
STATUTORY INSTRUMENTS

1999 No. 731

The Police (Conduct) (Senior Officers) Regulations 1999

Notice of proceedings

11.—(1) This regulation shall apply where the senior officer concerned—

- (a) accepts that his conduct did not meet the appropriate standard but the appropriate authority do not proceed as mentioned in regulation 10(1) or (2); or
- (b) does not accept that his conduct failed to meet the appropriate standard but the appropriate authority, after taking into account any statement he may have made in pursuance of notice given under regulation 8 or 9, are not satisfied that his conduct did meet the appropriate standard.

(2) Subject to paragraph (4), where this regulation applies the appropriate authority shall refer the case to a hearing and instruct an independent solicitor to give written notice to the senior officer concerned—

- (a) that the case is being referred to a hearing, and
- (b) 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) The reference in paragraph (2) to an independent solicitor is a reference to a solicitor who is not a member, officer or servant of the appropriate authority or of any local authority which appoints any member of the appropriate authority.

(4) Notwithstanding that a case is one to which this regulation applies by virtue of paragraph (1) (b), if, after considering the report of the investigation, the appropriate authority are satisfied that the conduct in question, even if found to have failed to meet the appropriate standard, would not justify the imposition of any sanction under these Regulations, the steps mentioned in paragraph (2) need not be taken and the matter may be dealt with according to the appropriate authority's discretion.

(5) Proceedings at or in connection with a hearing to which a case is referred under this regulation shall, for the purposes of section 65 of the 1996 Act (interpretation of Chapter I of Part IV) be disciplinary proceedings.