



# Police Reform Act 2002

## 2002 CHAPTER 30

### PART 5

#### THE MINISTRY OF DEFENCE POLICE

#### 79 Disciplinary matters

- (1) After section 3 of the Ministry of Defence Police Act 1987 (c. 4) there shall be inserted—

**“3A Regulations relating to disciplinary matters**

- (1) The Secretary of State shall by regulations made by statutory instrument establish, or make provision for the establishment of, procedures for cases in which a member of the Ministry of Defence Police may be dealt with by suspension, dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution.
- (2) The regulations may provide—
- (a) for decisions which would otherwise fall to be taken by the Secretary of State or the chief constable of the Ministry of Defence Police to be taken instead—
    - (i) by a person or persons appointed in accordance with the regulations; or
    - (ii) by the Ministry of Defence Police Committee;
  - and
  - (b) for decisions taken by or on behalf of the Secretary of State or the chief constable of the Ministry of Defence Police to be reviewed by a person or persons appointed by or in accordance with the regulations.
- (3) In relation to any matter as to which provision may be made by regulations under this section, the regulations may—

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- (a) authorise or require provision to be made by, or confer discretionary powers on, the Secretary of State, the Ministry of Defence Police Committee, the chief constable of the Ministry of Defence Police or other persons; or
  - (b) authorise or require the delegation by any person of functions conferred on that person by or under the regulations.
- (4) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) After section 4 of that Act there shall be inserted—

**“4A Appeals against dismissal etc.**

- (1) Subject to subsection (2) below, a member of the Ministry of Defence Police who is dismissed, required to resign or reduced in rank by a decision taken—
- (a) in proceedings under regulations made in accordance with section 3A above, or
  - (b) in proceedings for the purposes of any procedures established in accordance with an agreement or order under section 60 of the Police (Northern Ireland) Act 1998 (c. 32),
- may appeal to an appeals tribunal.
- (2) Subsection (1) above does not apply in the case of a person who has a right to apply to some other person for a review of the decision; and in that case that person may appeal to an appeals tribunal from any decision of that other person as a result of which he is dismissed, required to resign or reduced in rank.
- (3) The Secretary of State may by regulations made by statutory instrument—
- (a) make provision equivalent, subject to such modifications as the Secretary of State thinks fit, to that made in relation to police appeals tribunals by any provision of Schedule 6 to the Police Act 1996 (c. 16) or Schedule 3 to the Police (Scotland) Act 1967 (c. 77);
  - (b) make provision as to procedure on appeals to appeals tribunals under this section; and
  - (c) make provision enabling an appeals tribunal to require any person to attend a hearing and to give evidence or produce documents.
- (4) Regulations made by virtue of subsection (3)(c) above may, in particular, apply subsections (2) and (3) of section 250 of the Local Government Act 1972 (c. 70) or subsections (4) and (5) of section 210 of the Local Government (Scotland) Act 1973 (c. 65) with such modifications as may be set out in the regulations.
- (5) Where an appeals tribunal allows an appeal it may, if it considers that it is appropriate to do so, make an order dealing with the appellant in a way which—
- (a) appears to the tribunal to be less severe than the way in which he was dealt with by the decision appealed against; and
  - (b) is a way in which he could have been dealt with by the person who made the decision.

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- (6) Any statutory instrument containing regulations under subsection (3) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section “an appeals tribunal” means a tribunal constituted in accordance with regulations under subsection (3) above.”
- (3) In section 1 of that Act (establishment of Ministry of Defence Police), for subsection (5) there shall be substituted—
- “(5) The Secretary of State shall appoint a committee, to be known as the Ministry of Defence Police Committee—
- (a) to advise him with respect to such matters concerning the Ministry of Defence Police as he may from time to time require; and
  - (b) to exercise such other functions as may be conferred on it by or under this Act;
- and the Secretary of State may make regulations concerning the membership and the procedure of the Committee.”
- (4) After section 6 of that Act there shall be inserted—

**“6A Powers to make regulations**

Any power of the Secretary of State under this Act to make regulations shall include power to make different provision for different purposes.”

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 26F inserted by [2023 c. 41 Sch. 13 para. 6](#)
- s. 28A(6A)(6B) inserted by [2023 c. 41 s. 45\(2\)](#)