
STATUTORY INSTRUMENTS

2012 No. 2632

POLICE, ENGLAND AND WALES

The Police (Conduct) Regulations 2012

<i>Made</i>	- - - -	<i>18th October 2012</i>
<i>Laid before Parliament</i>		<i>23rd October 2012</i>
		<i>22nd November</i>
<i>Coming into force</i>	- -	<i>2012</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 50, 51 and 84 of the Police Act 1996⁽¹⁾.

In accordance with section 63(3)(a) of that Act⁽²⁾, she has supplied the Police Advisory Board for England and Wales with a draft of these Regulations and has taken into consideration the representations of that Board.

PART 1 **E+W**

Preliminary

Citation, commencement and extent **E+W**

1.—(1) These Regulations may be cited as the Police (Conduct) Regulations 2012 and shall come into force on 22nd November 2012.

(2) These Regulations extend to England and Wales.

Commencement Information

11 [Reg. 1](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

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- (1) [1996 c.16](#). Section 50 is amended by paragraph 3 of Schedule 22 to the Criminal Justice and Immigration Act [2008 \(c.4\)](#), section 3 of the Policing and Crime Act [2009 \(c. 26\)](#) and section 82 of the Police Reform and Social Responsibility Act [2011 \(c.13\)](#). Section 51 is amended by section 128 of the Police Act [1997 \(c.50\)](#), section 35 of the Police Reform Act [2002 \(c.30\)](#) and paragraph 4 of Schedule 22 to the Criminal Justice and Immigration Act 2008.
- (2) Section 63(3) was substituted by paragraph 78 of Schedule 4 to the Serious Organised Crime and Police Act [2005 \(c. 15\)](#) and further amended by paragraph 68 of Schedule 1 to the Police and Justice Act [2006 \(c. 48\)](#), paragraph 6 of Schedule 22 to the Criminal Justice and Immigration Act 2008 and section 10 of the Policing and Crime Act 2009.

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

Revocation and transitional provisions **E+W**

2.—(1) Subject to paragraph (2), the Police (Conduct) Regulations 2008⁽³⁾ (“the 2008 Regulations”) are revoked.

(2) Where an allegation in respect of conduct by a police officer came to the attention of an appropriate authority before 22nd November 2012, the 2008 Regulations shall continue to have effect with the modifications set out in Part 1 of Schedule 1.

(3) Where, as a result of paragraph 3(b) of Schedule 1, a chief officer of police replaces a police authority as the appropriate authority in relation to an allegation, the 2008 Regulations have effect as if anything done, or treated as done, by or in relation to the police authority in its capacity as appropriate authority had been done by or in relation to the chief officer.

(4) Any decision taken under regulation 34(13) or 54(13) of the 2008 Regulations in relation to a senior officer of a police force maintained under section 2 of the Police Act 1996 or the City of London Police Force before 22nd November 2012 shall be treated as if it had been taken by a panel of persons constituted in accordance with regulation 26A or 47A of the 2008 Regulations (as the case may be), as modified by paragraphs 6, 7 and 8 of Schedule 1 to these Regulations.

(5) Any decision taken under regulation 35(1) or 55(1) or (5) of the 2008 Regulations in relation to a senior officer of a police force maintained under section 2 of the Police Act 1996 or the City of London Police Force before 22nd November 2012 shall be treated as if it had been taken by the appropriate authority under regulation 35(1A) or 55(1A) or (5A) of the 2008 Regulations (as the case may be).

(6) In so far as they continue to apply by virtue of paragraph (2) above and regulation 2(2) of the 2008 Regulations, the Police (Conduct) Regulations 2004⁽⁴⁾ have effect with the modifications set out in Part 2 of Schedule 1.

(7) Where, as a result of paragraph 11(b) of Schedule 1, a chief officer of police replaces a police authority as the appropriate authority in relation to any allegation, the Police (Conduct) Regulations 2004 shall have effect as if anything done or treated as done by or in relation to the police authority in its capacity as appropriate authority had been done by or in relation to the chief officer.

Commencement Information

I2 [Reg. 2](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Interpretation and delegation **E+W**

3.—(1) In these Regulations—

“the 1996 Act” means the Police Act 1996;

“the 2002 Act” means the Police Reform Act 2002;

“the Performance Regulations” means the Police (Performance) Regulations 2012⁽⁵⁾;

“the Police Regulations” means the Police Regulations 2003⁽⁶⁾;

“acting chief officer” means—

(a) a person exercising or performing functions of a chief constable in accordance with section 41 of the Police Reform and Social Responsibility Act 2011⁽⁷⁾;

⁽³⁾ [S.I. 2008/2864](#), as amended by [S.I. 2011/3027](#).

⁽⁴⁾ [S.I. 2004/645](#).

⁽⁵⁾ [S.I. 2012/2631](#).

⁽⁶⁾ [S.I. 2003/527](#).

⁽⁷⁾ [2011 c. 13](#).

- (b) a person exercising powers or duties of the Commissioner of Police of the Metropolis in accordance with section 44 or 45(4) of that Act; or
- (c) a person exercising duties of the Commissioner of Police for the City of London in accordance with section 25 of the City of London Police Act 1839⁽⁸⁾;

“allegation” means an allegation relating to a complaint or conduct matter;

“appropriate authority” means—

- (a) where the officer concerned is the chief officer or acting chief officer of any police force, the local policing body for the force’s area;
- (b) in any other case, the chief officer of police of the police force concerned;

“appeal hearing” means an appeal to a police appeals tribunal in accordance with the Police Appeals Tribunals Rules 2012⁽⁹⁾;

“appeal meeting” means a meeting held in accordance with regulation 39 following a misconduct meeting;

“bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽¹⁰⁾ in England and Wales;

[^{F1}“barred list report” means a report under section 88A(1) of the 1996 Act;]

^{F2} ...

“complainant” means the person referred to at section 12(1)(a) to (c) (as the case may be) of the 2002 Act;

“complaint” has the meaning given to it by section 12(1) of the 2002 Act;

“conduct” includes acts, omissions, statements and decisions (whether actual, alleged or inferred);

“conduct matter” has the meaning given to it by section 12(2) of the 2002 Act;

“criminal proceedings” means—

- (a) any prospective criminal proceedings; or
- (b) all criminal proceedings brought which have not been brought to a conclusion (apart from the bringing and determination of any appeal other than an appeal against conviction to the Crown Court);

[^{F3}“Director General” means the Director General of the Independent Office for Police Conduct;]

“disciplinary action” means, in order of seriousness starting with the least serious action—

- (a) management advice;
- (b) a written warning;
- (c) a final written warning;
- (d) an extension to a final written warning as described in regulation 35(7)(b);
- (e) dismissal with notice; or
- (f) dismissal without notice.

“disciplinary proceedings” means, other than in paragraph (7) or (8) of this regulation, any proceedings under these Regulations and any appeal from misconduct proceedings or a special case hearing dealt with under the Police Appeals Tribunals Rules 2012;

⁽⁸⁾ 2 & 3 Vict. c. xciv.

⁽⁹⁾ S.I. 2012/2630.

⁽¹⁰⁾ 1971 c. 80.

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

“document” means anything in which information of any description is recorded and includes any recording of a visual image^{F4} ...;

“gross misconduct” means a breach of the Standards of Professional Behaviour so serious that dismissal would be justified;

“harm test” has the meaning given to it in regulation 4;

“HMCIC” means Her Majesty’s Chief Inspector of Constabulary appointed under section 54(1) of the 1996 Act;

“human resources professional” means a police officer or police staff member who has specific responsibility for personnel matters relating to members of a police force;

“informant” means a person who provides information to an investigation on the basis that his identity is not disclosed during the course of the disciplinary proceedings;

“interested party” means a person whose appointment could reasonably give rise to a concern as to whether he could act impartially under these Regulations;

“interested person” has the meaning given to it by section 21 of the 2002 Act;

“investigator” means a person—

- (a) appointed under regulation 13; or
- (b) appointed or designated under paragraph 16, 17, 18 or 19 of Schedule 3 to the 2002 Act, as the case may be;

“management action” means action or advice intended to improve the conduct of the officer concerned;

“management advice” means management action imposed following misconduct proceedings or an appeal meeting;

“misconduct” means a breach of the Standards of Professional Behaviour;

“misconduct hearing” means a hearing to which the officer concerned is referred under regulation 19 and at which he may be dealt with by disciplinary action up to and including dismissal;

“misconduct meeting” means a meeting to which the officer concerned is referred under regulation 19 and at which he may be dealt with by disciplinary action up to and including a final written warning;

“misconduct proceedings” means a misconduct meeting or misconduct hearing;

“the officer concerned” means the police officer in relation to whose conduct there has been an allegation;

“personal record” means a personal record kept under regulation 15 of the Police Regulations;

[^{F1}“police barred list” means the list referred to in section 88B(2) of the 1996 Act;]

“police force concerned” means—

- (a) where the officer concerned is a member of a police force, the police force of which he is a member; and
- (b) where the officer concerned is a special constable, the police force maintained for the police area for which he is appointed;

“police friend” means a person chosen by the officer concerned in accordance with regulation 6;

“police officer” means a member of a police force or special constable;

“police staff member” means—

- (a) a member of the civilian staff of a police force, within the meaning of section 102(4) and (6) of the Police Reform and Social Responsibility Act 2011; or
- (b) an employee of the Common Council of the City of London who is under the direction and control of the Commissioner of the City of London Police;

“proposed witness” means a witness whose attendance at the misconduct proceedings the officer concerned or the appropriate authority (as the case may be) wishes to request of the person conducting or chairing those proceedings;

[^{F5}“protected disclosure” has the meaning given to it by section 43A of the Employment Rights Act 1996;]

“relevant lawyer” has the same meaning as in section 84(4) of the 1996 Act, subject to the provisions of paragraph 35 of Schedule 27 to the Criminal Justice and Immigration Act 2008;

“senior officer” means a member of a police force holding a rank above that of chief superintendent;

“special case hearing” means a hearing to which the officer concerned is referred under regulation 41 after the case has been certified as a special case;

“special case proceedings” means the referral of a case to a special case hearing and any proceedings at or in connection with such a hearing;

“staff association” means—

- (a) in relation to a member of a police force of the rank of chief inspector or below, the Police Federation of England and Wales;
- (b) in relation to a member of a police force of the rank of superintendent or chief superintendent, the Police Superintendents’ Association of England and Wales; and
- (c) in relation to a member of a police force who is a senior officer, the Chief Police Officers’ Staff Association;

“Standards of Professional Behaviour” means [^{F6}, subject to paragraph (9) of this regulation,] the standards of professional behaviour contained in Schedule 2; and

“working day” means any day other than a Saturday or Sunday or a day which is a bank holiday or a public holiday in England and Wales.

(2) In these Regulations—

- (a) a reference to an officer other than a senior officer shall include a reference to a special constable, regardless of his level of seniority;
- (b) a reference to a copy of a statement shall, where it was not made in writing, be construed as a reference to a copy of an account of that statement;
- (c) the “special conditions” are that—
 - (i) there is sufficient evidence, in the form of written statements or other documents, without the need for further evidence, whether written or oral, to establish on the balance of probabilities that the conduct of the officer concerned constitutes gross misconduct; and
 - (ii) it is in the public interest for the officer concerned to cease to be a police officer without delay.

(3) For the purposes of these Regulations—

- (a) a written warning shall remain in force for a period of 12 months from the date on which it takes effect; and
- (b) subject to regulations 35(7)(b) and 55(3)(b), a final written warning shall remain in force for a period of 18 months from the date on which it takes effect.

