
STATUTORY INSTRUMENTS

1999 No. 730

POLICE

The Police (Conduct) Regulations 1999

Made - - - - *10th March 1999*
Laid before Parliament *11th March 1999*
Coming into force - - *1st April 1999*

The Secretary of State, in exercise of the powers conferred on him by sections 50 and 84 of the Police Act 1996⁽¹⁾, and after complying with the requirements of section 63(3) of that Act, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Police (Conduct) Regulations 1999 and shall come into force on 1st April 1999.

Revocations and transitional provisions

2.—(1) Subject to the following provisions of this regulation, the Police (Discipline) Regulations 1985⁽²⁾ (“the 1985 Regulations”), the Police (Discipline) (Amendment) Regulations 1991⁽³⁾, the Police (Discipline) (Amendment) Regulations 1995⁽⁴⁾ and the Police (Discipline) (Amendment No. 2) Regulations 1995⁽⁵⁾ are hereby revoked.

(2) Subject to paragraph (3), where a report, complaint or allegation has been or is received in respect of conduct by a member of a police force which occurred or commenced before 1st April 1999—

- (a) nothing in these Regulations shall apply, and
- (b) the 1985 Regulations shall, as far as applicable, continue to have effect.

(3) In the case of a report, complaint or allegation which—

- (a) relates to conduct by a member of a police force which occurred or commenced before 1st April 1999, but
- (b) is received on or after 1st April 2000,

(1) 1996 c. 16.
(2) S.I. 1985/518.
(3) S.I. 1991/1673.
(4) S.I. 1995/1475.
(5) S.I. 1995/2517.

the conduct shall be treated, for the purposes of this regulation, as having occurred or, as the case may be, commenced on 1st April 1999.

Regulations not to apply in the case of senior officers

3. These Regulations shall not apply in relation to the conduct of a chief constable or other officer holding a rank above that of superintendent.

Interpretation

4.—(1) In these Regulations, unless the context otherwise requires—

“the appropriate officer” means—

- (a) where the member concerned is a member of the metropolitan police force or the City of London police force, an assistant commissioner in that police force;
- (b) in any other case, an assistant chief constable;

“appropriate standard” means the standard set out in the Code of Conduct;

“the Assistant Commissioner”, in relation to the metropolitan police force, means the assistant commissioner for the time being authorised under section 8 of the Metropolitan Police Act 1856(6);

“Authority” means the Police Complaints Authority;

“Code of Conduct” means the code of conduct contained in Schedule 1;

“complaint” has the meaning assigned to it by section 65 of the 1996 Act;

“an interested party” means a witness or any person involved in the conduct which is the subject of the case or who otherwise has a direct interest in the case;

“member concerned” means the officer in relation to whose conduct there has been a report, complaint or allegation;

“police force concerned” means, in relation to a person whose conduct is the subject of a report, complaint or allegation, the police force of which he is a member; and any reference to the chief officer concerned is a reference to the chief officer of that force;

“supervising officer” means the officer appointed under regulation 7 to supervise the investigation of the case; and

“the 1996 Act” means the Police Act 1996.

(2) In these Regulations, unless the context otherwise requires, any reference to a regulation or Schedule shall be construed as a reference to a regulation or Schedule contained in these Regulations.

Suspension

5.—(1) Where there has been a report, complaint or allegation which indicates that the conduct of a member of a police force does not meet the appropriate standard the chief officer of the force concerned may suspend the member concerned from membership of the force and from his office of constable whether or not the matter has been investigated.

(2) The chief officer concerned may exercise the power to suspend the member concerned under this regulation at any time from the time of the receipt of the report, complaint or allegation until—

- (a) the supervising officer decides not to refer the case to a hearing,
- (b) the notification of a finding that the conduct of the member concerned did not fail to meet the appropriate standard,

(c) the time limit under regulation 34 for giving notice of intention to seek a review has expired, or

(d) any review under regulation 35 has been completed.

(3) Where the member concerned is suspended under this regulation, he shall be suspended until there occurs any of the events mentioned in paragraph (2)(i) to (iv), or until the chief officer decides he shall cease to be suspended, whichever first occurs.

(4) Where the member concerned who is suspended is required to resign under regulation 31, he shall remain suspended during the period of his notice.

(5) The chief officer concerned may delegate his powers under this regulation to an officer of at least the rank of assistant chief constable or, where the member concerned is a member of the City of London or metropolitan police force, to an officer of at least the rank of commander.

Conduct of investigations where there are outstanding criminal proceedings

6. Where there are criminal proceedings outstanding against the member concerned, proceedings under these Regulations, other than exercise of the power to suspend under regulation 5, shall not take place unless the chief officer concerned believes that in the exceptional circumstances of the case it would be appropriate for them to do so.

