#### STATUTORY INSTRUMENTS

### 2020 No. 1087

### **POLICE**

# The Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) Regulations 2020

Made - - - - 6th October 2020

Laid before Parliament 8th October 2020

Coming into force 2nd November 2020

# THE MINISTRY OF DEFENCE POLICE (CONDUCT, PERFORMANCE AND APPEALS TRIBUNALS) REGULATIONS 2020

- 1. Citation and commencement
- 2. General interpretation
- 3. Conduct Regulations
- 4. Performance Regulations
- 5. Appeals Tribunals Regulations
- 6. Revocations and transitional provisions Signature

SCHEDULE 1 — The Conduct Regulations

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- 1. Regulation
- 2. Interpretation and delegation
- 3. Application
- 4. Standards of Professional Behaviour
- 5. The harm test

PART 2 — General

- 6. Police friend
- 7. Legal and other representation
- 8. Provision of notices or documents
- 9. Outstanding or possible criminal proceedings
- 10. Suspension
- 11. Record of disciplinary proceedings

PART 3 — Investigations

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) Regulations 2020. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 12. Application of this Part
- 13. Severity assessment
- 14. Appointment of investigator
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- 17. Representations to the investigator
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- 52. Notice of accelerated misconduct hearing
- 53. Public notification of accelerated misconduct hearing
- 54. Procedure on receipt of notice
- 55. Persons conducting accelerated misconduct hearing
- 56. Documents to be supplied
- 57. Attendance of officer concerned at accelerated misconduct hearing

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- 58. Participation of Director General, Ombudsman and investigator at accelerated misconduct hearing
- 59. Reporting restrictions and participation at accelerated misconduct hearing
- 60. Notice to complainant and interested persons of accelerated misconduct hearing
- 61. Procedure at accelerated misconduct hearing
- 62. Outcome of accelerated misconduct hearing
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- 67. Referral to reflective practice review process
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- 3. Modification: insertion of Part 1A
- 4. Modification to regulation 6 (police friend)
- 5. Modification to regulation 7 (legal and other representation)
- 6. Modification to regulation 8 (provision of notices or documents)
- 7. Modification: omission of regulation 10 (suspension)
- 8. Modification to regulation 11 (record of disciplinary proceedings)
- 9. Modification to regulation 13 (severity assessment)
- 10. Modification to regulation 14 (appointment of investigator)
- 11. Modification to regulation 15 (investigation)
- 12. Modification to regulation 16 (written notices)
- 13. Modification to regulation 19 (interviews during investigation)
- 14. Modification: insertion of regulation 19A
- 15. Modification to regulation 20 (report of investigation)
- 16. Modification to regulation 21 (general)
- 17. Modification to regulation 22 (national security: power to give directions in relation to misconduct hearings)
- 18. Modification to regulation 23 (referral of case to misconduct proceedings)
- 19. Modifications to regulation 24 (presenting of case by the Director General or the Ombudsman)
- 20. Modification to regulation 25 (joint misconduct proceedings)
- 21. Modification to regulation 26 (withdrawal of misconduct proceedings)
- 22. Modification to regulation 27 (persons conducting misconduct proceedings)
- 23. Modification to regulation 28 (role of chair of misconduct hearing)
- 24. Modification to regulation 29 (notice of referral to misconduct proceedings)
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- 26. Modification to regulation 31 (witnesses and documents to be supplied)
- 27. Modification to regulation 32 (misconduct pre-hearing)
- 28. Modification: omission of regulation 33 (timing of misconduct meeting)
- 29. Modification to regulation 34 (notice of misconduct proceedings and panel)
- 30. Modification to regulation 35 (public notification of misconduct hearings)

