



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART IX

POLICE COMPLAINTS AND DISCIPLINE

Amendments of discipline provisions

101 Discipline regulations

- (1) Regulations under section 33(2)(e) of the Police Act 1964 (discipline regulations) shall provide—
 - (a) for the determination of questions whether offences against discipline have been committed ;
 - (b) for racially discriminatory behaviour to be made a specific disciplinary offence ; and
 - (c) for members of police forces who are found to have committed such offences to be punished by way of dismissal, requirement to resign, reduction in rank, reduction in rate of pay, fine, reprimand or caution.
- (2) In the case of a police force maintained under section 1 of that Act (county or combined police force) the regulations shall provide for the functions mentioned in subsection (1) (a) or (c) above to be discharged—
 - (a) in relation to the chief constable, any deputy chief constable and any assistant chief constable, by the police authority;
 - (b) in relation to any other member of the police force, by the chief constable, but subject, in a case within paragraph (b) of this subsection, to section 94 above and the following provisions of this section.
- (3) The regulations shall provide for the functions mentioned in subsection (1)(a) and (c) above to be discharged by another chief officer of police if, in a case within subsection (2)(b) above, the chief constable—
 - (a) is interested in the case otherwise than in his capacity as such; or
 - (b) is a material witness.

Status: This is the original version (as it was originally enacted).

- (4) Without prejudice to subsection (3) above, the regulations may, as respects any case within subsection (2) (b) above, provide—
- (a) for enabling a chief constable, where he considers it appropriate to do so, to direct that his function under subsection (1)(a) above shall be discharged by another chief officer of police ; and
 - (b) where such a direction is given, for the function mentioned in subsection (1) (c) above to be discharged by the chief constable after considering any recommendation as to punishment made by the other chief officer of police.
- (5) Subject to subsection (6) below, the regulations may provide for enabling a chief constable to direct that his functions under subsection (1) above may be discharged by a deputy chief constable in any case—
- (a) which is within subsection (2)(b) above ;
 - (b) in which the decision that a disciplinary charge is to be brought is taken, in accordance with the regulations, by an assistant chief constable ; and
 - (c) in which it appears appropriate to the chief constable so to direct.
- (6) In subsection (5) above the reference to functions under subsection (1) above does not include the functions mentioned in section 94(3) above.
- (7) If regulations provide by virtue of subsection (5) above that any of the functions of a chief constable may be discharged by a deputy chief constable, they may provide that the deputy chief constable shall have power or shall be under a duty to remit any matter to the chief constable in such circumstances as the regulations may specify.
- (8) If regulations provide as mentioned in subsection (5) above, they shall also provide—
- (a) that a deputy chief constable shall have power to punish only by way of reduction in rate of pay, fine, reprimand or caution;
 - (b) that a police officer dealt with by a deputy chief constable may appeal to the chief constable ; and
 - (c) that on such an appeal the chief constable shall have no power to award a punishment greater than the punishment awarded by the deputy chief constable.
- (9) Subsections (2) to (8) above shall apply in the case of the City of London police force as they apply in the case of a police force maintained under section 1 of the Police Act 1964 but with the substitution—
- (a) subject to paragraph (b) below, for references to a deputy chief constable or an assistant chief constable of references to an assistant commissioner of police for the City of London and any officer holding a rank appearing to the Secretary of State to correspond to that of assistant chief constable in a force maintained under that section;
 - (b) for the reference in subsection (5) to a deputy chief constable of a reference to an officer of the City of London police force holding a rank such as is mentioned in paragraph (a) above but who is not the officer who has taken the decision mentioned in paragraph (b) of that subsection ; and
 - (c) for references to the chief constable of references to the Commissioner of Police for the City of London.