Investigation procedure

7.—(1) Subject to paragraph (2), where a report, complaint or allegation is received by the chief officer which indicates that the conduct of a member of a police force did not meet the appropriate standard, the case may be referred by him to an officer, who shall satisfy the conditions in paragraph (3), to supervise the investigation of the case.

(2) Paragraph (1) shall not apply where the case arises from a complaint to which section 72 of the 1996 Act applies.

(3) The supervising officer shall be—

- (a) at least one rank above that of the member concerned;
- (b) of at least the rank of superintendent;
- (c) a member of the same force as the member concerned; and
- (d) not an interested party.

Appointment of investigating officer

8.—(1) The supervising officer may appoint an investigating officer to investigate the case.

(2) The investigating officer shall be—

- (a) a member of the same police force as the member concerned or, if at the request of the supervising officer the chief officer of some other force agrees to provide an investigating officer, a member of that other force;
- (b) of at least the rank of inspector or, if the member concerned is a superintendent, of at least the rank of assistant chief constable or, if the investigating officer is a member of the City of London or metropolitan police force, of at least the rank of commander;
- (c) of at least the same rank as the member concerned; and
- (d) not an interested party.

(3) The provisions of this regulation are without prejudice to the powers of the Authority with regard to the approval of the investigating officer under section 72(3)(a) and (b) of the 1996 Act

in a case where the Authority are required, or have determined, to supervise the investigation of a complaint or other matter under that section.

Notice of investigation

9. The investigating officer shall as soon as is practicable (without prejudicing his or any other investigation of the matter) cause the member concerned to be given written notice—

- (a) that there is to be an investigation into the case;
- (b) of the nature of the report, complaint or allegation;
- (c) informing him that he is not obliged to say anything concerning the matter, but that he may, if he so desires, make a written or oral statement concerning the matter to the investigating officer or to the chief officer concerned;
- (d) informing him that if he makes such a statement it may be used in any subsequent proceedings under these Regulations;
- (e) informing him that he has the right to seek advice from his staff association, and
- (f) informing him that he has the right to be accompanied by a member of a police force, who shall not be an interested party, to any meeting, interview or hearing.

Investigating officer's report

10.—(1) At the end of his investigation the investigating officer shall submit a written report on the case to the supervising officer and, if the Authority are supervising the investigation, also to the Authority.

(2) If at any time during his investigation it appears to the investigating officer that the case is one in respect of which the conditions specified in Part I of Schedule 2 are likely to be satisfied, he shall, whether or not the investigation is at an end, submit to the supervising officer—

- (a) a statement of his belief that the case may be one to which regulation 39 applies and the grounds for that belief; and
- (b) a written report on the case so far as it has then been investigated.

Procedure on receipt of investigating officer's report

11.—(1) Subject to paragraphs (2) and (3), on receipt of the investigating officer's report the supervising officer may refer the case to a hearing.

(2) Where—

- (a) the chief officer has a duty to proceed under section 75(7) or 76(2) or (5) of the 1996 Act; or
- (b) the member concerned has received two written warnings about his conduct within the previous twelve months and has in a statement made under regulation 9 admitted that his conduct failed to meet the appropriate standard,

the supervising officer shall refer the case to a hearing.

(3) Where the supervising officer, on receipt of a report submitted by the investigating officer under paragraph (2) of regulation 10, is of the opinion that the case is one in respect of which the conditions specified in Part I of Schedule 2 are likely to be satisfied, he shall refer the case to the appropriate officer, who shall—

- (a) if the conditions specified in Part I of Schedule 2 are not satisfied, return the case to the supervising officer;
- (b) if the conditions specified in Part I of Schedule 2 are satisfied—
 - (i) certify the case as a special case and refer it to a hearing, or

(ii) if the circumstances are such as, in his opinion, make such certification inappropriate, return the case to the supervising officer.

(4) Where a case is not referred to a hearing no reference to it shall be made on the member concerned's personal record.

(5) Proceedings at or in connection with a hearing to which a case is referred under this regulation shall, for the purposes of section 65 of the 1996 Act (interpretation of Chapter I of Part IV), be disciplinary proceedings.

Withdrawal of case

12.—(1) At any time before the beginning of the hearing the supervising officer may direct that the case be withdrawn, unless the chief officer has a duty to proceed under section 75(7) or 76(2) or (5) of the 1996 Act.

(2) Where a case is withdrawn it shall be treated as if the supervising officer had decided not to refer it to a hearing.