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

(4) The reference to the period of—

- (a) 12 months in paragraph (3)(a); and
- (b) 18 months in paragraph (3)(b) and regulations 35(8) and 55(4),

shall not include any time when the officer concerned is taking a career break (under regulation 33(12) of the Police Regulations (leave) and the determination of the Secretary of State made under that regulation).

(5) Where the appropriate authority is a chief officer of police, he may, subject to paragraph (6), delegate any of his functions under these Regulations to a—

- (a) member of a police force of at least the rank of chief inspector; or
- (b) police staff member who, in the opinion of the chief officer is of at least a similar level of seniority to a chief inspector.

(6) Where the appropriate authority delegates its functions under regulation 10 or 41, the decisions shall be authorised by a senior officer.

(7) Any proceedings under these Regulations are disciplinary proceedings for the purposes of section 87(5) of the 1996 Act.

(8) Any proceedings under these Regulations are disciplinary proceedings for the purposes of section 29(1) of the 2002 Act.

[^{F7}(9) For the purposes of these Regulations, the making of a protected disclosure by a police officer is not a breach of the Standards of Professional Behaviour.]

Textual Amendments

- F1** Words in [reg. 3\(1\)](#) inserted (15.12.2017) by [The Police \(Conduct, Complaints and Misconduct and Appeal Tribunal\) \(Amendment\) Regulations 2017](#) (S.I. 2017/1134), [regs. 1\(1\), 4](#) (with [reg. 2](#))
- F2** Words in [reg. 3](#) omitted (8.1.2018) by virtue of [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017](#) (S.I. 2017/1250), [regs. 1, 24\(3\)\(a\)](#) (with [reg. 37](#))
- F3** Words in [reg. 3](#) inserted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017](#) (S.I. 2017/1250), [regs. 1, 24\(3\)\(b\)](#) (with [reg. 37](#))
- F4** Words in [reg. 3](#) omitted (1.5.2015) by virtue of [The Police \(Conduct\) \(Amendment\) Regulations 2015](#) (S.I. 2015/626), [regs. 1\(1\), 3\(a\)](#)
- F5** Words in [reg. 3](#) inserted (1.5.2015) by [The Police \(Conduct\) \(Amendment\) Regulations 2015](#) (S.I. 2015/626), [regs. 1\(1\), 3\(b\)](#) (with [reg. 20\(1\)](#))
- F6** Words in [reg. 3](#) inserted (1.5.2015) by [The Police \(Conduct\) \(Amendment\) Regulations 2015](#) (S.I. 2015/626), [regs. 1\(1\), 3\(c\)](#) (with [reg. 20\(1\)](#))
- F7** [Reg. 3\(9\)](#) inserted (1.5.2015) by [The Police \(Conduct\) \(Amendment\) Regulations 2015](#) (S.I. 2015/626), [regs. 1\(1\), 3\(d\)](#) (with [reg. 20\(1\)](#))

Commencement Information

- I3** [Reg. 3](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

The harm test **E+W**

4. Information in documents which are stated to be subject to the harm test under these Regulations shall not be supplied to the officer concerned in so far as the appropriate authority considers that preventing disclosure to him is—

- (a) necessary for the purpose of preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in, any criminal proceedings;
- (b) necessary in the interests of national security;

- (c) necessary for the purpose of the prevention or detection of crime, or the apprehension or prosecution of offenders;
- (d) necessary for the purpose of the prevention or detection of misconduct by other police officers or police staff members or their apprehension for such matters;
- (e) justified on the grounds that providing the information would involve disproportionate effort in comparison to the seriousness of the allegations against the officer concerned;
- (f) necessary and proportionate for the protection of the welfare and safety of any informant or witness; or
- (g) otherwise in the public interest.

Commencement Information

I4 Reg. 4 in force at 22.11.2012, see [reg. 1\(1\)](#)

PART 2 **E+W**

General

Application **E+W**

5.—(1) These Regulations apply where an allegation comes to the attention of an appropriate authority which indicates that the conduct of a police officer may amount to misconduct or gross misconduct.

[^{F8}(2) Except as set out in paragraph (6), these Regulations also apply, with the modifications set out in Schedule 3, where—

- (a) an allegation comes to the attention of a relevant body which indicates that the conduct of a person who at the time of the alleged conduct was a police officer (“P”) may amount to gross misconduct; and
- (b) condition A, B or C is satisfied.

(3) Condition A is that P ceased to be a police officer after the allegation first came to the attention of a relevant body.

(4) Condition B is that—

- (a) P ceased to be a police officer before the allegation first came to the attention of a relevant body; and
- (b) the period between the date P ceased to be a police officer and the date the allegation first came to the attention of the relevant body did not exceed 12 months.

(5) Condition C is that—

- (a) P ceased to be a police officer before the allegation first came to the attention of a relevant body;
- (b) the period between the date P ceased to be a police officer and the date the allegation first came to the attention of the relevant body exceeded 12 months; and
- (c) the [^{F9}Director General] has made a Condition C special determination under Part 1A of these Regulations (as modified by paragraph (2) and Schedule 3) that taking disciplinary proceedings against P in respect of the alleged gross misconduct would be reasonable and proportionate.

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

(6) Paragraph (2) does not apply—

- (a) in relation to a person who ceased to be a police officer before 15th December 2017;
- (b) where the disciplinary proceedings would not be the first disciplinary proceedings to be taken against P in respect of the alleged gross misconduct unless they result from a re-investigation of the allegation (whether carried out under these Regulations or under the 2002 Act) that begins not later than 12 months after the date on which P ceased to be a police officer.]

[^{F10}(7)] Where an appropriate authority is considering more than one allegation in relation to the same police officer [^{F11}or person in relation to whom these Regulations apply by virtue of paragraph (2)], the allegations may be taken together and treated as a single allegation for the purposes of any provision of these Regulations which requires a person to make an assessment, finding, determination or decision in connection with conduct which is the subject matter of an allegation.

Textual Amendments

- F8** Reg. 5(2)-(6) inserted (15.12.2017) by The Police (Conduct, Complaints and Misconduct and Appeal Tribunal) (Amendment) Regulations 2017 (S.I. 2017/1134), regs. 1(1), **5(a)** (with reg. 2)
- F9** Words in Regulations substituted (8.1.2018) by The Independent Office for Police Conduct (Transitional and Consequential) Regulations 2017 (S.I. 2017/1250), regs. 1, **24(2)(a)** (with reg. 37)
- F10** Reg. 5(2) renumbered as reg. 5(7) (15.12.2017) by The Police (Conduct, Complaints and Misconduct and Appeal Tribunal) (Amendment) Regulations 2017 (S.I. 2017/1134), regs. 1(1), **5(b)** (with reg. 2)
- F11** Words in reg. 5(7) inserted (15.12.2017) by The Police (Conduct, Complaints and Misconduct and Appeal Tribunal) (Amendment) Regulations 2017 (S.I. 2017/1134), regs. 1(1), **5(b)** (with reg. 2)

Commencement Information

- I5** Reg. 5 in force at 22.11.2012, see **reg. 1(1)**

Police Friend **E+W**

6.—(1) The officer concerned may choose—

- (a) a police officer;
- (b) a police staff member; or
- (c) where the officer concerned is a member of a police force, a person nominated by his staff association,

who is not otherwise involved in the matter, to act as his police friend.

(2) A police friend may—

- (a) advise the officer concerned throughout the proceedings under these Regulations;
- (b) unless the officer concerned has the right to be legally represented and chooses to be so represented, represent the officer concerned at the misconduct proceedings or special case hearing or appeal meeting;
- (c) make representations to the appropriate authority concerning any aspect of the proceedings under these Regulations; and
- (d) accompany the officer concerned to any interview, meeting or hearing which forms part of any proceedings under these Regulations.

(3) Where a police friend is a police officer or a police staff member, the chief officer of police of the force of which the police friend is a member shall permit him to use a reasonable amount of duty time for the purposes referred to in paragraph (2).

(4) The reference in paragraph (3) to the force of which the police friend is a member shall include a reference to the force maintained for the police area for which a special constable is appointed and the force in which a police staff member is serving.

Commencement Information

16 Reg. 6 in force at 22.11.2012, see [reg. 1\(1\)](#)

Legal and other representation **E+W**

7.—(1) The officer concerned has the right to be legally represented, by a relevant lawyer of his choice, at a misconduct hearing or a special case hearing.

(2) If the officer concerned chooses not to be legally represented at such a hearing he may be dismissed or receive any other outcome under regulation 35 or 55 without his being so represented.

(3) Except in a case where the officer concerned has the right to be legally represented and chooses to be so represented, he may be represented at misconduct proceedings or a special case hearing or an appeal meeting only by a police friend.

(4) The appropriate authority may be represented at misconduct proceedings or a special case hearing or an appeal meeting by—

- (a) a police officer or police staff member of the police force concerned; or
- (b) at a misconduct hearing or a special case hearing only, a relevant lawyer (whether or not the officer concerned chooses to be legally represented).

(5) Subject to paragraph (6), the appropriate authority may appoint a person to advise the person or persons conducting the misconduct proceedings or special case hearing or appeal meeting.

(6) At a misconduct meeting or an appeal meeting, the person appointed under paragraph (5) shall not be a relevant lawyer.

Commencement Information

17 Reg. 7 in force at 22.11.2012, see [reg. 1\(1\)](#)

Provision of notices or documents **E+W**

8. Where any written notice or document is to be given or supplied to the officer concerned under these Regulations, it shall be—

- (a) given to him in person;
- (b) left with some person at, or sent by recorded delivery to, his last known address; or
- (c) in respect of a written notice under regulation 15(1), given to him in person by his police friend where the police friend has agreed with the appropriate authority to deliver the notice.

Commencement Information

18 Reg. 8 in force at 22.11.2012, see [reg. 1\(1\)](#)

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

Outstanding or possible criminal proceedings **E+W**

9.—(1) Subject to the provisions of this regulation, proceedings under these Regulations shall proceed without delay.

(2) Before referring a case to misconduct proceedings or a special case hearing, the appropriate authority shall decide whether misconduct proceedings or special case proceedings would prejudice any criminal proceedings.

(3) For any period during which the appropriate authority considers any misconduct proceedings or special case proceedings would prejudice any criminal proceedings, no such misconduct or special case proceedings shall take place.

(4) Where a witness who is or may be a witness in any criminal proceedings is to be or may be asked to attend misconduct proceedings, the appropriate authority shall consult the relevant prosecutor (and when doing so must inform him of the names and addresses of all such witnesses) before making its decision under paragraph (2).

(5) For the purposes of this regulation “relevant prosecutor” means the Director of Public Prosecutions or any other person who has or is likely to have responsibility for the criminal proceedings.

Commencement Information

19 [Reg. 9](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Suspension **E+W**

10.—(1) The appropriate authority may, subject to the provisions of this regulation, suspend the officer concerned from his office as constable and (in the case of a member of a police force) from membership of the force.

(2) An officer concerned who is suspended under this regulation remains a police officer for the purposes of these Regulations.

(3) A suspension under this regulation shall be with pay.

(4) The appropriate authority shall not suspend a police officer under this regulation unless the following conditions (“the suspension conditions”) are satisfied—

- (a) having considered temporary redeployment to alternative duties or an alternative location as an alternative to suspension, the appropriate authority has determined that such redeployment is not appropriate in all the circumstances of the case; and
- (b) it appears to the appropriate authority that either—
 - (i) the effective investigation of the case may be prejudiced unless the officer concerned is so suspended; or
 - (ii) having regard to the nature of the allegation and any other relevant considerations, the public interest requires that he should be so suspended.

