
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules set out the circumstances in which a member of a police force or a special constable may appeal to a police appeals tribunal. They also set out the procedures governing such an appeal. Rule 2 deals with revocations and transitional provisions. Rule 3 deals with interpretation and provides that any expression which is also used in the Police (Conduct) Regulations 2008 or the Police (Performance) Regulations 2008 shall have the same meaning as in those Regulations, unless it is given a different meaning in rule 3(1).

A police officer may appeal to a police appeals tribunal following proceedings under the Police (Conduct) Regulations 2008 or the Police (Performance) Regulations 2008 in the circumstances set out in rules 4 and 5. Those rules set out the matters that may be appealed and the grounds of appeal.

Rules 6 and 7 make provision for the giving of a notice of appeal. Rule 9 sets out the procedure on receipt of this notice, including the provision of documents. Under rule 10, time periods under rule 9 may be extended on application.

Under rule 11, the chair must review each appeal that is brought and consider whether it should be dismissed in accordance with rule 11(2). If he is of the view that it should be dismissed, he must give the parties an opportunity to make written representations, before making his final decision.

Under rule 12, an appeal may be determined with or without a hearing. However, it can only be determined without a hearing if the appellant has consented to this.

Rules 13 to 21 apply where an appeal is to be dealt with at a hearing and set out a power for the chair to request the disclosure of documents, the procedure and entitlement to legal representation, provide for evidence and for the hearing to be in private, subject to rules 18 to 21.

Rule 22 deals with the determination of the appeal by the tribunal and the provision of a written statement of the determination.

These Rules were laid before Parliament in draft as they are the first Rules made under section 85 of the Police Act 1996 after the commencement of paragraph 8 of Schedule 22 to the Criminal Justice and Immigration Act 2008 (see section 85(5A) of the Police Act 1996).