



Police Act 1996

1996 CHAPTER 16

PART IV

COMPLAINTS, DISCIPLINARY PROCEEDINGS ETC.

CHAPTER II

DISCIPLINARY AND OTHER PROCEEDINGS

84 Representation at disciplinary and other proceedings.

- (1) A member of a police force of the rank of superintendent or below may not be dismissed, required to resign or reduced in rank by a decision taken in proceedings under regulations made in accordance with section 50(3)(a) unless he has been given an opportunity to elect to be legally represented at any hearing held in the course of those proceedings.
- (2) Where a member of a police force makes an election to which subsection (1) refers, he may be represented at the hearing, at his option, either by counsel or by a solicitor.
- (3) Except in a case where a member of a police force of the rank of superintendent or below has been given an opportunity to elect to be legally represented and has so elected, he may be represented at the hearing only by another member of a police force.
- (4) Regulations under section 50 shall specify—
 - (a) a procedure for notifying a member of a police force of the effect of subsections (1) to (3) above,
 - (b) when he is to be notified of the effect of those subsections, and
 - (c) when he is to give notice whether he wishes to be legally represented at the hearing.
- (5) If a member of a police force—
 - (a) fails without reasonable cause to give notice in accordance with the regulations that he wishes to be legally represented, or

Status: Point in time view as at 01/04/1999.

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- (b) gives notice in accordance with the regulations that he does not wish to be legally represented,
 he may be dismissed, required to resign or reduced in rank without his being legally represented.
- (6) If a member of a police force has given notice in accordance with the regulations that he wishes to be legally represented, the case against him may be presented by counsel or a solicitor whether or not he is actually so represented.

85 Appeals against dismissal etc.

- (1) A member of a police force who is dismissed, required to resign or reduced in rank by a decision taken in proceedings under regulations made in accordance with section 50(3) may appeal to a police appeals tribunal against the decision except where he has a right of appeal to some other person; and in that case he may appeal to a police appeals tribunal from any decision of that other person as a result of which he is dismissed, required to resign or reduced in rank.
- (2) Where a police appeals tribunal allows an appeal it may, if it considers that it is appropriate to do so, make an order dealing with the appellant in a way—
- (a) which appears to the tribunal to be less severe than the way in which he was dealt with by the decision appealed against, and
 - (b) in which he could have been dealt with by the person who made that decision.
- (3) The Secretary of State may make rules as to the procedure on appeals to police appeals tribunals under this section.
- (4) Rules made under this section may make provision for enabling a police appeals tribunal to require any person to attend a hearing to give evidence or to produce documents, and may, in particular, apply subsections (2) and (3) of section 250 of the ^{M1}Local Government Act 1972 with such modifications as may be set out in the rules.
- (5) A statutory instrument containing rules made under this section shall be laid before Parliament after being made.
- (6) Schedule 6 shall have effect in relation to appeals under this section.

Modifications etc. (not altering text)

- C1** S. 85 excluded (31.3.1999) by S.I. 1999/533, art. 3(2)
 S. 85 applied (1.4.1999) by S.I. 1999/731, reg. 15(6)
- C2** S. 85(2)-(5) applied (31.10.1997) by 1997 c. 50, s. 82(2); S.I. 1997/2390, art. 2(2)(r)

Marginal Citations

- M1** 1972 c. 70.

86 Admissibility of statements in subsequent proceedings.

- (1) Subject to subsection (2), no statement made by a person for the purpose of the informal resolution of a complaint shall be admissible in any subsequent criminal, civil or disciplinary proceedings.

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- (2) A statement is not rendered inadmissible by subsection (1) if it consists of or includes an admission relating to a matter which does not fall to be resolved informally.
- (3) In this section “complaint” and “disciplinary proceedings” have the meanings given in section 65.

87 Guidance concerning disciplinary proceedings etc.

- (1) The Secretary of State may issue guidance to police authorities, chief officers of police and other members of police forces concerning the discharge of their functions under regulations made under section 50 in relation to the matters mentioned in subsection (2)(e) of that section, and they shall have regard to any such guidance in the discharge of their functions.
- (2) Subsections (2) to (5) of section 83 shall apply in relation to guidance issued under subsection (1) above as they apply in relation to guidance issued under subsection (1) of that section.

88 Liability for wrongful acts of constables.

- (1) The chief officer of police for a police area shall be liable in respect of torts committed by constables under his direction and control in the performance or purported performance of their functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and accordingly shall in respect of any such tort be treated for all purposes as a joint tortfeasor.
- (2) There shall be paid out of the police fund—
 - (a) any damages or costs awarded against the chief officer of police in any proceedings brought against him by virtue of this section and any costs incurred by him in any such proceedings so far as not recovered by him in the proceedings; and
 - (b) any sum required in connection with the settlement of any claim made against the chief officer of police by virtue of this section, if the settlement is approved by the police authority.
- (3) Any proceedings in respect of a claim made by virtue of this section shall be brought against the chief officer of police for the time being or, in the case of a vacancy in that office, against the person for the time being performing the functions of the chief officer of police; and references in subsections (1) and (2) to the chief officer of police shall be construed accordingly.
- (4) A police authority may, in such cases and to such extent as appear to it to be appropriate, pay out of the police fund—
 - (a) any damages or costs awarded against a person to whom this subsection applies in proceedings for a tort committed by that person,
 - (b) any costs incurred and not recovered by such a person in such proceedings, and
 - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (5) Subsection (4) applies to a person who is—
 - (a) a member of the police force maintained by the police authority,

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- (b) a constable for the time being required to serve with that force by virtue of section 24 or 98 [^{F1}of this Act or section 23 of the Police Act 1997], or
- (c) a special constable appointed for the authority's police area.

Textual Amendments

F1 Words in s. 88(5)(b) inserted (1.4.1998) by 1997 c. 50, s. 134(1), **Sch. 9 para. 85**; S.I. 1998/354, **art. 2(2)(ay)**

Modifications etc. (not altering text)

C3 S. 88 applied (with modifications) (1.1.2000) by S.I. 1999/3272, **art. 3**

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