Notice of decision to refer case to a hearing

13.—(1) The supervising officer shall ensure that, as soon as practicable, the member concerned is given written notice of a decision to refer the case to a hearing and that, not less than 21 days before the date of hearing, the member concerned is supplied with copies of—

- (a) any statement he may have made to the investigating officer; and
- (b) any relevant statement, document or other material obtained during the course of the investigation.

(2) The notice given under paragraph (1) shall specify the conduct of the member concerned which it is alleged failed to meet the appropriate standard and the paragraph of the Code of Conduct in respect of which the appropriate standard is alleged not to have been met.

(3) In this regulation any reference to a copy of a statement shall, where it was not made in writing, be construed as a reference to a copy of an account thereof.

Limitation on sanctions

14. No sanction may be imposed under regulation 31 unless the case has been referred to a hearing.

Notice of hearing

15.—(1) The supervising officer shall ensure that at least 21 days in advance the member concerned is notified of the time, date and place of the hearing.

(2) In a case to which this paragraph applies the hearing may, if the supervising officer considers it appropriate in the circumstances, take place before the expiry of the 21 days referred to in paragraph (1).

(3) Paragraph (2) applies where the member concerned is given a written notice under regulation 13(1) of a decision to refer the case to a hearing and—

- (a) at the time he receives such a notice he is detained in pursuance of the sentence of a court in a prison or other institution to which the Prison Act 1952(7) applies, or has received a suspended sentence of imprisonment; and

- (b) having been supplied under regulation 13 with the documents therein mentioned he does not elect to be legally represented at the hearing.

Legal representation

16. If the supervising officer is of the opinion that the hearing should have available the sanctions of dismissal, requirement to resign or reduction in rank, he shall cause the member concerned to be given notice in writing, at the same time as he is given notice of the hearing under regulation 15, of the opportunity to elect to be legally represented at the hearing and of the effect of section 84(1) to (3) of the 1996 Act.

Procedure on receipt of notice

17.—(1) The member concerned shall be invited to state in writing, within 14 days of the date on which he is notified that the last of the documents required by regulation 13(1) to be supplied to him have been so supplied—

- (a) whether or not he accepts that his conduct did not meet the appropriate standard;
- (b) in a case where regulation 16 applies, whether he wishes to be legally represented at the hearing;
- (c) whether he proposes to call any witnesses to relevant facts at the hearing and the names and addresses of any such witnesses whose attendance he wishes the supervising officer to take steps to secure.

(2) Any witness whose attendance the member concerned wishes the supervising officer to take steps to secure who is a member of a police force shall be ordered to attend at the hearing of the case, and the supervising officer, where so requested, shall cause any other such witnesses to be given due notice that their attendance is desired and of the time and place of the hearing.

(3) Nothing in this regulation shall require a hearing to be adjourned where a witness is unable or unwilling to attend the hearing.

Officers conducting the hearing

18.—(1) Where a case is referred to a hearing it shall be heard by three officers appointed by the chief officer concerned who shall not be interested parties.

(2) Subject to regulation 29, one such officer shall be of the rank of assistant chief constable or, where the member concerned is a member of the City of London or metropolitan police force of at least the rank of commander, who shall be the presiding officer.

(3) Subject to paragraph (4), the presiding officer shall be assisted by two officers of at least the rank of superintendent who shall be from the same force as the member concerned.

(4) Where the member concerned is a superintendent, the presiding officer shall be assisted by two officers of the rank of assistant chief constable or, if the assisting officers are members of the City of London or metropolitan police force, of at least the rank of commander, who shall be from a different force or forces from the member concerned.

Documents to be supplied to the member concerned

19.—(1) Where the member concerned accepts, in accordance with regulation 17, that his conduct fell short of the appropriate standard a summary of the facts of the case shall be prepared, a copy of which shall be supplied to the member concerned at least 14 days before the hearing.

(2) If the member concerned does not agree with the summary of facts he may submit a response within 7 days of receipt of the summary.

(3) Where the member concerned does not accept that his conduct fell short of the appropriate standard no summary of facts shall be prepared.

Documents to be supplied to officers conducting the hearing

20. There shall be supplied to the officers conducting the hearing—

- (a) a copy of the notice given under regulation 13; and
- (b) where a summary of facts has been prepared under regulation 19, a copy of that summary and of any response from the member concerned.

Representation

21.—(1) Unless the member concerned has given notice in accordance with regulation 17 that he wishes to be legally represented, the supervising officer shall appoint a member of a police force to present the case.

(2) The member concerned may conduct his case either in person or by a member of a police force selected by him or, if he has given notice in accordance with regulation 17 that he wishes to be legally represented, by counsel or a solicitor.