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- 31. Modification to regulation 36 (attendance of officer concerned at misconduct proceedings)
- 32. Modification to regulation 37 (participation of the Director General, Ombudsman and investigator at misconduct proceedings)
- 33. Modification to regulation 38 (reporting restrictions, participation and exclusions from proceedings)
- 34. Modification to regulation 39 (attendance of complainant, interested persons and others at misconduct proceedings)
- 35. Modification to regulation 40 (procedure at misconduct proceedings)
- 36. Modification to regulation 41 (outcome of misconduct proceedings)
- 37. Modification to regulation 42 (notification of outcome)
- 38. Modification to regulation 43 (record of misconduct proceedings)
- 39. Modification: omission of regulations 44 to 46 (appeals)
- 40. Modification to regulation 47 (general)
- 41. Modification to regulation 49 (referral of case to accelerated misconduct hearing)
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- 43. Modification to regulation 51 (notice of referral to accelerated misconduct hearing)
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- 45. Modification to regulation 53 (public notification of accelerated misconduct hearing)
- 46. Modification to regulation 54 (procedure on receipt of notice)
- 47. Modification to regulation 55 (persons conducting accelerated misconduct hearing)
- 48. Modification to regulation 56 (documents to be supplied)
- 49. Modification to regulation 58 (participation of Director General, Ombudsman and investigator at accelerated misconduct hearing)
- 50. Modification to regulation 61 (procedure at accelerated misconduct hearing)
- 51. Modification to regulation 62 (outcome of accelerated misconduct hearing)
- 52. Modification to regulation 63 (notification of outcome)
- 53. Modification: omission of Part 6 (reflective practice review process)

#### SCHEDULE 3 — Standards of Professional Behaviour

- 1. Honesty and Integrity
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- 3. Equality and Diversity
- 4. Use of Force
- 5. Orders and Instructions
- 6. Duties and Responsibilities
- 7. Confidentiality
- 8. Fitness for Duty
- 9. Discreditable Conduct
- 10. Challenging and Reporting Improper Conduct

#### SCHEDULE 4 — The Performance Regulations

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- 1. Regulations
- 2. Application
- 3. Interpretation and delegation

PART 2 — General

4. Police friend

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- 5. Legal and other representation
- 6. Provision of notices or documents
- 7. Procedure at meetings under these Regulations
- 8. Nominated persons
- 9. Reference to certain periods
- 10. Suspension of certain periods
- 11. Meeting following investigation by the Director General
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- 15. Arrangement of first stage meeting
- 16. Procedure at first stage meeting
- 17. Procedure following first stage meeting
- 18. Appeal against the finding and outcome of a first stage meeting
- 19. Arrangement of first stage appeal meeting
- 20. Procedure at first stage appeal meeting

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- 21. Circumstances in which a second stage meeting may be required
- 22. Arrangement of second stage meeting
- 23. Circumstances in which a second stage meeting may be required without a first stage meeting
- 24. Procedure at second stage meeting
- 25. Procedure following second stage meeting
- 26. Appeal against the finding and outcome of a second stage meeting
- 27. Arrangement of second stage appeal meeting
- 28. Procedure at second stage appeal meeting

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- 32. Arrangement of a third stage meeting without a prior first or second stage meeting
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- 34. Right of officer concerned to object to panel members
- 35. Procedure on receipt of notice of third stage meeting
- 36. Witnesses
- 37. Timing and notice of third stage meeting
- 38. Postponement and adjournment of a third stage meeting
- 39. Participation of Director General and investigator at third stage meeting
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- 41. Attendance of others at a third stage meeting
- 42. Exclusion from a third stage meeting
- 43. Procedure at a third stage meeting
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- 45. Outcomes
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- 47. Assessment of performance or attendance following third stage meeting where a final written improvement notice has been issued or extended
- 48. Third stage meeting under regulation 47

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#### SCHEDULE 5 — The Appeals Tribunals Regulations

