairing the accelerated misconduct hearing under regulation 55(4) may delegate responsibility for preparing the report under paragraph (1) to the legally qualified person appointed under regulation 55(4A).
- (1C) Where the person chairing the accelerated misconduct hearing under regulation 55(4) delegates responsibility for preparing the report under paragraph (1B)—
- (a) the legally qualified person must submit the report to the person chairing the accelerated misconduct hearing within five working days beginning with the first working day after completion of the accelerated misconduct hearing;
  - (b) the person chairing the accelerated misconduct hearing—
- (i) may amend the report prepared by the legally qualified person; and
  - (ii) must satisfy themselves that they are content with the report prepared by the legally qualified person (whether or not they have amended it under paragraph (i)).
- (1D) Where the person chairing an accelerated misconduct hearing delegates responsibility for preparing the report under paragraph (1B), paragraph (1) is to be read as if for “five working days” there were substituted “10 working days”.”.
- (15) In Schedule 1 (modifications to the Regulations in their application to former officers)—
- (a) in paragraph 20 (modification to regulation 28)—
- (i) omit sub-paragraph (b)(ii);
  - (ii) after sub-paragraph (c), insert—
- “(d) in paragraph (5), in the substitute sub-paragraph (a), after “officer concerned” there were inserted “was at the relevant time”;
  - (e) in paragraph (5A), for “the officer concerned is”, there were substituted “the officer concerned was at the relevant time”; and

- (f) in paragraph (5E), for “is not a senior officer”, there were substituted “was not a senior officer at the relevant time”.
- (b) in paragraph 21 (modification to regulation 30)—
  - (i) for paragraph (a)(i)(bb) substitute—
    - “(bb) for the words form “conduct” to the end, there were substituted “chair the misconduct proceedings”;
  - (ii) for sub-paragraph (b), substitute—
    - “(b) paragraph (2) were omitted”;
  - (iii) in sub-paragraph (c)—
    - (aa) after paragraph (i), insert—
      - “(ia) at the end of sub-paragraph (a), there were inserted “; or”;
    - (bb) for paragraph (ii), substitute—
      - “(ii) sub-paragraph (b) were omitted”;
  - (iv) for sub-paragraph (d), substitute—
    - “(d) in paragraph (5)—
      - (i) “conducting or, as the case may be” were omitted;
      - (ii) after “misconduct proceedings” there were inserted “or”;
      - (iii) the words from “or to any person” to the end were omitted”;
  - (v) in sub-paragraph (e), for “and (7)”, substitute “8(6) and (7)”;
  - (vi) 8(6) and (7)”;
  - (vii) in sub-paragraph (f)—
    - (aa) after sub-paragraph (i), insert—
      - “(ia) after “misconduct proceedings” there were inserted “or”;
    - (bb) for sub-paragraph (ii), substitute—
      - “(ii) the words from “or of the new adviser” to “misconduct meeting,” were omitted.”;
- (c) in paragraph 29 (modification to regulation 39), in sub-paragraph (b)(ii), for “28(4)” substitute “regulation 2(4A)”;
- (d) after paragraph 36, insert—

**“Modification to regulation 51 (notice of referral to accelerated misconduct hearing)”**

**36A.** Regulation 51 (notice of referral to an accelerated misconduct hearing) is to be read as if—

- (a) in paragraph (1)(c)—
  - (i) the “and” at the end of paragraph (i) were omitted;
  - (ii) after paragraph (i), there were inserted—
    - “(ia) in the case of a Condition C person, any written statement or document provided to the Director General under regulation 4B(3) and any response to a consultation carried out under regulation 4B(4); and”;
- (b) in paragraph (2)—

- (i) the “and” at the end of sub-paragraph (c) were omitted;
- (ii) after sub-paragraph (d) there were inserted—
  - “(e) set out the fact that the officer will be subject to disciplinary proceedings under these Regulations; and
  - (f) set out the fact that, if the allegation of gross misconduct is proved, the officer may be subject to a finding that the officer would have been dismissed if the officer had not ceased to be a member of a police force or a special constable.”;
- (e) in paragraph 37 (modification to regulation 55), after paragraph (b), insert—
  - “(c) in paragraph (4D), for “is not a senior officer”, there were substituted “was not a senior officer at the relevant time”.