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## SCHEDULES

### SCHEDULE 6

Section 85.

#### APPEALS TO POLICE APPEALS TRIBUNALS

##### Modifications etc. (not altering text)

C1 Sch. 6 applied (1.4.1998) by 1997 c. 50, s. 82(2); S.I. 1998/354, art. 2(2)(ap)

##### *Police appeals tribunals*

- 1 (1) In the case of an appeal by a senior officer, the police appeals tribunal shall consist of three members appointed by the Secretary of State, of whom—
- (a) one shall be a person chosen from a list of persons who <sup>[F1]</sup>satisfy the judicial-appointment eligibility condition on a 5-year basis] and have been nominated by the Lord Chancellor for the purposes of this Schedule,
  - <sup>[F2]</sup>(b) one shall be Her Majesty's Chief Inspector of Constabulary appointed under section 54(1) or one of Her Majesty's Inspectors of Constabulary nominated by the Chief Inspector, and
  - (c) one shall be the permanent secretary to the Home Office or a Home Office director nominated by the permanent secretary.]
- (2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) applies shall be the chairman.

##### Textual Amendments

F1 Words in Sch. 6 para. 1(1)(a) substituted (21.7.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), s. 148, Sch. 10 para. 27; S.I. 2008/1653, art. 2(d) (with arts. 3, 4)

F2 Sch. 6 para. 1(1)(b)(c) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 22 para. 11(2); S.I. 2008/2993, art. 2(1)(h)(ii) (with art. 3)

- 2 <sup>[F3]</sup>(1) In the case of an appeal by a member of a police force (other than a senior officer) or a special constable, the police appeals tribunal shall consist of <sup>[F4]</sup>three members] appointed by the <sup>[F5]</sup>relevant local policing body], of whom—
- (a) one shall be a person chosen from the list referred to in paragraph 1(1)(a),
  - (b) one shall be a senior officer, <sup>[F6]</sup>and]
  - <sup>F7</sup>(c) . . . . .
  - (d) one shall be a retired member of a police force who, at the time of his retirement, was a member of an appropriate staff association.]
- (2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) applies shall be the chairman.

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**Textual Amendments**

- F3** Sch. 6 para. 2(1) substituted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 22 para. 11\(3\)](#); S.I. 2008/2993, art. 2(1)(h)(ii) (with art. 3)
- F4** Words in Sch. 6 para. 2(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 47\(2\)\(a\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F5** Words in Sch. 6 para. 2(1) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 47\(2\)\(b\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F6** Word in Sch. 6 para. 2(1)(b) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 47\(2\)\(c\)](#); S.I. 2011/3019, art. 3, Sch. 1
- F7** Sch. 6 para. 2(1)(c) omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\), Sch. 16 para. 47\(2\)\(d\)](#); S.I. 2011/3019, art. 3, Sch. 1

*Notice of appeal*

3 An appeal shall be instituted by giving notice of appeal within the time prescribed by rules made under section 85.

*Respondent*

4 On any appeal the respondent shall be such person as may be prescribed by rules made under section 85.

*Casting vote*

5 Where there is an equality of voting among the members of a police appeals tribunal, the chairman shall have a second or casting vote.

*Hearing*

<sup>F8</sup>6 .....

**Textual Amendments**

- F8** Sch. 6 para. 6 repealed (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\), Sch. 22 para. 11\(4\), Sch. 28 Pt. 8](#); S.I. 2008/2993, art. 2(1)(h)(ii)(k)(i) (with art. 3)

*Effect of orders*

7 [<sup>F9</sup>(1) Where on the determination of an appeal the tribunal makes such an order as is mentioned in section 85(2), the order shall take effect—

- (a) by way of substitution for the decision appealed against, and
- (b) as from the date of that decision.]

(2) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force or in his rank, he shall, for the purpose of reckoning service for pension and, to such extent (if any) as may be determined by the order, for the purpose of pay, be deemed to have served in the force or in his rank continuously from the date of the original decision to the date of his reinstatement.

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- (3) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force and he was suspended for a period immediately preceding the date of the original decision or any subsequent decision, the order shall deal with the suspension.

#### Textual Amendments

- F9** Sch. 6 para. 7(1) substituted (1.12.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\)](#), [Sch. 22 para. 11\(5\)](#); S.I. 2008/2993, art. 2(1)(h)(ii) (with art. 3)

#### *Remuneration and expenses*

- 8 Members of a police appeals tribunal shall be—
- (a) paid such remuneration, and
  - (b) reimbursed for such expenses,
- as the Secretary of State may determine.

#### *Costs*

- 9 (1) An appellant shall pay the whole of his own costs unless the police appeals tribunal directs that the whole or any part of his costs are to be defrayed out of the police fund of the [<sup>F10</sup>relevant local policing body].
- (2) Subject to sub-paragraph (1), all the costs and expenses of an appeal under section 85, including the costs of the respondent and any remuneration or expenses paid by virtue of paragraph 8, shall be defrayed out of the police fund of the [<sup>F10</sup> relevant local policing body ] .

#### Textual Amendments

- F10** Words in Sch. 6 para. 9 substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\), s. 157\(1\)](#), [Sch. 16 para. 47\(3\)](#); S.I. 2011/3019, art. 3, Sch. 1

#### *Interpretation*

- 10 In this Schedule—
- (a) “senior officer” means a member of a police force holding a rank above that of [<sup>F11</sup>chief] superintendent,
  - [<sup>F12</sup>(b) [<sup>F13</sup>“relevant local policing body” means the local policing body] which maintains—
    - (i) the police force of which the appellant is a member, or
    - (ii) the police force for the area for which the appellant is appointed as a special constable,as the case may be.]
  - [<sup>F14</sup>(c) “appropriate staff association” means—
    - (i) where the appellant was, immediately before the proceedings from which the appeal is brought, of the rank of chief superintendent

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or superintendent, the Police Superintendents' Association of England and Wales; and  
(ii) in any other case, the Police Federation of England and Wales.]

#### Textual Amendments

- F11** Word in Sch. 6 para. 10(a) inserted (1.1.2002) by 2001 c. 16, s. 125(5)(a)(6); S.I. 2001/3736, art. 3(a)
- F12** Sch. 6 para. 10(b) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 22 para. 11(6)(a); S.I. 2008/2993, art. 2(1)(h)(ii) (with art. 3)
- F13** Words in Sch. 6 para. 10(b) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), Sch. 16 para. 47(4); S.I. 2011/3019, art. 3, Sch. 1
- F14** Sch. 6 para. 10(c) substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 22 para. 11(6)(b); S.I. 2008/2993, art. 2(1)(h)(ii) (with art. 3)

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