(5) The appropriate authority may exercise the power to suspend the officer concerned under this regulation at any time from the date on which these Regulations first apply to the officer concerned in accordance with regulation 5 until—

- (a) it is decided that the conduct of the officer concerned shall not be referred to misconduct proceedings or a special case hearing; or
- (b) such proceedings have concluded.

(6) The appropriate authority may suspend the officer concerned with effect from the date and time of notification which shall be given either—

- (a) in writing with a summary of the reasons; or
 - (b) orally, in which case the appropriate authority shall confirm the suspension in writing with a summary of the reasons before the end of 3 working days beginning with the first working day after the suspension.
- (7) The officer concerned (or his police friend) may make representations against his suspension to the appropriate authority—
- (a) before the end of 7 working days beginning with the first working day after his being suspended;
 - (b) at any time during the suspension if he reasonably believes that circumstances relevant to the suspension conditions have changed.
- (8) The appropriate authority shall review the suspension conditions—
- (a) on receipt of any representations under paragraph (7)(a);
 - (b) if there has been no previous review, before the end of 4 weeks beginning with the first working day after the suspension;
 - (c) in any other case—
 - (i) on being notified that circumstances relevant to the suspension conditions may have changed (whether by means of representations made under paragraph (7)(b) or otherwise); or
 - (ii) before the end of 4 weeks beginning with the day after the previous review.
- (9) Where, following a review under paragraph (8), the suspension conditions remain satisfied and the appropriate authority decides the suspension should continue, it shall, before the end of 3 working days beginning with the day after the review, so notify the officer concerned in writing with a summary of the reasons.
- (10) Subject to paragraph (12), where the officer concerned is suspended under this regulation, he shall remain so suspended until whichever of the following occurs first—
- (a) the suspension conditions are no longer satisfied;
 - (b) either of the events mentioned in paragraph (5)(a) and, subject to paragraph (11), (5)(b).
- (11) Where an officer concerned who is suspended is dismissed with notice under regulation 35 he shall remain suspended until the end of the notice period.
- (12) In a case to which paragraph 17, 18 or 19 of Schedule 3 to the 2002 Act (investigations) applies, the appropriate authority must consult with the ^[F9]Director General—
- (a) in deciding whether or not to suspend the officer concerned under this regulation; and
 - (b) before a suspension under this regulation is brought to an end by virtue of paragraph (10) (a).

Textual Amendments

F9 Words in [Regulations](#) substituted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), regs. 1, **24(2)(a)** (with [reg. 37](#))

Commencement Information

I10 [Reg. 10](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Appropriate authority consent to notice of intention to resign or retire **E+W**

F1210A.

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

Textual Amendments

F12 Reg. 10A omitted (15.12.2017) by virtue of [The Police \(Conduct, Complaints and Misconduct and Appeal Tribunal\) \(Amendment\) Regulations 2017](#) (S.I. 2017/1134), regs. 1(1), **6** (with reg. 2)

PART 3 **E+W**

Investigations

Application of this Part **E+W**

11. This Part shall not apply to a case to which paragraph 16, 17, 18 or 19 of Schedule 3 to the 2002 Act (investigations) applies.

Commencement Information

I11 Reg. 11 in force at 22.11.2012, see [reg. 1\(1\)](#)

Assessment of conduct **E+W**

12.—(1) Subject to paragraph (6) the appropriate authority shall assess whether the conduct which is the subject matter of the allegation, if proved, would amount to misconduct or gross misconduct or neither.

(2) Where the appropriate authority assesses that the conduct, if proved, would amount to neither misconduct nor gross misconduct, it may—

- (a) take no action;
- (b) take management action against the officer concerned; or
- (c) refer the matter to be dealt with under the Performance Regulations.

(3) Where the appropriate authority assesses that the conduct, if proved, would amount to misconduct, it shall determine whether or not it is necessary for the matter to be investigated and—

- (a) if so, the matter shall be investigated and the appropriate authority shall further determine whether, if the matter were to be referred to misconduct proceedings, those would be likely to be a misconduct meeting or a misconduct hearing;
- (b) if not, the appropriate authority may—
 - (i) take no action; or
 - (ii) take management action against the officer concerned.

(4) Where the appropriate authority determines that the conduct, if proved, would amount to gross misconduct, the matter shall be investigated.

(5) At any time before the start of misconduct proceedings, the appropriate authority may revise its assessment of the conduct under paragraph (1) if it considers it appropriate to do so.

(6) Where the appropriate authority decides under this regulation to take no action, take management action or to refer the matter to be dealt with under the Performance Regulations, it shall so notify the officer concerned in writing as soon as practicable.

Commencement Information

I12 [Reg. 12](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Appointment of investigator **E+W**

13.—(1) This regulation applies where the matter is to be investigated in accordance with regulation 12.

(2) The appropriate authority shall, subject to paragraph (3), appoint a person to investigate the matter.

(3) If the officer concerned is the Commissioner of Police of the Metropolis or the Deputy Commissioner of Police of the Metropolis—

- (a) the appropriate authority shall notify the Secretary of State; and
- (b) the Secretary of State shall appoint a person to investigate the matter.

(4) No person shall be appointed to investigate the matter under this regulation—

- (a) unless he has an appropriate level of knowledge, skills and experience to plan and manage the investigation;
- (b) if he is an interested party;
- (c) if he works, directly or indirectly, under the management of the officer concerned; or
- (d) in a case where the officer concerned is a senior officer, if he is—
 - (i) the chief officer of police of the police force concerned; or
 - (ii) a member of the same police force as the officer concerned, or where the officer concerned is a member of the metropolitan police force, serving in the same division as the officer concerned.

(5) The reference in paragraph (4)(d)(ii) to a member of the police force shall include a reference to a special constable appointed for the area of that force and a police staff member serving in that force.

Commencement Information

I13 [Reg. 13](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Investigation **E+W**

14. The purpose of the investigation is to—

- (a) gather evidence to establish the facts and circumstances of the alleged misconduct or gross misconduct; and
- (b) assist the appropriate authority to establish whether there is a case to answer in respect of misconduct or gross misconduct or whether there is no case to answer.

Commencement Information

I14 [Reg. 14](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

Written notices **E+W**

15.—(1) The investigator shall as soon as is reasonably practicable after being appointed, and subject to paragraph (3), cause the officer concerned to be given written notice—

- (a) describing the conduct that is the subject matter of the allegation and how that conduct is alleged to fall below the Standards of Professional Behaviour;
- (b) of the appropriate authority's assessment of whether that conduct, if proved, would amount to misconduct or gross misconduct;
- (c) that there is to be an investigation into the matter and the identity of the investigator;
- (d) of whether, if the matter were to be referred to misconduct proceedings, those would be likely to be a misconduct meeting or a misconduct hearing and the reason for this;
- (e) that if the likely form of any misconduct proceedings to be held changes, further notice (with reasons) will be given;
- [^{F13}(ea) that if he is dismissed at misconduct proceedings, his full name and a description of the conduct which led to his dismissal will be added to the police barred list and may be subject to publication for a period of up to five years;]
- (f) informing him that he has the right to seek advice from his staff association or any other body and of the effect of regulation 6(1) and (2);
- (g) of the effect of regulations 7(1) to (3) and 16; and
- (h) informing him that whilst he does not have to say anything it may harm his case if he does not mention when interviewed or when providing any information under regulations 16(1) or 22(2) or (3) something which he later relies on in any misconduct proceedings or special case hearing or at an appeal meeting or appeal hearing.

(2) If following service of the notice under paragraph (1), the appropriate authority revises its assessment of the conduct in accordance with regulation 12(5) or its determination of the likely form of any misconduct proceedings to be taken, the appropriate authority shall, as soon as practicable, give the officer concerned further written notice of—

- (a) the assessment of whether the conduct, if proved, would amount to misconduct or gross misconduct as the case may be and the reason for that assessment; and
- (b) whether, if the case were to be referred to misconduct proceedings, those would be likely to be a misconduct meeting or a misconduct hearing and the reason for this.

(3) The requirement to give a written notice to the officer concerned under paragraph (1) does not apply for so long as the investigator considers that giving such a notice might prejudice the investigation or any other investigation (including, in particular, a criminal investigation).

(4) Once a written notice has been given in accordance with paragraph (1), the investigator shall notify the officer concerned of the progress of the investigation—

- (a) if there has been no previous notification following the supply of the written notice under paragraph (1), before the end of 4 weeks beginning with the first working day after the start of the investigation; and
- (b) in any other case, before the end of 4 weeks beginning with the first working day after the previous notification.

Textual Amendments

F13 Reg. 15(1)(ea) inserted (15.12.2017) by [The Police \(Conduct, Complaints and Misconduct and Appeal Tribunal\) \(Amendment\) Regulations 2017 \(S.I. 2017/1134\)](#), regs. 1(1), 7 (with reg. 2)

Commencement Information

I15 Reg. 15 in force at 22.11.2012, see [reg. 1\(1\)](#)

Representations to the investigator **E+W**

16.—(1) Before the end of 10 working days starting with the first working day after which the notice is given under regulation 15(1) (unless this period is extended by the investigator)—

- (a) the officer concerned may provide a written or oral statement relating to any matter under investigation to the investigator; and
- (b) the officer concerned or his police friend may provide any relevant documents to the investigator.

(2) The investigator shall, as part of his investigation, consider any such statement or document and shall make a record of having received it.

(3) In this regulation “relevant document”—

- (a) means a document relating to any matter under investigation, and
- (b) includes such a document containing suggestions as to lines of inquiry to be pursued or witnesses to be interviewed.

Commencement Information

I16 Reg. 16 in force at 22.11.2012, see [reg. 1\(1\)](#)

Interviews during investigation **E+W**

17.—(1) Where an investigator wishes to interview the officer concerned as part of his investigation, he shall, if reasonably practicable, agree a date and time for the interview with the officer concerned.

(2) Where no date and time is agreed under paragraph (1), the investigator shall specify a date and time for the interview.

(3) Where a date and time is specified under paragraph (2) and—

- (a) the officer concerned or his police friend will not be available at that time; and
- (b) the officer concerned proposes an alternative time which satisfies paragraph (4),

the interview shall be postponed to the time proposed by the officer concerned.

(4) An alternative time must—

- (a) be reasonable; and
- (b) fall before the end of the period of 5 working days beginning with the first working day after the day specified by the investigator.

(5) The officer concerned shall be given written notice of the date, time and place of the interview.

(6) The investigator shall, in advance of the interview, provide the officer concerned with such information as the investigator considers appropriate in the circumstances of the case to enable the officer concerned to prepare for the interview.

(7) The officer concerned shall attend the interview.

(8) A police friend may not answer any questions asked of the officer concerned during the interview.

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

Commencement Information

I17 Reg. 17 in force at 22.11.2012, see [reg. 1\(1\)](#)

Report of investigation **E+W**

18.—(1) On completion of his investigation the investigator shall as soon as practicable submit a written report on his investigation to the appropriate authority.

(2) The written report shall—

- (a) provide an accurate summary of the evidence;
- (b) attach or refer to any relevant documents; and
- (c) indicate the investigator's opinion as to whether there is a case to answer in respect of misconduct or gross misconduct or whether there is no case to answer.

