

SCHEDULES

SCHEDULE 22

POLICE MISCONDUCT AND PERFORMANCE PROCEDURES

PART 2

AMENDMENTS OF MINISTRY OF DEFENCE POLICE ACT 1987

Appeals against dismissal etc.

16 For section 4A substitute—

“4A Appeals against dismissal etc.

- (1) The Secretary of State shall by regulations—
 - (a) make provision specifying the cases in which a member of the Ministry of Defence Police may appeal to a police appeals tribunal;
 - (b) make provision equivalent, subject to such modifications as the Secretary of State thinks fit, to that made (or authorised to be 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).
- (2) A police appeals tribunal may, on the determination of an appeal under this section, make an order dealing with the appellant in any way in which he could have been dealt with by the person who made the decision appealed against.
- (3) The Secretary of State may make regulations as to the procedure on appeals to police appeals tribunals under this section.
- (4) Regulations under this section may, in particular, make provision—
 - (a) for enabling a police appeals tribunal, in such circumstances as are specified in the regulations, to determine a case without a hearing;
 - (b) for the appellant or the respondent to be entitled, in a case where there is a hearing, to be represented—
 - (i) by a relevant lawyer, or
 - (ii) by a person who falls within any description of persons prescribed by the regulations;
 - (c) for enabling a police appeals tribunal to require any person to attend a hearing to give evidence or to produce documents,and regulations made in pursuance of paragraph (c) may apply subsections (2) and (3) of section 250 of the Local Government Act 1972 with such modifications as may be set out in the regulations.

Status: This is the original version (as it was originally enacted).

- (5) Any statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Subsection (5) does not apply to a statutory instrument containing (whether alone or with other provision) the first regulations made under this section after the commencement of paragraph 16 of Schedule 22 to the Criminal Justice and Immigration Act 2008: such an instrument may not be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.
- (7) In this section—
“police appeals tribunal” means a tribunal constituted in accordance with regulations under this section;
“relevant lawyer” has the same meaning as in section 4.”