
STATUTORY INSTRUMENTS

2008 No. 2865

The Police (Amendment) Regulations 2008

Amendments to the 2003 Regulations

2.—(1) Regulation 15 (contents of personal records) of the 2003 Regulations is amended as follows.

(2) In paragraph (3) after the words “Police (Conduct) Regulations 1999” insert the words “, regulation 35 of the Police (Conduct) Regulations 2004(1)”.

(3) After paragraph (4) insert the following paragraphs —

“(4A) Subject to paragraphs (4B), (4C) and (5A), the record of service kept in accordance with paragraph (2)(g) shall also include particulars of all—

- (a) disciplinary action, save for management advice—
 - (i) taken under regulation 35, 40 or 55 of the Police (Conduct) Regulations 2008(2); or
 - (ii) ordered following an appeal to a police appeals tribunal in accordance with the Police Appeals Tribunals Rules 2008(3);
- (b) written improvement notices issued under regulation 15 or varied under regulation 18 of the Police (Performance) Regulations 2008(4);
- (c) final written improvement notices issued under regulation 22 or varied under regulation 25 of the Police (Performance) Regulations 2008; and
- (d) outcomes, save for redeployment to alternative duties, ordered under regulation 38 of the Police (Performance) Regulations 2008 or following an appeal to a police appeals tribunal in accordance with the Police Appeals Tribunals Rules 2008.

(4B) In relation to a record of service—

- (a) a written warning shall be expunged after the expiry of the period of 12 months as referred to in regulation 3(3)(a) of the Police (Conduct) Regulations 2008 (subject to regulation 3(4) of those Regulations);
- (b) a final written warning shall be expunged—
 - (i) after the period of 18 months as referred to in regulation 3(3)(b) of the Police (Conduct) Regulations 2008 (subject to regulation 3(4) of those Regulations); or
 - (ii) in the event of a final written warning being extended under regulation 35(6)(b) or 55(2)(b) of the Police (Conduct) Regulations 2008, on the expiry of that extended warning;

(1) S.I. 2004/645, as amended by S.I. 2006/549.
(2) S.I. 2008/2864.
(3) S.I. 2008/2863.
(4) S.I. 2008/2862.

- (c) a reduction in rank shall be expunged after 5 years from the date the officer concerned was reduced in rank; and
- (d) a written improvement notice or a final written improvement notice issued or extended shall be expunged at the end of the validity period of such notice as defined in the Police (Performance) Regulations 2008 unless in relation to such a notice a period mentioned in regulation 10(2) of those Regulations has been extended beyond 12 months, in which case that notice shall be expunged at the end of such extended period.

(4C) A written warning or final written warning shall not be expunged from the record of service where before the time period expires for the written notice or final written notice to be expunged under paragraph (4A)(a) or (b) a written notice is served on the officer concerned under regulation 15 of the Police (Conduct) Regulations 2008 or under regulation 14A of the Police (Complaints and Misconduct) Regulations 2004(5). In such cases, the written warning or final written warning shall remain on the record of service until the conclusion of the disciplinary proceedings for which the written notice was served.”

- (4) After paragraph (5) insert the following paragraph—

“(5A) Where, following an appeal meeting under the Police (Conduct) Regulations 2008, a first stage appeal meeting or second stage appeal meeting under the Police (Performance) Regulations 2008 or an appeal to a police appeals tribunal under the Police Appeals Tribunals Rules 2008, the person or persons hearing the appeal decide to reverse, revoke, vary the terms of or impose a different disciplinary action, outcome or notice, the previous disciplinary action, outcome or notice which was the subject matter of the appeal shall be expunged forthwith.”

(5) [S.I. 2004/643](#), as amended by [S.I. 2005/3311](#) and [S.I. 2008/2866](#); there are other amending instruments but none is relevant. Regulation 14A is inserted by [S.I. 2008/2866](#).