



Police Act 1996

1996 CHAPTER 16

[^{F1}PART 4A

POLICE BARRED LIST AND POLICE ADVISORY LIST

[^{F1}Police advisory list

Textual Amendments

- F1** Pt. 4A inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 8**; S.I. 2017/1139, reg. 2(c) (as amended by S.I. 2017/1162, reg. 2)

88I Duty to report resignations and retirements [^{F2}etc] to College of Policing

- (1) The relevant authority must report a person to the College of Policing where—
- (a) the person ceases to be a person serving with the police by resigning or retiring after a relevant allegation about the person comes to the attention of the relevant authority but before disciplinary proceedings in respect of the allegation are brought or, if brought, before they are concluded;
 - (b) the person is a former member of a police force or a former special constable and a relevant allegation about the person comes to the attention of the relevant authority after the person having ceased to be a member of a police force or a special constable (as the case may be) by resigning or retiring.
 - ^{F3}(c) [the person's designation as a community support volunteer or a policing support volunteer under section 38 of the Police Reform Act 2002 is withdrawn and the reason, or one of the reasons, for the withdrawal of the designation relates to conduct, efficiency or effectiveness;
 - (d) the person, having been designated as a community support volunteer or a policing support volunteer under section 38 of the Police Reform Act 2002, decides to stop volunteering as a police volunteer (within the meaning of that

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- section) after a relevant allegation about the person comes to the attention of the relevant authority.]
- (2) But the duty in subsection (1)(a) does not apply if, before the person resigns or retires, it is determined that no disciplinary proceedings will be brought against the person in respect of the allegation.
- (3) A report under subsection (1)—
- (a) must be made within such period as is specified in regulations made by the Secretary of State;
 - (b) must include such information as is so specified.
- (4) In this section “relevant authority” means—
- (a) in relation to a person who was a member of a police force, other than a chief officer of police, immediately before resigning or retiring, the chief officer of police of that police force;
 - (b) in relation to a person who was a chief officer of police immediately before resigning or retiring, the local policing body for the police force of which the person was a member at that time;
 - (c) in relation to a person who was a special constable immediately before resigning or retiring, the chief officer of police of the police force for which the person was appointed as a special constable immediately before resigning or retiring;
 - (d) in relation to a person who was a civilian police employee immediately before resigning or retiring, the chief officer of police under whose direction and control the person was at that time.
- [^{F4}(e) in relation to a person falling within subsection (1)(c) or (d), the chief officer of police by whom the person was designated.]
- (5) For the purposes of this section a person is serving with the police if the person is—
- (a) a member of a police force,
 - (b) a special constable, or
 - (c) a civilian police employee (within the meaning of section 88A).
- (6) For the purposes of this section an allegation about a person is a relevant allegation if—
- (a) it relates to the conduct, efficiency or effectiveness of the person, and
 - (b) the allegation (if proved) is of a type that might have resulted in the person being dismissed as described in section 88A(1)(a) or (c) if the person had not resigned or retired [^{F5}or (as the case may be) the person's designation as a community support volunteer or a policing support volunteer being withdrawn if the person had not decided to stop volunteering].
- (7) Regulations under this section may make different provision for different cases and circumstances.
- (8) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F2** Word in s. 88I heading inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), ss. [42\(3\)\(a\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/1139](#), reg. [2\(h\)](#) (as amended by [S.I. 2017/1162](#), reg. [2](#))

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- F3** S. 88I(1)(c)(d) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 42(3)(b)**, [183\(1\)\(5\)\(e\)](#); [S.I. 2017/1139, reg. 2\(h\)](#) (as amended by [S.I. 2017/1162, reg. 2](#))
- F4** S. 88I(4)(e) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 42(3)(c)**, [183\(1\)\(5\)\(e\)](#); [S.I. 2017/1139, reg. 2\(h\)](#) (as amended by [S.I. 2017/1162, reg. 2](#))
- F5** Words in s. 88I(6)(b) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 42(3)(d)**, [183\(1\)\(5\)\(e\)](#); [S.I. 2017/1139, reg. 2\(h\)](#) (as amended by [S.I. 2017/1162, reg. 2](#))

88J Duty to maintain police advisory list

- (1) The College of Policing must maintain a list of persons who are reported to the College under section 88I.
- (2) The list maintained under subsection (1) is to be known as the police advisory list.
- (3) The police advisory list must include such information in relation to a person reported to the College of Policing under section 88I as is specified in regulations made by the Secretary of State.
- (4) Regulations under this section—
 - (a) may make different provision for different cases and circumstances;
 - (b) may confer a discretion on the College of Policing.
- (5) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