- 1. Regulations
- 2. Interpretation and general provision as to written notices or documents
- 3. Circumstances in which an MDP officer may appeal to a tribunal Conduct Regulations
- 4. Circumstances in which an MDP officer may appeal to a tribunal Performance Regulations
- 5. Circumstances in which a former MDP officer may appeal to a tribunal
- 6. Appointment and composition of police appeals tribunal
- 7. Notice of appeal
- 8. Notice of appeal out of time
- 9. The respondent
- 10. Presenting of case by Director General or Ombudsman
- 11. Procedure on notice of appeal
- 12. Extensions of time limits
- 13. Review of appeal
- 14. Determination of an appeal
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- 17. Notice of the hearing
- 18. Legal and other representation
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- 22. Attendance of complainant and interested person at hearing
- 23. Attendance of Director General and the Ombudsman at hearing
- 24. Exclusion from hearing
- 25. Statement of tribunal's determination

**Explanatory Note** 

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View outstanding changes

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Changes and effects yet to be applied to:
      Sch. 1 para. 27(1)(a)(ii) omitted by S.I. 2024/603 reg. 2(7)(a)(i)
      Sch. 1 para. 28(10) omitted by S.I. 2024/603 reg. 2(8)(b)
      Sch. 1 para. 32(17) omitted by S.I. 2024/603 reg. 2(11)(e)
      Sch. 1 para. 55(2) omitted by S.I. 2024/603 reg. 2(20)(b)
      Sch. 1 para. 27(4) substituted by S.I. 2024/603 reg. 2(7)(d)
      Sch. 1 para. 27(5) substituted by S.I. 2024/603 reg. 2(7)(e)
      Sch. 1 para. 27(6) substituted by S.I. 2024/603 reg. 2(7)(g)
      Sch. 1 para. 29(4) substituted by S.I. 2024/603 reg. 2(9)(f)
      Sch. 1 para. 29(5) substituted by S.I. 2024/603 reg. 2(9)(g)
      Sch. 1 para. 55(4) substituted by S.I. 2024/603 reg. 2(20)(d)
      Sch. 1 para. 27(1)(a)(iii) word inserted by S.I. 2024/603 reg. 2(7)(a)(ii)
      Sch. 1 para. 29(3) word omitted by S.I. 2024/603 reg. 2(9)(e)(i)
      Sch. 1 para. 32(1)(b) word omitted by S.I. 2024/603 reg. 2(11)(b)
      Sch. 1 para. 42(5) word omitted by S.I. 2024/603 reg. 2(15)(c)(i)
      Sch. 1 para. 51(2) word omitted by S.I. 2024/603 reg. 2(18)(a)(i)
      Sch. 1 para. 63(4) word omitted by S.I. 2024/603 reg. 2(23)(c)(i)
      Sch. 1 para. 7(7) word substituted by S.I. 2024/603 reg. 2(3)(b)
      Sch. 1 para. 21 word substituted by S.I. 2024/603 reg. 2(6)
      Sch. 1 para. 27(1)(b) word substituted by S.I. 2024/603 reg. 2(7)(b)
      Sch. 1 para. 27(2) word substituted by S.I. 2024/603 reg. 2(7)(b)
      Sch. 1 para. 29(3)(b) word substituted by S.I. 2024/603 reg. 2(9)(e)(ii)
      Sch. 1 para. 29(7) word substituted by S.I. 2024/603 reg. 2(9)(j)(iv)
      Sch. 1 para. 31(1) word substituted by S.I. 2024/603 reg. 2(10)(a)
      Sch. 1 para. 31(2) word substituted by S.I. 2024/603 reg. 2(10)(a)
      Sch. 1 para. 38(6)(c) word substituted by S.I. 2024/603 reg. 2(13)(a)(ii)
      Sch. 1 para. 47 word substituted by S.I. 2024/603 reg. 2(17)
      Sch. 1 para. 2(1) words inserted by S.I. 2024/603 reg. 2(2)(a)(i)
      Sch. 1 para. 27(2) words inserted by S.I. 2024/603 reg. 2(7)(c)