Conduct of hearing

22.—(1) The officers conducting the hearing may from time to time adjourn if it appears to them to be necessary or expedient to do so for the due hearing of the case.

(2) Any decision of the officers conducting the hearing shall be based on a simple majority, but shall not indicate whether it was taken unanimously or by a majority.

Procedure at hearing

23.—(1) Subject to the provisions of these Regulations, the officers conducting the hearing shall determine their own procedure.

(2) The officers conducting the hearing shall review the facts of the case and decide whether or not the conduct of the member concerned met the appropriate standard and, if it did not, whether in all the circumstances it would be reasonable to impose any, and if so which, sanction.

(3) The officers conducting the hearing shall not find that the conduct of the member concerned failed to meet the appropriate standard unless the conduct is—

- (a) admitted by the member concerned; or
- (b) proved by the person presenting the case on the balance of probabilities,

to have failed to meet that standard.

Attendance of member concerned at hearing

24.—(1) The member concerned shall be ordered to attend the hearing.

(2) If the member concerned fails to attend the hearing, it may be proceeded with and concluded in his absence.

(3) Where the member concerned informs the presiding officer in advance that he is unable to attend due to ill-health or some other unavoidable reason, the hearing may be adjourned.

(4) Where, owing to the absence of the member concerned, it is impossible to comply with any of the procedures set out in these Regulations, that procedure shall be dispensed with.

Attendance of complainant at hearing

25.—(1) This regulation shall apply where there has been a complaint against the member concerned.

(2) Notwithstanding anything in regulation 26(1), but subject to paragraphs (3) and (5), the complainant shall be allowed to attend the hearing while witnesses are being examined, or cross-examined, and may at the discretion of the presiding officer be accompanied by a friend or relative.

(3) Where the complainant or any person allowed to accompany him is to be called as a witness at the hearing, he and any person allowed to accompany him shall not be allowed to attend before he gives his evidence.

(4) Where the member concerned gives evidence, then, after the presenting officer has had an opportunity of cross-examining him, the presiding officer shall put to him any questions which the complainant requests should be so put and might have been properly so put by the presenting officer or, at the presiding officer's discretion, may allow the complainant to put such questions to the member concerned.

(5) Subject as aforesaid, the complainant and any person allowed to accompany him shall neither intervene in, nor interrupt, the hearing; and if he or such a person shall behave in a disorderly or abusive manner, or otherwise misconduct himself, the presiding officer may exclude him from the remainder of the hearing.

(6) In this regulation a reference to the complainant is a reference to the originator of the complaint notwithstanding that it was transmitted to the chief officer concerned by some other person or by the Authority or some other body.

Attendance of others at hearing

26.—(1) Subject to regulation 25 and paragraphs (2) and (3), the hearing shall be in private: Provided that it shall be within the discretion of the presiding officer to allow any solicitor or any such other persons as he considers desirable to attend the whole or such part of the hearing as he may think fit, subject to the consent of all parties to the hearing.

(2) Any member of the Authority shall be entitled to attend the hearing in a case to which regulation 25 applies or which arises from a matter to which section 72 of the 1996 Act applies.

(3) The member concerned may be accompanied at the hearing by a member of a police force.

(4) The presiding officer may allow witnesses to be accompanied at the hearing by a friend or relative.

Exclusion of public from hearing

27. Where it appears to the presiding officer that a witness may, in giving evidence, disclose information which, in the public interest, ought not to be disclosed to a member of the public he shall require any member of the public including the complainant and any person allowed to accompany the complainant or any witness to withdraw while the evidence is given.

Statements in lieu of oral evidence

28.—(1) Any question as to whether any evidence is admissible, or whether any question should or should not be put to a witness, shall be determined by the presiding officer.

(2) With the consent of the member concerned the presiding officer may allow any document to be adduced in evidence during the hearing notwithstanding that a copy thereof has not been supplied to the member concerned in accordance with regulation 13(1).

Remission of cases

29.—(1) The hearing of the case—

- (a) shall, in the circumstances mentioned in paragraph (2); or
- (b) may, in the circumstances mentioned in paragraph (5),

be remitted by the presiding officer concerned to an officer of equivalent rank in the force concerned or to an officer of equivalent rank in another force who, at the presiding officer's request, has agreed to act as the presiding officer in the matter.

(2) A case shall be so remitted if—

- (a) the presiding officer is an interested party otherwise than in his capacity as such; or
- (b) there would not, because the member concerned was not given notice under regulation 16 of the opportunity to elect to be legally represented at the hearing, be available on a finding against him any of the sanctions referred to in that regulation, and it appears to the presiding officer concerned that those sanctions ought to be so available and that accordingly it would be desirable for there to be another hearing at which the member concerned could, if he so wished, be so represented.