88K Effect of inclusion in police advisory list

- (1) Before employing or appointing any person, a person mentioned in subsection (3) must check with the College of Policing whether the proposed employee or proposed appointee (as the case may be) is included in the police advisory list.
- (2) For the purposes of subsection (1) a person who is to be seconded to work for a person mentioned in subsection (3), and who will not be employed by that person, is to be regarded as being appointed by that person.
- (3) The persons referred to in subsections (1) and (2) are—
 - (a) a chief officer of police;
 - (b) a local policing body;
 - (c) the chief inspector of constabulary;
 - (d) the [^{F6}Independent Office for Police Conduct];
 - (e) a person specified in regulations made by the Secretary of State for the purposes of section 88C(5)(e).
- (4) In this section—
 - (a) a person who is specified in regulations under section 88C(5)(e) is referred to as a specified person, and
 - (b) in relation to that person, the functions in relation to the exercise of which the person is specified are referred to as specified functions.
- (5) In relation to a specified person—

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- (a) the duty in subsection (1) applies only to the extent that the proposed employee or proposed appointee (as the case may be) will be involved in the exercise of specified functions;
 - (b) the additional duty in subsection (6) applies where the specified person is proposing to arrange for an existing employee or existing appointee to become involved in the exercise of specified functions (not having previously been so involved).
- (6) Before making the arrangement, the specified person must check with the College of Policing whether the existing employee or existing appointee (as the case may be) is included in the police advisory list.
- (7) For the purposes of subsections (5) and (6) a person who is seconded to work for a specified person is to be regarded as an existing appointee of that person (if not an existing employee of that person).
- [Before designating a person as a community support volunteer or a policing support ^{F7}(8) volunteer under section 38 of the Police Reform Act 2002, a chief officer of police must check with the College of Policing whether the person is included in the police advisory list.]

Textual Amendments

- F6** Words in s. 88K(3)(d) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 65\(3\)\(c\)](#); S.I. 2017/1249, reg. 2 (with reg. 3)
- F7** S. 88K(8) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), ss. 42(4), 183(1)(5)(e); S.I. 2017/1139, reg. 2(h) (as amended by S.I. 2017/1162, reg. 2)

88L Removal from police advisory list

- (1) Subsection (2) applies where a relevant authority reports a person to the College of Policing under section 88I(1)(a) or (b) and—
- (a) it is determined that no disciplinary proceedings will be brought against the person,
 - (b) the disciplinary proceedings brought against the person are withdrawn, or
 - (c) the disciplinary proceedings brought against the person are concluded without there being a finding that the person would have been dismissed if the person had still been a person serving with the police.
- (2) Where this subsection applies, the relevant authority must make a further report to the College of Policing in relation to the person.
- (3) A report under subsection (2)—
- (a) must be made within such period as is specified in regulations made by the Secretary of State;
 - (b) must include such information as is so specified.
- (4) On receipt of a report under subsection (2) in relation to a person the College of Policing must remove the person from the police advisory list.

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- (5) The College of Policing must remove a person from the police advisory list if the person becomes included in the police barred list by virtue of section 88A(1)(b) or (d).
- (6) The Secretary of State may by regulations make provision in connection with the removal from the police advisory list (otherwise than under subsection (4) or (5)) of a person who, immediately before resigning or retiring, was a member of a police force or a special constable.
- (7) The Secretary of State must by regulations make provision in connection with the removal from the police advisory list (otherwise than under subsection (4) or (5)) of
 - ^{F8}(a) [a person who, immediately before resigning or retiring, was a civilian police employee;]
 - ^{F9}(b) [a person who was designated as a community support volunteer or a policing support volunteer under section 38 of the Police Reform Act 2002.]
- (8) Regulations under subsection (6) or (7) may confer functions on the College of Policing including functions which involve the exercise of a discretion.
- (9) In this section—
 - “civilian police employee” has the same meaning as in section 88A;
 - “disciplinary proceedings” has the same meaning as in section 88A;
 - “person serving with the police” has the same meaning as in section 88I;
 - “relevant authority” has the same meaning as in section 88I.
- (10) Regulations under this section may make different provision for different cases and circumstances.
- (11) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F8** Words in s. 88L(7) renumbered as s. 88L(7)(a) (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 42\(5\)\(a\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/1139](#), [reg. 2\(h\)](#) (as amended by [S.I. 2017/1162](#), [reg. 2](#))
- F9** S. 88L(7)(b) inserted (31.1.2017 for specified purposes, 15.12.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 42\(5\)\(b\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/1139](#), [reg. 2\(h\)](#) (as amended by [S.I. 2017/1162](#), [reg. 2](#))

88M Power to disclose information in police advisory list

The College of Policing may, if it considers it to be in the public interest to do so, disclose to any person information included in the police advisory list which relates to a particular person who is included in the police advisory list.]

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