(3) If at any time during his investigation the investigator believes that the appropriate authority would, on consideration of the matter, be likely to determine that the special conditions are satisfied, he shall, whether or not the investigation is complete, submit to the appropriate authority—

- (a) a statement of his belief and the grounds for it; and
- (b) a written report on his investigation to that point.

Commencement Information

I18 Reg. 18 in force at 22.11.2012, see [reg. 1\(1\)](#)

PART 4 **E+W**

Misconduct Proceedings

Referral of case to misconduct proceedings **E+W**

19.—(1) Subject to regulation 41 and paragraph (6)—

- (a) on receipt of the investigator's written report; ^{F14} ...
- (b) in the case of such a report submitted [^{F15}or, in the case of an investigation under paragraph 19 of Schedule 3 to the 2002 Act by the Director General acting personally, completed] under paragraph 22 of Schedule 3 to the 2002 Act (final reports on investigations), [^{F16}and—
- (c) where the investigation was carried out under paragraph 18 or 19 of Schedule 3 to the 2002 Act, on receipt of the Director General's opinion as to whether there is a case to answer in respect of misconduct or gross misconduct or whether there is no case to answer given under regulation 20 of the Police (Complaints and Misconduct) Regulations 2012,]

[^{F17}in making a determination under paragraph 23(7) or 24(6) of Schedule 3 to the 2002 Act (action in response to an investigation report) as to what action to take in respect of matters dealt with in that report,] the appropriate authority shall, as soon as practicable, determine whether the officer concerned has a case to answer in respect of misconduct or gross misconduct or whether there is no case to answer.

(2) Subject to paragraph (6), in a case where the disciplinary proceedings have been delayed by virtue of regulation 9(3), as soon as practicable after the appropriate authority considers that such proceedings would no longer prejudice any criminal proceedings, it shall, subject to regulation 41(3), make a further determination as to whether the officer concerned has a case to answer in respect of misconduct or gross misconduct or whether there is no case to answer.

(3) Where the appropriate authority determines there is no case to answer, it may—

- (a) take no further disciplinary action against the officer concerned;
- (b) take management action against the officer concerned; or
- (c) refer the matter to be dealt with under the Performance Regulations.

(4) Where the appropriate authority determines that there is a case to answer in respect of gross misconduct, it shall, subject to regulation 9(3) and paragraph (2), refer the case to a misconduct hearing.

(5) Where the appropriate authority determines that there is a case to answer in respect of misconduct, it may—

- (a) subject to regulation 9(3) and paragraph (2), refer the case to misconduct proceedings; or
- (b) take management action against the officer concerned.

(6) Where the appropriate authority—

- (a) accepts a recommendation under paragraph 27(3) of Schedule 3 to the 2002 Act (duties with respect to disciplinary proceedings) that proceedings are brought at a misconduct meeting or a misconduct hearing; or
- (b) has a duty under paragraph 27(4) (duties with respect to disciplinary proceedings) of that Schedule to comply with a direction to give effect to such a recommendation,

it shall, subject to regulation 9(3), refer the case to such a meeting or hearing.

(7) Where the appropriate authority fails to—

- (a) make the determination referred to in paragraph (1); and
- (b) where appropriate, decide what action to take under paragraph (5),

before the end of 15 working days beginning with the first working day after receipt of the investigator's written report, it shall notify the officer concerned of the reason for this.

(8) Where under paragraph (5) the appropriate authority determines to take management action, it shall give the officer concerned written notice of this as soon as practicable.

(9) Where the appropriate authority determines under paragraph (5) to refer the case to misconduct proceedings—

- (a) where the officer concerned had a final written warning in force at the date of the assessment of conduct under regulation 12(1) of these Regulations or paragraph 19B(2) or (3) of Schedule 3 to the 2002 Act (as the case may be), those proceedings shall be a misconduct hearing;
- (b) where the officer concerned has been reduced in rank under the Police (Conduct) Regulations 2004 less than 18 months prior to the assessment of conduct under regulation 12(1) of these Regulations or paragraph 19B(2) or (3) of Schedule 3 to the 2002 Act (as the case may be), those proceedings shall be a misconduct hearing; and
- (c) in all other cases those proceedings shall be a misconduct meeting.

Textual Amendments

F14 Word in [reg. 19\(1\)\(a\)](#) omitted (8.1.2018) by virtue of [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), [regs. 1, 24\(4\)\(a\)](#) (with [reg. 37](#))

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

- F15** Words in reg. 19(1)(b) inserted (8.1.2018) by The Independent Office for Police Conduct (Transitional and Consequential) Regulations 2017 (S.I. 2017/1250), regs. 1, **24(4)(b)(i)** (with reg. 37)
- F16** Reg. 19(1)(c) and word inserted (8.1.2018) by The Independent Office for Police Conduct (Transitional and Consequential) Regulations 2017 (S.I. 2017/1250), regs. 1, **24(4)(c)** (with reg. 37)
- F17** Words in reg. 19(1)(b) moved to full-out (8.1.2018) by The Independent Office for Police Conduct (Transitional and Consequential) Regulations 2017 (S.I. 2017/1250), regs. 1, **24(4)(b)(ii)** (with reg. 37)

Commencement Information

- I19** Reg. 19 in force at 22.11.2012, see **reg. 1(1)**

Withdrawal of case **E+W**

20.—(1) Subject to paragraph (3), at any time before the beginning of the misconduct proceedings, the appropriate authority may direct that the case be withdrawn.

(2) Where a direction is given under paragraph (1)—

(a) the appropriate authority may—

- (i) take no further action against the officer concerned;
- (ii) take management action against the officer concerned; or
- (iii) refer the matter to be dealt with under the Performance Regulations; and

(b) the appropriate authority shall as soon as practicable give the officer concerned—

- (i) written notice of the direction, indicating whether any action will be taken under paragraph (2)(a); and
- (ii) where the investigation has been completed, on request and subject to the harm test, a copy of the investigator's report or such parts of that report as relate to the officer concerned.

(3) This regulation shall not apply to a case to which paragraph 16, 17, 18 or 19 of Schedule 3 to the 2002 Act applies.

Commencement Information

- I20** Reg. 20 in force at 22.11.2012, see **reg. 1(1)**

Notice of referral to misconduct proceedings and panel membership **E+W**

21.—(1) Where a case is referred to misconduct proceedings, the appropriate authority shall as soon as practicable give the officer concerned—

(a) written notice of—

- (i) the referral;
- (ii) the conduct that is the subject matter of the case and how that conduct is alleged to amount to misconduct or gross misconduct as the case may be;
- (iii) the name of the person appointed to (in the case of a misconduct meeting for an officer other than a senior officer) conduct or (in any other case) chair the misconduct proceedings and of the effect of paragraphs (3) to (6) of this regulation; and
- (iv) the effect of regulation 7(1) to (3) in relation to the form of misconduct proceedings to which the case is being referred;

(b) a copy of any statement he may have made to the investigator during the course of the investigation; and

- (c) subject to the harm test, a copy of—
- (i) the investigator’s report or such parts of that report as relate to him (together with any document attached to or referred to in that report which relates to him); ^{F18}...
 - (ii) any other relevant document gathered during the course of the investigation; [^{F19} and
 - (iii) a copy of the opinion given under regulation 20 of the Police (Complaints and Misconduct) Regulations 2012.]
- (2) As soon as practicable after—
- (a) any person has been appointed under regulation 7(5) to advise the person or persons conducting the misconduct proceedings; and
 - (b) where the misconduct proceedings are to be conducted by a panel, the person or persons comprising that panel (other than the chair) have been determined,
- the appropriate authority shall give the officer concerned written notice of the names of such persons and of the effect of paragraphs (3) to (6) of this regulation.
- (3) The officer concerned may object to any person whom he is notified under the preceding provisions of this regulation is to—
- (a) conduct (including chair) his misconduct proceedings; or
 - (b) advise the person or persons conducting those proceedings.
- (4) Any such objection must be made in writing to the appropriate authority before the end of 3 working days beginning with the first working day after the officer concerned is given notice of the person’s name and must set out the grounds of objection of the officer concerned.
- (5) The appropriate authority shall notify the officer concerned in writing whether it upholds or rejects an objection to any panel member or to any person appointed under regulation 7(5) to advise the person or persons conducting the misconduct proceedings.
- (6) If the appropriate authority upholds the objection, the person to whom the officer concerned objects shall be replaced (in accordance with regulations 7(5) and (6) or 25 and 26 as appropriate).
- (7) As soon as reasonably practicable after any such appointment, the appropriate authority shall notify in writing the officer concerned of the name of the new panel member, or the adviser to the person or persons conducting the misconduct proceedings, as the case may be.
- (8) The officer concerned may object to the appointment of a person appointed under paragraph (6).
- (9) Any such objection must be made in accordance with paragraph (4), provided that it must be made before the end of 3 working days beginning with the first working day after receipt of the notification referred to in paragraph (7); and the appropriate authority shall comply with paragraphs (5) to (7) in relation to that objection, but paragraph (8) shall not apply.
- (10) In this regulation “relevant document” means a document which, in the opinion of the appropriate authority, is relevant to the case the officer concerned has to answer.

Textual Amendments

- F18** Word in [reg. 21\(1\)\(c\)\(i\)](#) omitted (8.1.2018) by virtue of [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), [regs. 1, 24\(5\)\(a\)](#) (with [reg. 37](#))
- F19** [Reg. 21\(1\)\(c\)\(iii\)](#) and word inserted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), [regs. 1, 24\(5\)\(b\)](#) (with [reg. 37](#))

Commencement Information

- I21** [Reg. 21](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

Procedure on receipt of notice **E+W**

22.—(1) Before the end of—

- (a) 14 working days beginning with the first working day after the documents have been supplied to the officer concerned under regulation 21(1); or
- (b) where that period is extended by the person conducting or chairing the misconduct proceedings for exceptional circumstances, such extended period,

the officer concerned shall comply with paragraphs (2) and (3).

(2) The officer concerned shall provide to the appropriate authority—

- (a) written notice of whether or not he accepts that his conduct amounts to misconduct or gross misconduct as the case may be;
- (b) where he accepts that his conduct amounts to misconduct or gross misconduct as the case may be, any written submission he wishes to make in mitigation; and
- (c) where he does not accept that his conduct amounts to misconduct or gross misconduct as the case may be, or he disputes part of the case against him, written notice of—
 - (i) the allegations he disputes and his account of the relevant events; and
 - (ii) any arguments on points of law he wishes to be considered by the person or persons conducting the misconduct proceedings.

(3) The officer concerned shall provide the appropriate authority with a copy of any document he intends to rely on at the misconduct proceedings.

(4) Before the end of 3 working days beginning with the first working day after the date on which the officer concerned has complied with paragraph (2), the appropriate authority and the officer concerned shall each supply to the other a list of proposed witnesses or give notice that they do not have any proposed witnesses; and any list of proposed witnesses shall include brief details of the evidence that each witness is able to adduce.

(5) Where there are proposed witnesses, the officer concerned shall, if reasonably practicable, agree a list of proposed witnesses with the appropriate authority.

Commencement Information

I22 [Reg. 22](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Witnesses **E+W**

23.—(1) As soon as practicable after any list of proposed witnesses has been—

- (a) agreed under regulation 22(5); or
- (b) where there is no agreement under regulation 22(5), supplied under regulation 22(4),

the appropriate authority shall supply that list to the person conducting or chairing the misconduct proceedings.

(2) The person conducting or chairing the misconduct proceedings shall—

- (a) consider the list or lists of proposed witnesses; and
- (b) subject to paragraph (3), determine which, if any, witnesses should attend the misconduct proceedings.