(3) Where a case is remitted to another officer under paragraph (2)(b) notice in writing shall be served on the member concerned inviting him to elect, within 14 days of the receipt thereof, to be legally represented at the hearing before that officer.

(4) An officer remitting a case under paragraph (2)(b) shall not give to the officer to whom the case has been remitted any indication of his assessment of the case or of the sanction which might be imposed.

(5) A case not falling within paragraph (2) may be remitted by the presiding officer in accordance with paragraph (1) if, either before or during the hearing, the presiding officer concerned considers remission appropriate.

Record of hearing

30. A verbatim record of the proceedings at the hearing shall be taken and, if the member concerned so requests within the time limit for any appeal and after he has lodged notice of appeal in accordance with rules made under section 85 of the Police Act 1996, a transcript of the record or a copy thereof shall be supplied to him by the presiding officer.

Sanctions

31.—(1) Subject to section 84(1) of the 1996 Act, the officers conducting the hearing may impose any of the following sanctions, namely—

- (a) dismissal from the force;
- (b) requirement to resign from the force as an alternative to dismissal taking effect either forthwith or on such date as may be specified in the decision;
- (c) reduction in rank;
- (d) fine;
- (e) reprimand;
- (f) caution.

(2) Any sanction imposed under paragraph (1), except a requirement to resign, shall have immediate effect.

(3) A fine imposed under paragraph (1) shall be such that, if it were recovered by way of deductions from the pay of the member concerned during the period of thirteen weeks following

the imposition of the sanction, the aggregate sum which might be so deducted in respect of any one week (whether on account of one or more fines) would not exceed one seventh of his weekly pay.

Personal record to be considered before sanction imposed

32. Where the question of the sanction to be imposed is being considered, the officers conducting the hearing—

- (a) shall have regard to the record of police service of the member concerned as shown on his personal record and may receive evidence from any witness whose evidence would, in the opinion of the officers conducting the hearing or member concerned, assist in determining the question; and
- (b) the member concerned, or his representative, shall be afforded an opportunity to make oral or, if appropriate, written representations as respects the question or to adduce evidence relevant thereto.

Notification of finding

33. The member concerned shall be informed orally of the finding and of any sanction imposed at the conclusion of the hearing and shall be provided with a written notification and summary of the reasons within three days.

Request for a review

34.—(1) Where a sanction is imposed under regulation 31, the member concerned shall be entitled to request the chief officer of the force concerned or, where the member concerned is a member of the metropolitan police force, the Assistant Commissioner (“the reviewing officer”), to review the finding or the sanction imposed or both the finding and the sanction.

(2) A request for a review must be made to the reviewing officer in writing within 14 days of receipt of the written summary of reasons given in accordance with regulation 33 unless this period is extended by the reviewing officer.

(3) The request for a review shall state the grounds on which the review is requested and whether a meeting is requested.

Conduct of the review

35.—(1) The reviewing officer shall hold a meeting with the member concerned if requested to do so.

(2) Where a meeting is held the member concerned may be accompanied by a member of a police force and, in a case where regulation 16 applies, by counsel or a solicitor.

Finding of the review

36.—(1) The member concerned shall be informed of the finding of the reviewing officer in writing within three days of completion of the review.

(2) The reviewing officer may confirm the decision of the hearing or he may impose a different sanction which is specified in regulation 31(i) but he may not impose a sanction greater than that imposed at the hearing.

(3) The decision of the reviewing officer shall take effect by way of substitution for the decision of the hearing and as from the date of that hearing.

(4) Where as a result of the decision of the reviewing officer the member concerned is dismissed, required to resign or reduced in rank he shall be notified in writing of his right of appeal to a Police Appeals Tribunal.

Hearing of review in absence of chief officer

37.—(1) Subject to paragraphs (2) to (4), where the chief officer is an interested party or the circumstances in section 12(4)(a) or (b) of the 1996 Act apply, the review shall be conducted by the assistant chief constable designated under section 12(4) of the 1996 Act.

(2) Where the designated assistant chief constable is absent or an interested party, the review shall be conducted by the chief officer of another force who has agreed to act in that capacity.

(3) Where the member concerned is a member of the metropolitan police force the review shall be conducted by the Assistant Commissioner or, if he is absent or an interested party, by the commander designated under paragraph 4(7) of Schedule 6 to the Police Regulations 1995⁽⁸⁾ or, if that commander is absent or an interested party, by another assistant commissioner.

(4) Where the member concerned is a member of the City of London police force, the review shall be conducted by the Commissioner or, if he is absent or an interested party, by the chief officer of another force who has agreed to act in that capacity or an assistant commissioner of the metropolitan police force who has agreed to act in that capacity.

