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STATUTORY INSTRUMENTS

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**2012 No. 2631**

**The Police (Performance) Regulations 2012**

**PART 5**

**Third stage**

**Attendance of complainant or interested person at a third stage meeting**

**39.**—(1) This regulation shall apply in a case falling within regulation 30 where the third stage meeting arises from—

- (a) a conduct matter to which paragraph 16, 17, 18 or 19 of Schedule 3 to the 2002 Act applied; or
- (b) the investigation of a complaint which was certified as subject to special requirements under paragraph 19B(1) of that Schedule.

(2) The appropriate authority shall notify the complainant or any interested person of the date, time and place of the third stage meeting.

(3) Subject to the provisions of this regulation and any conditions imposed under regulation 40(13)—

- (a) the complainant may attend as an observer any part of the third stage meeting relating to the subject matter of his complaint; and
- (b) an interested person may attend as an observer any part of the third stage meeting relating to the subject matter of the complaint or conduct matter in respect of which he is an interested person.

(4) Subject to paragraph (5) and any conditions imposed under regulation 40(13), a complainant or interested person may be accompanied by one other person, and if the complainant or interested person has a special need, by one further person to accommodate that need.

(5) Where a complainant or interested person, or any person accompanying him, is to give evidence as a witness at the third stage meeting, he and any person allowed to accompany him shall not be allowed to attend the meeting before he gives his evidence.

(6) Where the officer concerned objects to the complainant or interested person, or any person accompanying him, being present while a submission is made in mitigation on the officer's behalf, the panel chair may require the complainant or interested person, or any person accompanying him, to withdraw while the submission is made.

(7) The panel chair may, at his discretion, put any questions to the officer concerned that the complainant or interested person may request be put to him.

(8) For the purposes of this regulation a person has a special need if, in the opinion of the panel chair, he has a disability or learning difficulty, or does not have sufficient knowledge of English, to fully participate in or understand the third stage meeting.