      Sch. 1 para. 29(6) words inserted by S.I. 2024/603 reg. 2(9)(h)(i)
      Sch. 1 para. 29(6) words inserted by S.I. 2024/603 reg. 2(9)(h)(ii)
      Sch. 1 para. 29(7) words inserted by S.I. 2024/603 reg. 2(9)(j)(i)
      Sch. 1 para. 29(7) words inserted by S.I. 2024/603 reg. 2(9)(j)(iii)
      Sch. 1 para. 31(2) words inserted by S.I. 2024/603 reg. 2(10)(b)(ii)
      Sch. 1 para. 55(1) words inserted by S.I. 2024/603 reg. 2(20)(a)
      Sch. 1 para. 2(1) words omitted by S.I. 2024/603 reg. 2(2)(a)(ii)
      Sch. 1 para. 2(1) words omitted by S.I. 2024/603 reg. 2(2)(a)(iii)
      Sch. 1 para. 29(1)(a)(iii) words omitted by S.I. 2024/603 reg. 2(9)(a)(ii)
      Sch. 1 para. 31(2) words omitted by S.I. 2024/603 reg. 2(10)(b)(i)
      Sch. 1 para. 35(5) words omitted by S.I. 2024/603 reg. 2(12)
      Sch. 1 para. 44(1)(b) words omitted by S.I. 2024/603 reg. 2(16)(a)
      Sch. 1 para. 44(4)(b)(i) words omitted by S.I. 2024/603 reg. 2(16)(b)(iii)
      Sch. 1 para. 2(3) words substituted by S.I. 2024/603 reg. 2(2)(b)
      Sch. 1 para. 7(6) words substituted by S.I. 2024/603 reg. 2(3)(a)
      Sch. 1 para. 28(1) words substituted by S.I. 2024/603 reg. 2(8)(a)
      Sch. 1 para. 29(1)(a)(iii) words substituted by S.I. 2024/603 reg. 2(9)(a)(i)
      Sch. 1 para. 29(2) words substituted by S.I. 2024/603 reg. 2(9)(c)
      Sch. 1 para. 29(7) words substituted by S.I. 2024/603 reg. 2(9)(j)(ii)
      Sch. 1 para. 29(8) words substituted by S.I. 2024/603 reg. 2(9)(k)
      Sch. 1 para. 32(1) words substituted by S.I. 2024/603 reg. 2(11)(a)
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Sch. 1 para. 38(6)(c) words substituted by S.I. 2024/603 reg. 2(13)(a)(i)
Sch. 1 para. 42(1) words substituted by S.I. 2024/603 reg. 2(15)(a)(i)
Sch. 1 para. 44(4)(a) words substituted by S.I. 2024/603 reg. 2(16)(b)(i)
Sch. 1 para. 44(4)(b)(i) words substituted by S.I. 2024/603 reg. 2(16)(b)(ii)
Sch. 1 para. 55(3) words substituted by S.I. 2024/603 reg. 2(20)(c)
Sch. 1 para. 63(1) words substituted by S.I. 2024/603 reg. 2(23)(a)(i)
Sch. 2 para. 16(a) omitted by S.I. 2024/603 reg. 3(3)
Sch. 2 para. 16(b) omitted by S.I. 2024/603 reg. 3(3)
Sch. 2 para. 23 omitted by S.I. 2024/603 reg. 3(5)
Sch. 2 para. 27(c) omitted by S.I. 2024/603 reg. 3(7)
Sch. 2 para. 40 omitted by S.I. 2024/603 reg. 3(10)
Sch. 2 para. 22(b) substituted by S.I. 2024/603 reg. 3(4)(a)
Sch. 2 para. 22(c) substituted by S.I. 2024/603 reg. 3(4)(b)
Sch. 2 para. 33(b)(ii) substituted by S.I. 2024/603 reg. 3(8)
Sch. 2 para. 37(e) substituted by S.I. 2024/603 reg. 3(9)(b)
Sch. 2 para. 43(a) substituted by S.I. 2024/603 reg. 3(11)(b)
Sch. 2 para. 52 substituted by S.I. 2024/603 reg. 3(13)
Sch. 2 para. 24(e) words substituted by S.I. 2024/603 reg. 3(6)(d)
Sch. 2 para. 24 words substituted for Sch. 2 para. 24(b) by S.I. 2024/603 reg. 3(6)(a)
Sch. 2 para. 24(c) words substituted for Sch. 2 para. 24(c)(ii) by S.I. 2024/603 reg.
3(6)(b)
Sch. 2 para. 24(d) words substituted for Sch. 2 para. 24(d)(ii) by S.I. 2024/603 reg.
3(6)(c)
Sch. 2 para. 5 words substituted for Sch. 2 para. 5(d) by S.I. 2024/603 reg. 3(2)
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#### Changes and effects yet to be applied to the whole Instrument associated Parts and **Chapters:**

