
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the circumstances in which a police officer in the Ministry of Defence Police may appeal to a police appeals tribunal. They also set out the procedures governing such an appeal.

Regulation 2 deals with revocations and transitional provisions. Regulation 3 deals with interpretation and provides that any expression which is also used in the Ministry of Defence Police (Conduct) Regulations 2009 shall have the same meaning as in those Regulations.

A police officer may appeal to a police appeals tribunal following proceedings under the Ministry of Defence Police (Conduct) Regulations 2009 in the circumstances set out in regulation 4. That regulation sets out the matters that may be appealed and the grounds of appeal.

Regulation 5 makes provision for the appointment and composition of police appeals tribunals.

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

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

Under regulation 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.

Regulations 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, and provide for evidence and for the hearing to be in private, subject to regulations 17 to 20.

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

Regulation 23 deals with the order which the tribunal may make and the effect of such an order.

These Regulations were laid before Parliament in draft as they are the first Regulations made under section 4A of the Ministry of Defence Police Act 1987 after the commencement of paragraph 16 of Schedule 22 to the Criminal Justice and Immigration Act 2008 (see section 4A(6) of the Ministry of Defence Police Act 1987).