(3) No witness shall give evidence at misconduct proceedings unless the person conducting or chairing those proceedings reasonably believes that it is necessary for the witness to do so in the interests of justice, in which case he shall—

- (a) where the witness is a police officer, cause that person to be ordered to attend the misconduct proceedings; and
- (b) in any other case, cause the witness to be given notice that his attendance is necessary and of the date, time and place of the proceedings.

Commencement Information

I23 Reg. 23 in force at 22.11.2012, see **reg. 1(1)**

Timing and notice of misconduct proceedings **E+W**

24.—(1) Subject to paragraphs (2) and (6), the misconduct proceedings shall take place—

- (a) in the case of a misconduct meeting, before the end of 20 working days; or
- (b) in the case of a misconduct hearing, before the end of 30 working days,

beginning with the first working day after the documents have been supplied to the officer concerned under regulation 21(1).

(2) The person conducting or chairing the misconduct proceedings may extend the period specified in paragraph (1) where he considers that it would be in the interests of justice to do so.

(3) Where the person conducting or chairing the misconduct proceedings decides to extend the period under paragraph (2), or decides not to do so following representations from the officer concerned or the appropriate authority, he shall provide written notification of his reasons for that decision to the appropriate authority and the officer concerned.

(4) The person conducting or chairing the misconduct proceedings shall, if reasonably practicable, agree a date and time for the misconduct proceedings with the officer concerned.

(5) Where no date and time is agreed under paragraph (4), the person conducting or chairing the misconduct proceedings shall specify a date and time for those proceedings.

(6) Where a date and time is specified under paragraph (5) and—

- (a) the officer concerned or his police friend will not be available at that time; and
- (b) the officer concerned proposes an alternative time which satisfies paragraph (7),

the misconduct proceedings shall be postponed to the time proposed by the officer concerned.

(7) An alternative time must—

- (a) be reasonable; and
- (b) fall before the end of 5 working days beginning with the first working day after the day specified by the person conducting or chairing the misconduct proceedings.

(8) The officer concerned shall be given written notice of the date, time and place of the misconduct proceedings.

(9) Where the [^{F9}Director General] is entitled to attend the misconduct proceedings to make representations under regulation 29(1), or to nominate a person to attend the proceedings as an observer under regulation 31(2), the [^{F9}Director General] shall be given written notice of the date, time and place of the proceedings.

Textual Amendments

F9 Words in [Regulations](#) substituted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), [regs. 1, 24\(2\)\(a\)](#) (with [reg. 37](#))

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

Commencement Information

I24 [Reg. 24](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Persons conducting misconduct proceedings: officers other than senior officers **E+W**

25.—(1) This regulation applies where the officer concerned is an officer other than a senior officer.

(2) The misconduct meeting shall be conducted by a person appointed by the appropriate authority who is not an interested party and who satisfies paragraph (3).

(3) The person shall—

(a) where—

(i) the officer concerned is a member of a police force, be another member of a police force of at least one rank higher than the officer concerned;

(ii) the officer concerned is a special constable, be a member of a police force of the rank of sergeant or above or a senior human resources professional; or

(b) unless the case substantially involves operational policing matters, be a police staff member who, in the opinion of the appropriate authority, is more senior than the officer concerned.

^{F20}(4) Where the case is referred to a misconduct hearing, that hearing shall be conducted by a panel of three persons appointed by the appropriate authority, comprising—

(a) a chair selected by the appropriate authority who satisfies the judicial appointment eligibility condition on a 5-year basis and has been nominated by a local policing body for the purposes of these Regulations;

(b) a member of a police force of the rank of superintendent or above (provided the member is of a more senior rank than the officer concerned); and

(c) a person selected by the appropriate authority from a list of candidates maintained by a local policing body for the purposes of these Regulations.]

Textual Amendments

F20 [Reg. 25\(4\)](#) substituted for [reg. 25\(4\)\(5\)](#) (1.1.2016) by [The Police \(Conduct\) \(Amendment\) Regulations 2015 \(S.I. 2015/626\)](#), [regs. 1\(3\)](#), [5](#) (with [reg. 20\(3\)](#))

Commencement Information

I25 [Reg. 25](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Persons conducting misconduct proceedings: senior officers **E+W**

26.—(1) Where the officer concerned is a senior officer, the misconduct proceedings shall be conducted by a panel of persons specified in paragraph (2), appointed by the appropriate authority.

(2) Those persons are—

(a) a chair selected by the appropriate authority from a list of persons who satisfy the judicial-appointment eligibility [^{F21}condition](**11**) on a 7-year basis and have been nominated by the Secretary of State for the purposes of these Regulations;

(b) HMCIC or an inspector of constabulary nominated by him; and

(11) See section 50 of the Tribunals, Courts and Enforcement Act 2007 (c. 15).

- (c) a person selected by the appropriate authority from a list of candidates maintained by a local policing body for the purposes of these Regulations.

Textual Amendments

F21 Word in [reg. 26\(2\)\(a\)](#) substituted (1.5.2015) by [The Police \(Conduct\) \(Amendment\) Regulations 2015 \(S.I. 2015/626\)](#), [regs. 1\(1\), 6](#)

Commencement Information

I26 [Reg. 26](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Documents to be supplied **E+W**

27.—(1) Prior to the misconduct proceedings the appropriate authority shall supply the person or persons conducting the misconduct proceedings with a copy of—

- (a) the documents given to the officer concerned under regulation 21(1) [^{F22}except not any given under regulation 21(1)(c)(iii)];
- (b) the documents provided by the officer concerned under—
- (i) regulation 22(2) and (3); and
- (ii) where paragraph (2) applies, regulation 45; and
- (c) where the officer concerned does not accept that his conduct amounts to misconduct or gross misconduct as the case may be or where he disputes any part of the case against him, any other documents that, in the opinion of the appropriate authority, should be considered at the misconduct proceedings.

(2) This paragraph applies where the appropriate authority has directed, in accordance with regulation 42(1), that the case be dealt with under this Part.

(3) Prior to the misconduct proceedings the officer concerned shall be supplied with a list of the documents supplied under paragraph (1) and a copy of any such document of which he has not already been supplied with a copy.

Textual Amendments

F22 Words in [reg. 27\(1\)\(a\)](#) inserted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), [regs. 1, 24\(6\)](#) (with [reg. 37](#))

Commencement Information

I27 [Reg. 27](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

[^{F23}Notification of misconduct hearings **E+W**

27A.—(1) The person chairing a misconduct hearing may require notice of the hearing to be given which contains information relating to one or more of—

- (a) the name of the officer concerned;
- (b) the date of the hearing;
- (c) the time of the hearing;
- (d) the place at which the hearing will take place; and

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

- (e) the conduct that is the subject matter of the case and how that conduct is alleged to amount to misconduct or gross misconduct as the case may be, as set out in the notice given in accordance with regulation 21(1)(a)(ii).
- (2) Where the person chairing a misconduct hearing requires notice to be given in accordance with paragraph (1), the appropriate authority shall publish the notice on its website no less than 5 working days before the day on which the hearing begins.
- (3) Any person to whom this paragraph applies may make written representations to the person chairing the misconduct hearing in relation to—
- (a) whether, and (if so) the extent to which, the person chairing the misconduct hearing should exclude any person from the whole or part of the hearing under regulation 31(6)(a);
 - (b) whether the person chairing the misconduct hearing should impose any conditions under regulation 31(6)(b);
 - (c) in the light of the representations made under sub-paragraphs (a) and (b)—
 - (i) whether the person chairing the misconduct hearing should require notice to be given under paragraph (1);
 - (ii) which types of information mentioned in paragraph (1)(a) to (e) should be included in any such notice.
- (4) Paragraph (3) applies to—
- (a) the officer concerned;
 - (b) the appropriate authority;
 - (c) the complainant;
 - (d) any interested person;
 - (e) any witness;
 - (f) the [^{F9}Director General].
- (5) Any written representations made in accordance with paragraph (3) must be provided no later than the date specified by the person chairing the misconduct hearing for provision of such representations.]

Textual Amendments

- F9** Words in [Regulations](#) substituted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), regs. 1, **24(2)(a)** (with reg. 37)
- F23** [Reg. 27A](#) inserted (1.5.2015) by [The Police \(Conduct\) \(Amendment\) Regulations 2015 \(S.I. 2015/626\)](#), regs. 1(1), **7** (with reg. 20(2))

Attendance of officer concerned at misconduct proceedings **E+W**

- 28.**—(1) Subject to paragraph (2), the officer concerned shall attend the misconduct proceedings.
- (2) Where the officer concerned informs the person conducting or chairing the misconduct proceedings in advance that he is unable to attend on grounds which the person conducting or chairing those proceedings considers reasonable, that person may allow the officer concerned to participate in the proceedings by video link or other means.
- (3) Where the officer concerned is allowed to and does so participate in the misconduct proceedings or where the officer concerned does not attend the misconduct proceedings—
- (a) he may nonetheless be represented at those proceedings by his—
 - (i) police friend; or

- (ii) in the case of a misconduct hearing, his relevant lawyer (in which case the police friend may also attend); and
 - (b) the proceedings may be proceeded with and concluded in the absence of the officer concerned whether or not he is so represented.
- (4) Where the officer concerned is represented in accordance with paragraph (3), the person representing the officer concerned or his police friend (if different), or both, may participate using the video link or other means where such means are also used by the officer concerned.

Commencement Information

I28 Reg. 28 in force at 22.11.2012, see [reg. 1\(1\)](#)

Participation of [^{F9}Director General] and investigator at misconduct proceedings **E+W**

- 29.**—(1) In any case where—
- (a) paragraph 18 or 19 of Schedule 3 to the 2002 Act (managed and independent investigations) applied; or
 - (b) paragraph 16 or 17 of Schedule 3 to the 2002 Act (investigations by the appropriate authority or supervised investigations) applied and the [^{F9}Director General]—
 - (i) made a recommendation under paragraph 27(3) of that Schedule (duties with respect to disciplinary proceedings) which the appropriate authority accepted; or
 - (ii) gave a direction under paragraph 27(4)(a) of that Schedule (duties with respect to disciplinary proceedings),
- the [^{F9}Director General] may attend the misconduct proceedings to make representations.
- (2) Where the [^{F9}Director General] so attends the misconduct proceedings—
- (a) if it is a misconduct hearing [^{F24}the Director General] may instruct a relevant lawyer to represent it;
 - (b) [^{F24}the Director General] shall notify the complainant or any interested person prior to those proceedings; and
 - (c) the person conducting or chairing the misconduct proceedings shall notify the officer concerned prior to the those proceedings.
- (3) The investigator or a nominated person shall attend the misconduct proceedings on the request of the person conducting or chairing those proceedings to answer questions.
- (4) For the purposes of this regulation, a “nominated person” is a person who, in the opinion of—
- (a) the appropriate authority; or
 - (b) in a case to which paragraph 18 or 19 of Schedule 3 to the 2002 Act (managed and independent investigations) applied, the [^{F9}Director General],
- has sufficient knowledge of the investigation of the case to be able to assist the person or persons conducting the misconduct proceedings.
- (5) Where more than one allegation is considered in the same misconduct proceedings in accordance with regulation [^{F25}5(7)], this regulation applies to the whole of the proceedings and accordingly the [^{F9}Director General] may make representations in respect of any allegation.