provisions):

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Whole provisions yet to be inserted into this Instrument (including any effects on those
      Sch. 1 para. 2(4A)-(4D) inserted by S.I. 2024/603 reg. 2(2)(c)
      Sch. 1 para. 11A inserted by S.I. 2024/603 reg. 2(4)
      Sch. 1 para. 14(5) inserted by S.I. 2024/603 reg. 2(5)
      Sch. 1 para. 27(5A)-(5G) inserted by S.I. 2024/603 reg. 2(7)(f)
      Sch. 1 para. 29(1A) inserted by S.I. 2024/603 reg. 2(9)(b)
      Sch. 1 para. 29(2A) inserted by S.I. 2024/603 reg. 2(9)(d)
      Sch. 1 para. 29(3)(c) and word inserted by S.I. 2024/603 reg. 2(9)(e)(iii)
      Sch. 1 para. 29(6A)-(6C) inserted by S.I. 2024/603 reg. 2(9)(i)
      Sch. 1 para. 32(1)(b)(iv) and word inserted by S.I. 2024/603 reg. 2(11)(c)
      Sch. 1 para. 32(8A) inserted by S.I. 2024/603 reg. 2(11)(d)
      Sch. 1 para. 38(6A) inserted by S.I. 2024/603 reg. 2(13)(b)
      Sch. 1 para. 40(14A) inserted by S.I. 2024/603 reg. 2(14)
      Sch. 1 para. 42(1)(e) and word inserted by S.I. 2024/603 reg. 2(15)(a)(ii)
      Sch. 1 para. 42(1A)-(1D) inserted by S.I. 2024/603 reg. 2(15)(b)
      Sch. 1 para. 42(5)(d) and word inserted by S.I. 2024/603 reg. 2(15)(c)(ii)
      Sch. 1 para. 51(2)(c)(d) inserted by S.I. 2024/603 reg. 2(18)(a)(ii)
      Sch. 1 para. 51(2A)-(2M) inserted by S.I. 2024/603 reg. 2(18)(b)
      Sch. 1 para. 52(1A) inserted by S.I. 2024/603 reg. 2(19)
      Sch. 1 para. 55(5)-(11) inserted by S.I. 2024/603 reg. 2(20)(e)
      Sch. 1 para. 59(4) inserted by S.I. 2024/603 reg. 2(21)
      Sch. 1 para. 61(14A) inserted by S.I. 2024/603 reg. 2(22)
      Sch. 1 para. 63(1)(d) and word inserted by S.I. 2024/603 reg. 2(23)(a)(ii)
      Sch. 1 para. 63(1A)-(1D) inserted by S.I. 2024/603 reg. 2(23)(b)
      Sch. 1 para. 63(4)(c) and word inserted by S.I. 2024/603 reg. 2(23)(c)(ii)
      Sch. 2 para. 22(d)-(f) inserted by S.I. 2024/603 reg. 3(4)(c)
      Sch. 2 para. 37(a)(iv) inserted by S.I. 2024/603 reg. 3(9)(a)
      Sch. 2 para. 43(za) inserted by S.I. 2024/603 reg. 3(11)(a)
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- Sch. 2 para. 47(c)-(e) inserted by S.I. 2024/603 reg. 3(12)