

## SCHEDULE 4

Regulation 41

### SPECIAL PROCEDURES FOR HEARING DIRECTED BY OMBUDSMAN OR AFFECTED BY EXCEPTIONAL CIRCUMSTANCES

These modifications have effect for the purposes of misconduct proceedings in any case such as is mentioned in regulation 41(1) or (2).

1. For regulation 47 (panel conducting the hearing) substitute—

#### **“Panel conducting the hearing**

47.—(1) Where a case is referred to a hearing it shall be heard by a panel appointed by the Chief Constable.

- (2) A panel appointed under paragraph (1) shall consist of—

- (a) a barrister or solicitor, who shall be chairman,
- (b) a police officer or member of a police force in Great Britain of the rank of superintendent or chief superintendent, or an employee holding an appropriate position in the police support staff, and
- (c) another panel member who—
  - (i) is neither a serving officer in the police or in a police force in Great Britain nor a member of the police support staff, and
  - (ii) is eligible to sit on an employment tribunal or is a legal practitioner, being persons who are selected from lists of eligible persons maintained by the Chief Constable and who are not interested parties.”

2. In regulation 50 (representation) for paragraph (1) (appointment of presenting officer) substitute—

“(1) The Ombudsman shall present the case.”

3. In regulation 51 (conduct of hearing) for paragraph (2) substitute—

“(2) The decision as to whether there was a breach of conduct by the designated person concerned may be made by majority decision.”

4. For any reference in regulation 53, 54, 55, 56, 57, 59 or 60 to the presiding officer substitute a reference to the chairman.

5. Omit regulation 58 (remission of cases).