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

Textual Amendments

- F9** Words in Regulations substituted (8.1.2018) by The Independent Office for Police Conduct (Transitional and Consequential) Regulations 2017 (S.I. 2017/1250), regs. 1, **24(2)(a)** (with reg. 37)
- F24** Words in Regulations substituted (8.1.2018) by The Independent Office for Police Conduct (Transitional and Consequential) Regulations 2017 (S.I. 2017/1250), regs. 1, **24(2)(b)** (with reg. 37)
- F25** Word in reg. 29(5) substituted (15.12.2017) by The Police (Conduct, Complaints and Misconduct and Appeal Tribunal) (Amendment) Regulations 2017 (S.I. 2017/1134), regs. 1(1), **8** (with reg. 2)

Commencement Information

- I29** Reg. 29 in force at 22.11.2012, see reg. 1(1)

Attendance of complainant or interested person at misconduct proceedings E+W

- 30.**—(1) This regulation shall apply in the case of misconduct proceedings arising from—
- (a) a conduct matter to which paragraph 16, 17, 18 or 19 of Schedule 3 to the 2002 Act (investigations) applied; or
 - (b) the investigation of a complaint which was certified as subject to special requirements under paragraph 19B(1) of that Schedule (assessment of seriousness of conduct).
- (2) The appropriate authority shall notify the complainant or any interested person of the date, time and place of the misconduct proceedings.
- (3) Subject to the provisions of this regulation, regulation 32 and ^{F26}... regulation [^{F27}31(6)], the complainant or any interested person may attend the misconduct [^{F28}meeting] as an observer.
- (4) [^{F29}Subject to regulation 31(6) and (7) and regulation 32], a complainant or interested person may be accompanied [^{F30}at a misconduct meeting] by one other person, and if the complainant or interested person has a special need, by one further person to accommodate that need.
- ^{F31}(5)
- ^{F31}(6)
- (7) The person conducting or chairing the misconduct proceedings may, at his discretion, put any questions to the officer concerned that the complainant or interested person may request be put to him.
- (8) For the purposes of this regulation, a person has a special need if, in the opinion of the person conducting or chairing the misconduct proceedings, he has a disability or learning difficulty, or does not have sufficient knowledge of English, to fully participate in or understand the misconduct proceedings.

Textual Amendments

- F26** Words in reg. 30(3) omitted (1.5.2015) by virtue of The Police (Conduct) (Amendment) Regulations 2015 (S.I. 2015/626), regs. 1(1), **8(a)(i)** (with reg. 20(2))
- F27** Word in reg. 30(3) substituted (1.5.2015) by The Police (Conduct) (Amendment) Regulations 2015 (S.I. 2015/626), regs. 1(1), **8(a)(ii)** (with reg. 20(2))
- F28** Word in reg. 30(3) substituted (1.5.2015) by The Police (Conduct) (Amendment) Regulations 2015 (S.I. 2015/626), regs. 1(1), **8(a)(iii)** (with reg. 20(2))
- F29** Words in reg. 30(4) substituted (1.5.2015) by The Police (Conduct) (Amendment) Regulations 2015 (S.I. 2015/626), regs. 1(1), **8(b)(i)** (with reg. 20(2))
- F30** Words in reg. 30(4) inserted (1.5.2015) by The Police (Conduct) (Amendment) Regulations 2015 (S.I. 2015/626), regs. 1(1), **8(b)(ii)** (with reg. 20(2))

F31 Reg. 30(5)(6) omitted (1.5.2015) by virtue of [The Police \(Conduct\) \(Amendment\) Regulations 2015](#) (S.I. 2015/626), regs. 1(1), **8(c)** (with reg. 20(2))

Commencement Information

I30 Reg. 30 in force at 22.11.2012, see [reg. 1\(1\)](#)

Attendance of others at misconduct proceedings **E+W**

[^{F32}**31**.—(1) Subject to paragraphs (6) and (7) and regulation 32, a misconduct hearing shall be in public.

(2) Subject to regulations 29 and 30 and the provisions of this regulation, a misconduct meeting shall be in private.

(3) A person nominated by the [^{F9}Director General] may, as an observer, attend a misconduct meeting which arises from a case to which—

- (a) paragraph 17, 18 or 19 of Schedule 3 to the 2002 Act (supervised, managed and independent investigations) applied; or
- (b) paragraph 16 of Schedule 3 to the 2002 Act (investigations by the appropriate authority) applied and in relation to which the [^{F9}Director General]—
 - (i) made a recommendation under paragraph 27(3) of that Schedule (duties with respect to disciplinary proceedings) which the appropriate authority accepted; or
 - (ii) gave a direction under paragraph 27(4)(a) of that Schedule (duties with respect to disciplinary proceedings).

(4) Subject to any contrary decision by the person conducting or chairing a misconduct meeting, a witness other than a complainant, interested person or the officer concerned, shall only attend the misconduct meeting for the purpose of giving their evidence.

(5) The person conducting or chairing a misconduct meeting may, at his discretion, permit a witness in the misconduct meeting to be accompanied at that meeting by one other person.

(6) The person conducting or chairing the misconduct proceedings may—

- (a) in relation to the attendance at the proceedings of a person under regulation 30 or this regulation, exclude any person as he sees fit from the whole or a part of those proceedings; and
- (b) impose such conditions as he sees fit relating to the attendance under regulation 30 or this regulation of any person at the proceedings in order to facilitate the proper conduct of those proceedings.

(7) Where a person is to give evidence as a witness at the misconduct proceedings, the witness (and any person accompanying the witness) shall not be allowed to attend the proceedings before giving evidence.]

Textual Amendments

F9 Words in [Regulations](#) substituted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017](#) (S.I. 2017/1250), regs. 1, **24(2)(a)** (with reg. 37)

F32 Reg. 31 substituted (1.5.2015) by [The Police \(Conduct\) \(Amendment\) Regulations 2015](#) (S.I. 2015/626), regs. 1(1), **9** (with reg. 20(2))

Commencement Information

I31 Reg. 31 in force at 22.11.2012, see [reg. 1\(1\)](#)

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

Exclusion from misconduct proceedings **E+W**

32. Where it appears to the person conducting or chairing the misconduct proceedings that any person may, in giving evidence, disclose information which, under the harm test, ought not to be disclosed to any person attending the proceedings, he shall require such attendees to withdraw while the evidence is given.

Commencement Information

I32 Reg. 32 in force at 22.11.2012, see **reg. 1(1)**

Procedure at misconduct proceedings **E+W**

33.—(1) Subject to these Regulations, the person conducting or chairing the misconduct proceedings shall determine the procedure at those proceedings.

(2) The misconduct proceedings shall not proceed unless the officer concerned has been notified of the effect of regulation 7(1) to (3) in relation to the form of misconduct proceedings taking place.

(3) Subject to paragraph (4), the person conducting or chairing the misconduct proceedings may from time to time adjourn the proceedings if it appears to him to be necessary or expedient to do so.

(4) The misconduct proceedings shall not, except in exceptional circumstances, be adjourned solely to allow the complainant or any witness or interested person to attend.

(5) The person representing the officer concerned may—

(a) address the proceedings in order to do any or all of the following—

(i) put the case of the officer concerned;

(ii) sum up that case;

(iii) respond on behalf of the officer concerned to any view expressed at the proceedings;

(iv) make representations concerning any aspect of proceedings under these Regulations;
and

(v) subject to paragraph (8), ask questions of any witnesses; and

(b) confer with the officer concerned.

(6) Where (at a misconduct hearing) the person representing the officer concerned is a relevant lawyer, the police friend of the officer concerned may also confer with the officer concerned.

(7) The police friend or relevant lawyer of the officer concerned may not answer any questions asked of the officer concerned during the misconduct proceedings.

(8) Whether any question should or should not be put to a witness shall be determined by the person conducting or chairing the misconduct proceedings.

(9) The person conducting or chairing the misconduct proceedings may allow any document to be considered at those proceedings notwithstanding that a copy of it has not been supplied—

(a) by the officer concerned to the appropriate authority in accordance with regulation 22(3);
or

(b) to the officer concerned in accordance with regulation 21(1).

(10) Where evidence is given or considered at the misconduct proceedings that the officer concerned—

(a) on being questioned by an investigator at any time after he was given written notice under regulation 15(1) of these Regulations or paragraph 19B(6) of Schedule 3 to the 2002 Act;
or

- (b) in submitting any information or by not submitting any information at all under paragraph 19C of Schedule 3 to the 2002 Act or regulation 16(1) or 22(2) or (3) (or, where paragraph (11) applies, regulation 45),

failed to mention any fact relied on in his case at the misconduct proceedings, being a fact which in the circumstances existing at the time, the officer concerned could reasonably have been expected to mention when so questioned or when providing such information, paragraph (12) applies.

(11) This paragraph applies where the appropriate authority has directed, in accordance with regulation 42(1), that the case be dealt with under this Part.

(12) Where this paragraph applies, the person or persons conducting the misconduct proceedings may draw such inferences from the failure as appear proper.

(13) The person or persons conducting the misconduct proceedings shall review the facts of the case and decide whether the conduct of the officer concerned amounts—

- (a) in the case of a misconduct meeting, to misconduct or not; or
(b) in the case of a misconduct hearing, to misconduct, gross misconduct or neither.

(14) The person or persons conducting the misconduct proceedings shall not find that the conduct of the officer concerned amounts to misconduct or gross misconduct unless—

- (a) he is or they are satisfied on the balance of probabilities that this is the case; or
(b) the officer concerned admits it is the case.

(15) At misconduct proceedings conducted by a panel, any decision shall be based on a majority but shall not indicate whether it was taken unanimously or by a majority.

(16) Where the officer concerned is a senior officer, the persons conducting the misconduct proceedings shall, as soon as practicable after the meeting or hearing, submit a report to the appropriate authority, together with a copy to the senior officer concerned, setting out—

- (a) the finding of the persons conducting the proceedings under paragraph (13);
(b) the reasons for that finding;
(c) if that finding was that the conduct of the officer concerned amounted to misconduct or gross misconduct, a recommendation as to any disciplinary action which in their opinion should be imposed; and
(d) any other matter arising out of the proceedings which they desire to bring to the notice of the appropriate authority.

(17) In any case in which the [F9Director General] was entitled to attend to make representations under regulation 29(1), the persons conducting the misconduct proceedings shall send a copy of any report under paragraph (16) to the [F9Director General].

Textual Amendments

F9 Words in [Regulations](#) substituted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), regs. 1, **24(2)(a)** (with [reg. 37](#))

Commencement Information

I33 [Reg. 33](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Senior officers: further meeting or hearing **E+W**

34.—(1) On receiving a report under regulation 33(16) the appropriate authority shall—

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

- (a) in a case where the report was submitted following a misconduct meeting, hold a further meeting; and
- (b) in a case where the report was submitted following a misconduct hearing, hold a further hearing,

for the purpose of considering what disciplinary action (if any) should be imposed.

(2) The provisions of these Regulations specified in paragraph (3) shall apply, with the modifications specified in paragraph (4), to a meeting held under paragraph (1)(a) as if it was a misconduct meeting, and to a hearing under paragraph (1)(b) as if it was a misconduct hearing.

(3) The provisions are—

- (a) regulation 6;
- (b) regulation 7;
- (c) regulation 8;
- (d) regulation 9;
- (e) regulation 22(4) and (5);
- (f) regulation 23;
- (g) regulation 24;

[^{F33}(ga) regulation 27A,]

- (h) regulation 28;
- (i) regulation 29;
- (j) regulation 30;
- (k) regulation 31;
- (l) regulation 32;
- (m) regulation 33(1) to (12); and
- (n) regulation 37.