Record of conduct proceedings

38. The chief officer concerned shall cause a book of record to be kept in which shall be entered every case brought against a member of the police force, together with the finding thereon and a record of the decision in any further proceedings in connection therewith.

Special cases

39.—(1) This regulation applies to any case in which a report, complaint or allegation is made which indicates that the conduct of a member of a police force did not meet the appropriate standard and in respect of which the conditions specified in Part I of Schedule 2 are satisfied and his appropriate officer has issued a certificate under regulation 11(3)(b)(i).

(2) In the application of these Regulations to a case to which this regulation applies, regulations 12 to 37 shall, subject to paragraph (3), have effect subject to the modifications specified in Part II of Schedule 2.

(3) Where the case is one to which this regulation applies but has been returned to the supervising officer in pursuance of any provision of these Regulations as modified by Part II of Schedule 2, the provisions referred to in paragraph (2) shall thereafter have effect in relation to the case without modification.

(4) In Part II of Schedule 2, any reference to a provision in these Regulations shall, unless the contrary intention appears, be construed as a reference to that provision as modified by that Part.

Home Office
10th March 1999

Jack Straw
One of Her Majesty's Principal Secretaries of
State

(8) [S.I. 1995/215](#), as amended by [S.I. 1995/2020](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 4(1)

CODE OF CONDUCT

Honesty and integrity

1. It is of paramount importance that the public has faith in the honesty and integrity of police officers. Officers should therefore be open and truthful in their dealings; avoid being improperly beholden to any person or institution; and discharge their duties with integrity.

Fairness and impartiality

2. Police officers have a particular responsibility to act with fairness and impartiality in all their dealings with the public and their colleagues.

Politeness and tolerance

3. Officers should treat members of the public and colleagues with courtesy and respect, avoiding abusive or deriding attitudes or behaviour. In particular, officers must avoid: favouritism of an individual or group; all forms of harassment, victimisation or unreasonable discrimination; and overbearing conduct to a colleague, particularly to one junior in rank or service.

Use of force and abuse of authority

4. Officers must never knowingly use more force than is reasonable, nor should they abuse their authority.

Performance of duties

5. Officers should be conscientious and diligent in the performance of their duties. Officers should attend work promptly when rostered for duty. If absent through sickness or injury, they should avoid activities likely to retard their return to duty.

Lawful orders

6. The police service is a disciplined body. Unless there is good and sufficient cause to do otherwise, officers must obey all lawful orders and abide by the provisions of Police Regulations. Officers should support their colleagues in the execution of their lawful duties, and oppose any improper behaviour, reporting it where appropriate.

Confidentiality

7. Information which comes into the possession of the police should be treated as confidential. It should not be used for personal benefit and nor should it be divulged to other parties except in the proper course of police duty. Similarly, officers should respect, as confidential, information about force policy and operations unless authorised to disclose it in the course of their duties.

Criminal offences

8. Officers must report any proceedings for a criminal offence taken against them. Conviction of a criminal offence may of itself result in further action being taken.

Property

9. Officers must exercise reasonable care to prevent loss or damage to property (excluding their own personal property but including police property).

Sobriety

10. Whilst on duty officers must be sober. Officers should not consume alcohol when on duty unless specifically authorised to do so or it becomes necessary for the proper discharge of police duty.

Appearance

11. Unless on duties which dictate otherwise, officers should always be well turned out, clean and tidy whilst on duty in uniform or in plain clothes.

General conduct

12. Whether on or off duty, police officers should not behave in a way which is likely to bring discredit upon the police service.

Notes

- (a) The primary duties of those who hold the office of constable are the protection of life and property, the preservation of the Queen's peace, and the prevention and detection of criminal offences. To fulfil these duties they are granted extraordinary powers; the public and the police service therefore have the right to expect the highest standards of conduct from them.
- (b) This Code sets out the principles which guide police officers' conduct. It does not seek to restrict officers' discretion: rather it aims to define the parameters of conduct within which that discretion should be exercised. However, it is important to note that any breach of the principles in this Code may result in action being taken by the organisation, which, in serious cases, could involve dismissal.
- (c) This Code applies to the conduct of police officers in all ranks whilst on duty, or whilst off duty if the conduct is serious enough to indicate that an officer is not fit to be a police officer. It will be applied in a reasonable and objective manner. Due regard will be paid to the degree of negligence or deliberate fault and to the nature and circumstances of an officer's conduct. Where off duty conduct is in question, this will be measured against the generally accepted standards of the day.

