

## SCHEDULE 1

Regulations 8 and 23

### SPECIAL CASES

#### PART 1

#### CONDITIONS

- 1.—(1) The conditions referred to in regulations 8(1) and 23(1) are that—
- (a) the report, complaint or allegation indicates—
    - (i) that the conduct of the senior officer concerned is of a serious nature, and
    - (ii) that an imprisonable offence may have been committed by the senior officer concerned,
  - (b) the conduct is such that, were the case to be referred to a hearing under regulation 10 and the tribunal hearing the case were to find that the conduct failed to meet the appropriate standard, it would in the opinion of the Ministry of Defence Police Committee be reasonable to impose the sanction specified in regulation 21(1)(a) (dismissal from the force),
  - (c) the report, complaint or allegation is supported by written statements, documents or other material which is, in the opinion of the Ministry of Defence Police Committee, sufficient without further evidence to establish on the balance of probabilities that the conduct of the senior officer concerned did not meet the appropriate standard, and
  - (d) the Ministry of Defence Police Committee are of the opinion that it is in the public interest for the senior officer concerned to cease to be a member of the force without delay.
- (2) In this paragraph “imprisonable offence” means an offence which is punishable with imprisonment in the case of a person aged 21 or over.

#### PART 2

#### MODIFICATIONS

- 2.—(1) For regulation 10 (notice of proceedings) there is substituted—

**“Notice of proceedings**

**10.**—(1) This regulation applies where the Ministry of Defence Police Committee certify the case as a special case under regulation 8(4)(b) and do not proceed as mentioned in regulation 9(1) or deal with the matter according to their discretion under regulation 9(2).

- (2) The Ministry of Defence Police Committee must as soon as practicable—
- (a) refer the case to a hearing and fix a date for it, and
  - (b) instruct the Treasury Solicitor to give written notice to the senior officer concerned that the case has been certified as a special case and referred to a hearing, specifying in that notice—
    - (i) the time, date and place of the hearing,
    - (ii) the conduct which it is alleged failed to meet the appropriate standard, and

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(iii) the paragraph of the Code of Conduct in respect of which the appropriate standard is alleged not to have been met.

(3) The hearing referred to in paragraph (2)(a) must be fixed for a date not less than 21 and not more than 28 days from the date on which notice is given in pursuance of paragraph (2)(b).”.

3. For regulations 12 and 13 there are substituted—

**“Return of case to investigating officer**

12. At any time before the beginning of the hearing the Ministry of Defence Police Committee may direct that the case be returned to the investigating officer.

**Hearing by tribunal**

13.—(1) The Ministry of Defence Police Committee must ensure that—

- (a) the notice referred to in regulation 10(2)(b) is delivered to the senior officer concerned personally or left with some person at, or sent by recorded delivery to, the address at which he is residing, and
- (b) that notice is accompanied by copies of—
  - (i) the certificate under regulation 8(4)(b),
  - (ii) any statement he may have made in pursuance of a notice given under regulation 7 or 8(2)(a), and
  - (iii) any relevant statement, document or other material obtained during the course of the investigation.

(2) In this regulation, in a case where a statement was not made in writing, any reference to a copy of the statement is a reference to a copy of an account of it.”.

4. In regulation 14 (procedure at hearing) in paragraph (4), sub-paragraph (b) and the word “or” immediately preceding it are omitted.

5. The provisions of regulation 15 (statements in lieu of oral evidence) become paragraph (1) of that regulation and at the end of that paragraph there is added—

“(2) No witnesses may be called by either party to the case.”.

6. For regulation 16 (adjournment of hearing) there is substituted—

**“Adjournment of hearing**

16.—(1) The tribunal may adjourn if it appears to them to be necessary or expedient to do so for the due hearing of the case.

(2) But they may not adjourn more than once or for longer than a period of one week or, on application by the senior officer concerned, four weeks.”.

7. In regulation 18 (attendance of complainant at hearing)—

- (a) in paragraph (2) for the words “paragraphs (3), (4), (5), (7) and (8)” there are substituted the words “paragraphs (7) and (8)” and the words “while witnesses are being examined or cross-examined” are omitted, and
- (b) paragraphs (3) to (6) and, in paragraph (7), the words “Except as provided in paragraph (6),” are omitted.

**8.** In regulation 20 (decision of Ministry of Defence Police Committee), in paragraph (1) after sub-paragraph (a) there is inserted—

“(aa) to direct that it be returned to the investigating officer.”.

**9.** In regulation 21 (sanctions)—

(a) in paragraph (2)(b), for the words “receive evidence from any witness whose evidence would” there are substituted the words “admit such documentary evidence as would”, and

(b) in paragraph (2)(c), after the word “adduce” there is inserted the word “documentary”.