(4) The modifications are that—

- (a) each reference to the person conducting or chairing the misconduct proceedings has effect as a reference to the appropriate authority;
- (b) in regulation 22(4), the reference to the date on which the officer concerned has complied with paragraph (2) has effect as a reference to the date on which the report is submitted under regulation 33(16); and
- (c) in regulation 24—
 - (i) the reference in paragraph (1) to the first working day after the documents have been supplied to the officer concerned has effect as a reference to the first working day after the report is submitted under regulation 33(16);
 - (ii) the references in paragraph (3) to the appropriate authority are omitted;

[^{F34}(d) in regulations 27A(4) and 44A(4), the references to the appropriate authority are omitted.]

Textual Amendments

F33 Reg. 34(3)(ga) inserted (1.5.2015) by [The Police \(Conduct\) \(Amendment\) Regulations 2015 \(S.I. 2015/626\)](#), regs. 1(1), **10(a)** (with reg. 20(2))

F34 Reg. 34(4)(d) inserted (1.5.2015) by [The Police \(Conduct\) \(Amendment\) Regulations 2015 \(S.I. 2015/626\)](#), regs. 1(1), **10(b)** (with reg. 20(2))

Commencement Information

I34 Reg. 34 in force at 22.11.2012, see **reg. 1(1)**

Outcome of misconduct proceedings **E+W**

35.—(1) Subject to the provisions of this regulation, the person or persons conducting misconduct proceedings in the case of an officer other than a senior officer may—

- (a) impose any of the disciplinary action in paragraph (3)(a) or (b) or (7)(b) as appropriate; or
- (b) where he or they find the conduct amounts to misconduct but not gross misconduct following a misconduct meeting or hearing, record a finding of misconduct but take no further action.

(2) Subject to the provisions of this regulation, at a meeting or hearing held under regulation 34 the appropriate authority may—

- (a) impose any of the disciplinary action in paragraph (3)(a) or (b) or (7)(b) as appropriate; or
- (b) where the finding set out in the report is that the conduct amounted to misconduct but not gross misconduct, record a finding of misconduct but take no further action.

(3) The disciplinary action is—

- (a) at a misconduct meeting or a further meeting held under regulation 34(1)(a)—
 - (i) management advice;
 - (ii) written warning; or
 - (iii) final written warning;
- (b) at a misconduct hearing or a further hearing held under regulation 34(1)(b)—
 - (i) management advice;
 - (ii) written warning;
 - (iii) final written warning;
 - (iv) dismissal with notice; or
 - (v) dismissal without notice.

(4) The disciplinary action referred to in paragraph (3) shall have effect from the date on which it is notified to the officer concerned and in the case of dismissal with notice, the person or persons imposing the disciplinary action shall decide the period of notice to be given, subject to a minimum period of 28 days.

(5) Where there is a finding that the conduct of the officer concerned amounts to misconduct but not gross misconduct, the officer may not be dismissed (whether with or without notice) unless a final written warning was in force on the date of the assessment of the conduct under regulation 12(1) or under paragraph 19B(2) or (3) of Schedule 3 to the 2002 Act.

(6) Where, on the date of the assessment of the conduct under regulation 12(1) or under paragraph 19B(2) or (3) of Schedule 3 to the 2002 Act, the officer concerned had a written warning in force, a written warning shall not be given.

(7) Where, on the date of the assessment of the conduct under regulation 12(1) or under paragraph 19B(2) or (3) of Schedule 3 to the 2002 Act, the officer concerned had a final written warning in force—

- (a) neither a written warning nor a final written warning shall be given; but
- (b) subject to paragraph (9), in exceptional circumstances, the final written warning may be extended.

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

(8) Where a final written warning is extended under paragraph (7)(b), that warning shall remain in force for a period of 18 months from the date on which it would otherwise expire.

(9) A final written warning may be extended on one occasion only.

(10) Where there is a finding of gross misconduct and the person or persons considering the question of disciplinary action decide that the officer concerned shall be dismissed, the dismissal shall be without notice.

(11) Where the question of disciplinary action is being considered, the person or persons considering it—

- (a) shall have regard to the record of police service of the officer concerned as shown on his personal record;
- (b) may receive evidence from any witness whose evidence would, in his or their opinion, assist him or them in determining the question; and
- (c) shall give—
 - (i) the officer concerned, his police friend or, at a misconduct hearing, his relevant lawyer; and
 - (ii) in the case of an officer other than a senior officer, the appropriate authority or person appointed to represent the appropriate authority in accordance with regulation 7(4); an opportunity to make oral or written representations before any such question is determined.

[^{F35}(12) Where a final written warning is given or extended at a meeting or hearing held under regulation 34 the appropriate authority may make an order in relation to the compensation payable to the officer in the event that the officer's fixed term of appointment is not extended, or the officer is required to resign before the expiry of the fixed term.

(13) An order under paragraph (12) may—

- (a) prohibit the payment of compensation to the officer concerned;
- (b) prohibit the payment of compensation above a specified amount; or
- (c) make provision as to the method by which the compensation is to be calculated.

(14) A local policing body or chief officer must abide by the terms of an order made under paragraph (12).]

[^{F36}(15) Paragraph (16) applies where an officer is dismissed (with or without notice) at a misconduct hearing.

(16) The chair of the panel which conducted the misconduct hearing may provide any information to the appropriate authority that the chair considers ought to be included by virtue of regulation 3(2)(l) of the Police Barred List and Advisory List Regulations 2017 in the barred list report relating to the officer concerned (information relating to whether exemptions to requirement to publish the barred list entry apply).]

Textual Amendments

F35 Reg. 35(12)-(14) inserted (1.5.2015) by [The Police \(Conduct\) \(Amendment\) Regulations 2015 \(S.I. 2015/626\)](#), regs. 1(1), **11** (with reg. 20(2))

F36 Reg. 35(15)(16) inserted (15.12.2017) by [The Police \(Conduct, Complaints and Misconduct and Appeal Tribunal\) \(Amendment\) Regulations 2017 \(S.I. 2017/1134\)](#), regs. 1(1), **9** (with reg. 2)

Commencement Information

I35 Reg. 35 in force at 22.11.2012, see [reg. 1\(1\)](#)

Notification of outcome **E+W**

36.—(1) The officer concerned shall be informed of—

- (a) the finding of the person or persons conducting the misconduct proceedings; and
- (b) in a case other than one to which regulation 34 (senior officers: further meeting or hearing) applies, any disciplinary action imposed,

as soon as practicable and in any event shall be provided with written notice of the relevant matter or matters and the reasons before the end of 5 working days beginning with the first working day after the conclusion of the misconduct proceedings.

(2) In a case to which regulation 34 applies, the officer concerned shall be informed of any disciplinary action imposed as soon as practicable, and in any event shall be provided with written notice of the action (if any) and the appropriate authority's reasons before the end of 5 working days beginning with the first working day after the conclusion of the meeting or hearing held under regulation 34.

(3) Where there was a finding of misconduct or gross misconduct a written notice under this regulation shall include—

- (a) where the officer concerned is an officer other than a senior officer—
 - (i) if the case was decided at a misconduct meeting, notice of his right of appeal under regulation 38; or
 - (ii) if the case was decided at a misconduct hearing, notice of his right of appeal to a police appeals tribunal;
- (b) where the officer concerned is a senior officer, notice of his right of appeal to a police appeals tribunal.

(4) In all cases referred to in paragraph (3) a written notice under this regulation shall include the name of the person to whom an appeal should be sent.

(5) The appropriate authority shall send a copy of any written notice under this regulation to—

- (a) the [F9Director General], in any case in which the [F9Director General] was entitled to attend to make representations under regulation 29(1); and
- (b) to the complainant and any interested person, in any case to which regulation 30 applies.

[F37(6) In relation to a misconduct hearing (other than a further hearing to which regulation 34 applies), the person chairing the hearing may require the appropriate authority to publish a notice during the notification period containing information relating to one or more of the matters set out in paragraph (9) in the manner set out in paragraph (10).

(7) In relation to a further hearing to which regulation 34 applies, the appropriate authority may, during the notification period, publish a notice containing information relating to one or more of the matters set out in paragraph (9) in the manner set out in paragraph (10).

(8) In this regulation, the notification period is the period of 5 working days beginning 7 working days after the day on which the misconduct hearing (or further hearing to which regulation 34 applies) is concluded.

(9) A notice published in accordance with paragraph (6) or (7) may contain information relating to—

- (a) the name of the officer concerned;
- (b) the conduct that was the subject matter of the case and how that conduct was alleged to amount to misconduct or gross misconduct as the case may be, as set out in the notice given in accordance with regulation 21(1)(a)(ii);
- (c) the finding of the person or persons conducting the misconduct hearing; and

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

(d) any disciplinary action imposed.

(10) Where the appropriate authority publishes a notice in accordance with paragraph (6) or (7), it shall publish the notice on its website for a period of no less than 28 days.

(11) In making decisions under paragraph (6) or (7), the person chairing the misconduct hearing or (as the case may be) the appropriate authority may have regard to any representations—

(a) that were provided under regulation 27A(3);

(b) made at the misconduct hearing or, as the case may be, the further hearing.

(12) In any case where the disciplinary action imposed is dismissal (whether with or without notice), the appropriate authority shall send a copy of the written notice under this regulation to the College of Policing.]

Textual Amendments

- F9** Words in [Regulations](#) substituted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), regs. 1, **24(2)(a)** (with reg. 37)
- F37** [Reg. 36\(6\)-\(12\)](#) inserted (1.5.2015) by [The Police \(Conduct\) \(Amendment\) Regulations 2015 \(S.I. 2015/626\)](#), regs. 1(1), **12** (with reg. 20(2))

Commencement Information

- I36** [Reg. 36](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Record of misconduct proceedings **E+W**

37.—(1) A record of the misconduct proceedings shall be taken and in the case of a misconduct hearing that record shall be verbatim.

(2) The officer concerned shall, on request, be supplied with a copy of the record of the proceedings at the misconduct proceedings.

Commencement Information

- I37** [Reg. 37](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Appeal from misconduct meeting: officers other than senior officers **E+W**

38.—(1) Where the officer concerned is an officer, other than a senior officer, whose case was decided at a misconduct meeting, he may, subject to the provisions of this regulation, appeal—

- (a) if he admitted his conduct amounted to misconduct, against any disciplinary action imposed under regulation 35; or
- (b) if (after he denied misconduct) the person conducting the misconduct meeting found that his conduct amounted to misconduct, against that finding or any disciplinary action imposed under regulation 35.