SCHEDULE 2

Regulation 39

SPECIAL CASES

PART I

CONDITIONS

1.—(1) The conditions referred to in regulation 39 are—

- (a) the report, complaint or allegation indicates that the conduct of the member concerned is of a serious nature and that an imprisonable offence may have been committed by the member concerned; and

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- (b) the conduct is such that, were the case to be referred to a hearing under regulation 11 and the officers conducting that hearing were to find that the conduct failed to meet the appropriate standard, they would in the opinion of the appropriate officer be likely to impose the sanction specified in regulation 31(1)(a) (dismissal from the force); and
 - (c) the report, complaint or allegation is supported by written statements, documents or other material which is, in the opinion of the appropriate officer, sufficient without further evidence to establish on the balance of probabilities that the conduct of the member concerned did not meet the appropriate standard; and
 - (d) the appropriate officer is of the opinion that it is in the public interest for the member concerned to cease to be a member of a police force without delay.
- (2) In this paragraph an “imprisonable offence” means an offence which is punishable with imprisonment in the case of a person aged 21 or over.

PART II

MODIFICATIONS

2. For regulations 12 and 13 there shall be substituted the following regulations:

“**12.** At any time before the beginning of the hearing the appropriate officer may direct that the case be returned to the supervising officer.

13.—(1) The appropriate officer shall ensure that, as soon as practicable, the member concerned is invited to an interview with the appropriate officer at which he shall be given written notice of the decision to refer the case to a hearing and supplied with copies of—

- (a) the certificate issued under regulation 11(3)(b)(i);
- (b) any statement he may have made to the investigating officer; and
- (c) any relevant statement, document or other material obtained during the course of the investigation.

(2) The notice given under paragraph (1) shall specify the conduct of the member concerned which it is alleged failed to meet the appropriate standard and the paragraph of the Code of Conduct in respect of which the appropriate standard is alleged not to have been met.

(3) In this regulation any reference to a copy of a statement shall, where it was not made in writing, be construed as a reference to a copy of an account thereof.

(4) Where the member concerned fails or is unable to attend the interview referred to in paragraph (1), the notice and copy document referred to in that paragraph shall be—

- (a) delivered to the member concerned personally, or
- (b) left with some person at, or sent by recorded delivery to, the address at which he is, with the approval of the chief constable, residing.”.

3. For regulations 15 and 16 there shall be substituted the following regulations:

“**15.** The appropriate officer shall fix a date for the hearing which shall be not less than 21 and not more than 28 days from the date on which notice is given under regulation 13 and shall ensure that the member concerned is forthwith notified of the time, date and place of the hearing.

16. The appropriate officer shall cause the member concerned to be given notice in writing, at the same time as he is given notice of the hearing under regulation 15, of the

opportunity to elect to be legally represented at the hearing and of the effect of section 84(1) to (3) of the 1996 Act.”.

4. In regulation 17 (procedure on receipt)—
 - (a) in paragraph (1), for the words from “on which he is notified” to the end there shall be substituted the words
 - “on which he receives the documents referred to in regulation 13—
 - (a) whether or not he accepts that his conduct did not meet the appropriate standard; and
 - (b) whether he wishes to be legally represented at the hearing”; and
 - (b) paragraphs (2) and (3) shall be omitted.
5. For regulation 18 there shall be substituted the following regulation:
 - “18.—(1) Subject to paragraph (2), a case which is referred to a hearing under regulation 11(3)(b)(i) shall be heard by the chief officer concerned.
 - (2) Where the chief officer concerned is an interested party, the case shall be heard by the chief officer of another force who has agreed to act in that capacity.”.
6. Regulation 19 shall be omitted.
7. In regulation 20 (documents to be supplied to officers conducting the hearing), for “officers” there shall be substituted “officer” and for paragraphs (a) and (b) there shall be substituted the words “copy of the notice given, and of any documents provided to the member concerned, under regulation 13”.
8. In regulation 21 (representation), in paragraph (1) for “supervising” there shall be substituted “appropriate”.
9. For regulation 22 (conduct of hearing) there shall be substituted the following regulation—
 - “22. The officer conducting the hearing may adjourn if it appears to him to be necessary or expedient to do so; but
 - (a) shall not exercise the power to adjourn more than once; and
 - (b) shall not adjourn for longer than a period of one week or, on application by the member concerned, 4 weeks.”.
10. In regulation 23 (procedure at hearing)—
 - (a) for “officers” wherever occurring there shall be substituted “officer”; and
 - (b) for “their” in paragraph (1) there shall be substituted “his”.
11. In regulation 25 (attendance of complainant at hearing)—
 - (a) in paragraph (2) for the words “paragraphs (3) and (5)” there shall be substituted “paragraph (5)” and the words “while witnesses are being examined, or cross-examined,” shall be omitted;
 - (b) paragraphs (3) and (4) and, in paragraph (5), the words “subject as aforesaid,” shall be omitted; and
 - (c) for the words “presiding officer” wherever they occur there shall be substituted “officer conducting the hearing”.
12. In regulation 26 (attendance of others at hearing), paragraph (4) shall be omitted and for “presiding officer” there shall be substituted “officer conducting the hearing”.
13. Regulation 27 shall be omitted.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

