

## SCHEDULE 2

### Special Cases

#### Part I

##### Conditions

#### Regulation 25

- 1.—(1) The conditions referred to in regulation 9(2) and 25(1) are—
- (a) the report, complaint or allegation indicates that the conduct of the senior officer concerned is of a serious nature and that an imprisonable offence may have been committed by the senior officer concerned; and
  - (b) the conduct is such that, were the case to be referred to a hearing under regulation 11 and the tribunal hearing the case were to find that the conduct failed to meet the appropriate standard, they would in the opinion of the Police Authority be reasonable to impose the sanction specified in regulation 22(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 Police Authority, sufficient without further evidence to establish on the balance of probabilities that the conduct of the senior officer concerned did not meet the appropriate standard; and
  - (d) the Police Authority are of the opinion that it is in the public interest for the senior officer concerned to cease to be a member of the 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.—(1) In regulation 11 (notice of proceedings) for paragraphs (1) and (2) there shall be substituted the following paragraphs:

- “(1) This regulation shall apply where the Police Authority certify the case as a special case under regulation 9(5)(b) and do not proceed as mentioned in regulation 10(1) or (2)”.
- (2) The Police Authority shall, as soon as practicable—
- (a) refer the case to a hearing and fix a date for that hearing; and
  - (b) instruct an independent solicitor to give written notice to the senior officer concerned—
    - (i) that the case has been certified as a special case and referred to a hearing to be held at a date, time and place specified in the notice; and
    - (ii) specifying the conduct of that senior officer 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) For paragraph (4) of regulation 11 there shall be substituted the following paragraph:
- “(4) the hearing referred to in paragraph (2)(a) shall be fixed for a date not less than 21 and not more than 28 days from the date on which notice is given under paragraph (2)(b)”.

*Status: This is the original version (as it was originally made).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

3. For regulations 12 and 13 there shall be substituted the following regulations:
  - “12. At any time before the beginning of the hearing the Police Authority may direct that the case be returned to the investigating officer or Ombudsman as appropriate
  - 13.—(1) The Police Authority shall ensure that the notice referred to in regulation 11(2) (b) is—
    - (a) delivered to the senior officer concerned personally; or
    - (b) left with some person at, or sent by recorded delivery to, the address at which he is residing; and
    - (c) accompanied by copies of—
      - (i) the certificate under regulation 9(5)(b);
      - (ii) any statement he may have made under regulation 8 or 9; and
      - (iii) any relevant statement, document or other material obtained during the course of the investigation.
  - (2) 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. In regulation 15 (procedure at hearing) in paragraph (5) the words, “or whether any question should or should not be put to a witness,” shall be omitted.
5. In regulation 16 (statements in lieu of oral evidence), the paragraph shall be numbered (1); at the end there shall be added the following paragraph:
  - “(2) No witness shall be called by either party to the case”; and the first paragraph shall be numbered (1).
6. In regulation 17 (adjournment of hearing) there shall be substituted the following regulation:
  - “17. The tribunal may adjourn if it appears to it to be necessary or expedient to do so for the due hearing of the case; 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 senior officer concerned, 4 weeks”.
7. In regulation 19 (attendance of complainant at hearing)—
  - (a) in paragraph (2) for the words “paragraphs (3), (4) and (6)” there shall be substituted “paragraph (6)” and the words “while witnesses are being examined, or cross-examined,” shall be omitted; and
  - (b) in paragraphs (3) to (5) and, in paragraph (6), the words “subject as aforesaid,” shall be omitted.
8. In regulation 21 (decision of the Police Authority), in paragraph (1) after the words “dismiss the case or” there shall be inserted “direct that it be returned to the investigating officer or”.
9. In regulation 22 (sanctions)—
  - (a) in paragraph 2(a) for the words “receive evidence from any witness whose evidence would” there shall be substituted “admit such documentary evidence as would”; and
  - (b) in paragraph 2(b) after the word “adduce” there shall be inserted “documentary”.