
STATUTORY INSTRUMENTS

2009 No. 3070

**The Ministry of Defence Police
Appeals Tribunals Regulations 2009**

Appointment and composition of police appeals tribunal

- 5.—(1) The composition of the tribunal differs according to—
- (a) whether the appellant was a senior officer immediately before the original hearing; and
 - (b) whether the appellant was a member of the force serving in England and Wales, Scotland or Northern Ireland at the time the relevant conduct occurred or began.
- (2) If the appellant was a senior officer immediately before the original hearing, the tribunal is to consist of three members appointed by the head of HR, of whom—
- (a) if the appellant was serving in England and Wales or in Northern Ireland —
 - (i) one shall be a person chosen from a list of persons who satisfy the judicial-appointment eligibility condition within the meaning of section 50 of the Tribunals, Courts and Enforcement Act 2007⁽¹⁾ on a 5-year basis and who have been nominated by the Lord Chancellor for the purposes of this regulation;
 - (ii) one shall be HMCIC or an inspector of constabulary nominated by HMCIC; and
 - (iii) one shall be the chair of the Ministry of Defence Police Committee or another member of that Committee nominated by that chair;
 - (b) if the appellant was serving in Scotland—
 - (i) one shall be a person chosen from a list of persons who have been nominated by the Lord President of the Court of Session for the purposes of Schedule 3 to the 1967 Act;
 - (ii) one shall be the chair of the Ministry of Defence Police Committee or another member of that Committee nominated by that chair; and
 - (iii) one shall be a person who is (or has within the previous five years been) an inspector of constabulary for the purposes of section 33 of the 1967 Act.
- (3) The member of the tribunal within paragraph (2)(a)(i) or (b)(i) shall be the chair.
- (4) If the appellant was a police officer (other than a senior officer) immediately before the original hearing, the tribunal is to consist of four members appointed by the head of HR, of whom—
- (a) if the appellant was serving in England and Wales or in Northern Ireland—
 - (i) one shall be a person chosen from the list referred to in paragraph (2)(a)(i);
 - (ii) one shall be a senior officer;
 - (iii) one shall be a member of the Ministry of Defence Police Committee; and
 - (iv) one shall be a retired member of the force or an alternative police force who, at the time of the retirement, was a member of an appropriate staff association;
 - (b) if the appellant was serving in Scotland—

- (i) one shall be a person chosen from the list referred to in paragraph (2)(b)(i);
 - (ii) one shall be a member of the Ministry of Defence Police Committee;
 - (iii) one shall be a person chosen from a list maintained by the Secretary of State for the purposes of paragraph 2(1)(c) of Schedule 3 to the 1967 Act of persons who are (or have within the last five years been) chief constables, other than a person who is (or has at any time been) chief constable of the force; and
 - (iv) one shall be a retired member of the force or an alternative police force who, at the time of the retirement, was of an appropriate rank.
- (5) The member of the tribunal within paragraph (4)(a)(i) or (b)(i) shall be the chair.
- (6) For the purposes of this regulation “appropriate staff association” means—
- (a) the Defence Police Federation, where the panel member was, at the time of the retirement, a member of the force other than a senior officer;
 - (b) the Police Superintendents’ Association of England and Wales, where the panel member was, at the time of the retirement, a member of a police force maintained under section 2 of the 1996 Act of the rank of chief superintendent or superintendent; or
 - (c) the Police Federation of England and Wales, where the panel member was, at the time of the retirement, a member of a police force maintained under section 2 of the 1996 Act below the rank of superintendent; or
 - (d) the Police Federation for Northern Ireland, where the panel member was, at the time of the retirement a member of the Police Service for Northern Ireland..
- (7) For the purposes of this regulation “appropriate rank” means—
- (a) where the appellant was, immediately before the original hearing, of the rank of chief superintendent or superintendent, the same rank (as the case may be); or
 - (b) in any other case, the rank of chief inspector or below.
- (8) If at any time that is relevant for the purposes of this regulation, the appellant was serving outside the United Kingdom on detached duty from a station in the United Kingdom, the appellant is to be treated for those purposes as if serving at that station at that time.