14. In regulation 28 (statements in lieu of oral evidence)—
 - (a) in paragraph (1), the words “, or whether any question should or should not be put to a witness,” shall be omitted;
 - (b) in paragraph (2), for “13(1)” there shall be substituted “13(1) or (4)”;
 - (c) for the words “presiding officer” wherever they occur there shall be substituted “officer conducting the hearing”; and
 - (d) at the end there shall be added the following paragraph:

“(3) No witnesses shall be called by either party to the case.”
15. In regulation 29 (remission of cases)—
 - (a) paragraphs (2)(b), (3) and (4) shall be omitted;
 - (b) for the words “presiding officer” wherever they occur there shall be substituted “officer conducting the hearing”; and
 - (c) at the end there shall be added the following paragraph:

“(6) The officer conducting the hearing may return the case to the supervising officer if, either before or during the hearing, the officer conducting the hearing considers it appropriate to do so.”
16. In regulation 30 (record of hearing) for “presiding officer” there shall be substituted “officer conducting the hearing”.
17. In regulation 31(1) (sanctions) for “officers” there shall be substituted “officer”.
18. In regulation 32 (personal record to be considered before sanction imposed)—
 - (a) for “officers” there shall be substituted “officer”;
 - (b) in sub-paragraph (a) for the words from “may receive evidence” to the word “officers” there shall be substituted “may admit such documentary evidence as would in the opinion of the officer”; and
 - (c) in sub-paragraph (b) after the word “adduce” there shall be inserted “documentary”.
19. In regulation 33 (notification of finding) for “three days” there shall be substituted “24 hours”.
20. In regulation 34 (request for a review)—
 - (a) in paragraph (1) for the words from “chief officer” to the end there shall be substituted “chief officer concerned to refer the case to the chief officer of another force who has agreed to act in that capacity (“the reviewing officer”) to review the finding or the sanction imposed or both the finding and the sanction”; and
 - (b) in paragraph (2), for the words “reviewing officer” in the first place where they occur there shall be substituted “chief officer concerned” and the words from “unless” to the end shall be omitted.
21. In regulation 36 (finding of the review)—
 - (a) in paragraph (1), for “three days” there shall be substituted “24 hours”; and
 - (b) at the end there shall be added the following paragraph:

“(5) Where the reviewing officer considers that the officer conducting the hearing should have returned the case to the supervising officer under regulation 29(6), he shall so return the case and the case shall thereafter be deemed to have been returned under that paragraph.”
22. Regulation 37 shall be omitted.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision, in pursuance of section 50 of the Police Act 1996, with respect to the conduct of members of police forces and the maintenance of discipline and establish procedures for cases in which a member of a police force may be dealt with by dismissal, requirement to resign, reduction in rank, fine, reprimand or caution. The Regulations, by virtue of regulation 3, do not apply to senior officers.

The Regulations revoke (with savings) the Police (Discipline) Regulations 1985 and provide new procedures for dealing with conduct which fails to meet the standard set out in the Code of Conduct contained in Schedule 1 to the Regulations.

Regulation 5 enables a chief officer of police to suspend a member of his force in respect of whose conduct a report, complaint or allegation has indicated failure to meet the appropriate standard. Regulation 6 precludes proceedings (except suspension) being taken under the Regulations while criminal proceedings are outstanding, unless there are exceptional circumstances.

Regulations 7 to 10 provide for an investigation of the case and a report to a supervising officer who may then refer the case to a hearing under regulation 11. Regulations 12 to 20 deal with the preliminary stages prior to a hearing and regulations 21 to 28 with representation, procedure and attendance at the hearing. Regulation 29 allows (and in certain cases requires) a hearing to be remitted to another presiding officer. Regulation 30 requires a record to be kept and regulations 31 and 32 deal with the imposition of sanctions.

Regulations 33 to 37 deal with the procedure following a hearing, including review at the request of the member concerned by the chief officer of his force or another senior officer. Regulation 38 requires a record book to be kept by each chief officer recording all proceedings under the Regulations against members of his force.

Regulation 39 and Schedule 2 provide for the Regulations to be modified in the case of special cases of serious conduct of a criminal nature.