(2) The only grounds of appeal under this regulation are that—

- (a) the finding or disciplinary action imposed was unreasonable;
- (b) there is evidence that could not reasonably have been considered at the misconduct meeting which could have materially affected the finding or decision on disciplinary action; or

- (c) there was a serious breach of the procedures set out in these Regulations or other unfairness which could have materially affected the finding or decision on disciplinary action.
- (3) An appeal under this regulation shall be commenced by the officer concerned giving written notice of appeal to the appropriate authority—
- (a) before the end of 7 working days beginning with the first working day after the written notice and summary of reasons is given under regulation 36 (unless this period is extended by the appropriate authority for exceptional circumstances); and
 - (b) stating the grounds of appeal and whether a meeting is requested.
- (4) An appeal under this regulation shall be determined—
- (a) where the person who conducted the misconduct meeting was a member of a police force, by—
 - (i) a member of a police force of at least one rank higher than that person; or
 - (ii) unless the case substantially involves operational policing matters, a police staff member who, in the opinion of the appropriate authority, is more senior than that person;
 - (b) where the person who conducted the misconduct meeting was a police staff member, by—
 - (i) a member of a police force who, in the opinion of the appropriate authority is more senior than that person; or
 - (ii) a more senior police staff member,
- who is not an interested party, appointed by the appropriate authority.
- (5) The appropriate authority shall as soon as practicable give the officer concerned written notice of—
- (a) the name of the person appointed to determine the appeal under paragraph (4);
 - (b) the name of any person appointed under regulation 7(5) to advise the person determining the appeal; and
 - (c) the effect of paragraphs (6) to (9) of this regulation.
- (6) The officer concerned may object to any person whom he is notified under this regulation is to—
- (a) determine the appeal; or
 - (b) advise the person determining the appeal.
- (7) Any such objection must be made in writing to the appropriate authority before the end of 3 working days beginning with the first working day after the officer concerned is given notice of the person's name and must set out the grounds of objection of the officer concerned.
- (8) The appropriate authority shall notify the officer concerned in writing whether it upholds or rejects an objection to the person appointed to conduct the appeal meeting or to any person appointed under regulation 7(5) to advise the person conducting the appeal meeting.
- (9) If the appropriate authority upholds the objection, the person to whom the officer concerned objects shall be replaced (in accordance with regulation 7(5) or (6) or paragraph (4) as appropriate).
- (10) As soon as reasonably practicable after any such appointment, the appropriate authority shall notify in writing the officer concerned of the name of the new person appointed to determine the appeal or the advisor to the person determining the appeal as the case may be.
- (11) The officer concerned may object to the appointment of a person appointed under paragraph (9).
- (12) Any such objection must be made in accordance with paragraph (7), provided that it must be made before the end of 3 working days beginning with the first working day after the officer

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

concerned is given the notice referred to in paragraph (10); and the appropriate authority shall comply with paragraphs (8) to (10) in relation to that objection, but paragraph (11) shall not apply.

Commencement Information

I38 Reg. 38 in force at 22.11.2012, see **reg. 1(1)**

Appeal meeting **E+W**

39.—(1) This regulation applies where the officer concerned requests a meeting in his written notice of appeal under regulation 38(3).

(2) The person determining the appeal shall determine whether the notice of appeal sets out arguable grounds of appeal and—

- (a) if he determines that it does he shall hold an appeal meeting with the officer concerned, subject to paragraphs (3) and (5), before the end of 5 working days beginning with the first working day after that determination; and
- (b) if he determines that it does not, he shall dismiss the appeal.

(3) The person determining the appeal may extend the time period specified in paragraph (2)(a) where he considers that it would be in the interests of justice to do so.

(4) The person determining the appeal shall specify a date and time for the appeal meeting.

(5) Where—

- (a) the officer concerned or his police friend will not be available at that time; and
- (b) the officer concerned proposes an alternative time which satisfies paragraph (6),

the appeal meeting shall be postponed to the time proposed by the officer concerned.

(6) An alternative time must—

- (a) be reasonable; and
- (b) fall before the end of 5 working days beginning with the first working day after the day specified by the person determining the appeal.

(7) Written notice of the date, time and place of the appeal meeting shall be given to—

- (a) the officer concerned;
- (b) where the [^{F9}Director General] was entitled to attend the misconduct meeting to make representations under regulation 29(1), or to nominate a person to attend the meeting as an observer under regulation 31(2), the [^{F9}Director General];
- (c) where the misconduct meeting arose from a complaint which was certified as subject to special requirements under paragraph 19B(1) of Schedule 3 to the 2002 Act (assessment of seriousness of conduct), the complainant; and
- (d) where the misconduct meeting arose from a conduct matter to which paragraph 16, 17, 18 or 19 of Schedule 3 to the 2002 Act (investigations) applied, any interested person.

(8) Prior to the appeal meeting the appropriate authority shall supply the person determining the appeal with a copy of—

- (a) the documents given to the person who held the misconduct meeting as specified in regulation 27(1);
- (b) the notice of appeal given by the officer concerned under regulation 38(3);
- (c) the record of the misconduct meeting taken under regulation 37(1); and

- (d) any evidence of a kind referred to in regulation 38(2)(b) that the officer concerned wishes to submit in support of his appeal.

Textual Amendments

- F9** Words in [Regulations](#) substituted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), regs. 1, **24(2)(a)** (with [reg. 37](#))

Commencement Information

- I39** [Reg. 39](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Procedure and finding of the appeal **E+W**

40.—(1) Subject to the provisions of this regulation, the person determining the appeal shall determine the procedure at the appeal meeting.

(2) Subject to the provisions of this regulation, any interested person or complainant entitled to be given notice of the appeal meeting under regulation 39(7) may attend the appeal meeting as an observer.

(3) Where the officer concerned objects to the complainant or interested person being present while a submission is made in mitigation on the officer's behalf, the person determining the appeal may require the complainant or interested person to withdraw while the submission is made.

(4) The person determining the appeal may impose such conditions as he sees fit relating to the attendance of persons under paragraph (2) at the appeal meeting (including circumstances in which they may be excluded) in order to facilitate the proper conduct of the appeal meeting.

(5) The person determining the appeal may—

- (a) confirm or reverse the decision appealed against;
- (b) deal with the officer concerned in any manner in which the person conducting the misconduct meeting could have dealt with him under regulation 35.

(6) Before the end of 3 working days beginning with the first working day after the determination of the appeal, the officer concerned shall be given written notice of that determination with a summary of the reasons.

(7) The decision of the person determining the appeal shall take effect by way of substitution for the decision of the person conducting the misconduct meeting and as from the date of the written notice of the outcome of that meeting.

(8) In a case where—

- (a) paragraph 18 or 19 of Schedule 3 to the 2002 Act applied (managed and independent investigations); or
- (b) paragraph 16 or 17 of Schedule 3 to the 2002 Act (investigation by appropriate authority and supervised investigations) applied and the [F9]Director General]—
 - (i) made a recommendation under paragraph 27(3) of that Schedule (duties with respect to disciplinary proceedings) which the appropriate authority accepted; or
 - (ii) gave a direction to the appropriate authority under paragraph 27(4) of that Schedule (duties with respect to disciplinary proceedings),

the appropriate authority shall give the [F9]Director General] written notice of the determination of the appeal with a summary of the reasons.

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

Textual Amendments

- F9** Words in [Regulations](#) substituted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), regs. 1, **24(2)(a)** (with reg. 37)

Commencement Information

- I40** [Reg. 40](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

PART 5 **E+W**

Fast Track Procedure for Special Cases

Referral of case to special case hearing **E+W**

41.—(1) On receipt of a statement submitted by the investigator under regulation 18(3), the appropriate authority shall determine whether the special conditions are satisfied.

(2) In a case where special case proceedings have been delayed by virtue of regulation 9(3), as soon as practicable after the appropriate authority considers that such proceedings would no longer prejudice any criminal proceedings, it shall make a further determination as to whether the special conditions are satisfied.

(3) In a case where disciplinary proceedings have been delayed by virtue of regulation 9(3), the appropriate authority may, as soon as practicable after it considers that such proceedings would no longer prejudice any criminal proceedings, determine whether the special conditions are satisfied.

(4) Where the appropriate authority determines that the special conditions are satisfied, unless it considers that the circumstances are such as to make it inappropriate to do so, it shall certify the case as a special case and, subject to regulation 9(3) and paragraph (2), refer it to a special case hearing.

(5) Where the appropriate authority determines—

- (a) that the special conditions are not satisfied; or
- (b) that, although those conditions are satisfied, the circumstances are such as to make such certification inappropriate,

it shall, if the investigation was incomplete, return the case to the investigator to complete the investigation or, in any other case, proceed in accordance with Part 4.

(6) Where the appropriate authority is to proceed in accordance with Part 4, regulation 19(1) shall be read as if the following are omitted—

- (a) the words “regulation 41 and”; and
- (b) sub-paragraphs (a) and (b).

Commencement Information

- I41** [Reg. 41](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Remission of case **E+W**

42.—(1) Subject to paragraph (4), at any time after the case has been referred to a special case hearing but before the beginning of that hearing the appropriate authority may direct that the case be dealt with under Part 4 if it considers that the special conditions are no longer satisfied.

(2) Where a direction is made under paragraph (1) the officer concerned shall be notified before the end of 3 working days beginning with the first working day after that direction is made and the appropriate authority shall proceed in accordance with Part 4.

(3) Where the appropriate authority is to proceed in accordance with Part 4, regulation 19(1) shall be read as if the following are omitted—

- (a) the words “regulation 41 and”; and
- (b) sub-paragraphs (a) and (b).

(4) Paragraph (1) shall not apply to a case where the [F9Director General] has given a direction under paragraph 20H(7) of Schedule 3 to the 2002 Act (special cases: recommendation or direction of Commission).

Textual Amendments

F9 Words in [Regulations](#) substituted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), regs. 1, **24(2)(a)** (with reg. 37)

Commencement Information

I42 [Reg. 42](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Notice of referral to special case hearing **E+W**

43.—(1) Where a case is certified as a special case and referred to a special case hearing, the appropriate authority shall as soon as practicable give the officer concerned written notice of these matters and shall supply him with a copy of—

- (a) the certificate issued under regulation 41(4);
- (b) any statement he may have made to the investigator during the course of the investigation; and
- (c) subject to the harm test—
 - (i) the investigator’s report or such parts of that report as relate to him (together with any document attached to or referred to in that report as relates to him); and
 - (ii) any other relevant document gathered during the course of the investigation.

(2) The notice given under paragraph (1) shall describe the conduct that is the subject matter of the case and how that conduct is alleged to amount to gross misconduct.

(3) For the purposes of this regulation “relevant document” means a document which, in the opinion of the appropriate authority, is relevant to the case of the officer concerned.

Commencement Information

I43 [Reg. 43](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Notice of special case hearing **E+W**

44.—(1) The appropriate authority shall specify a date for the special case hearing which shall be not less than 10 and not more than 15 working days after the date on which notice is given under regulation 43(1) and shall immediately notify the officer concerned of—

- (a) the date, time and place of that hearing; and
- (b) the effect of regulation 7(1) to (3) in relation to a special case hearing.

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

(2) Where the [^{F9}Director General] is entitled to attend the special case hearing to make representations under regulation 50(1), ^{F38}... the appropriate authority shall notify the [^{F9}Director General] of the date, time and place of the hearing.

Textual Amendments

- F9** Words in *Regulations* substituted (8.1.2018) by *The Independent Office for Police Conduct (Transitional and Consequential) Regulations 2017* (S.I. 2017/1250), regs. 1, **24(2)(a)** (with reg. 37)
- F38** Words in reg. 44(2) omitted (1.5.2015) by virtue of *The Police (Conduct) (Amendment) Regulations 2015* (S.I. 2015/626), regs. 1(1), **13** (with reg. 20(2))

Commencement Information

- I44** Reg. 44 in force at 22.11.2012, see reg. 1(1)

^{F39}Notification of special case hearing **E+W**

44A.—(1) The person conducting or chairing a special case hearing may require notice of the hearing to be given which contains information relating to one or more of—

- (a) the name of the officer concerned;
- (b) the date of the hearing;
- (c) the time of the hearing;
- (d) the place at which the hearing will take place; and
- (e) the conduct that is the subject matter of the case and how that conduct is alleged to amount to gross misconduct, as set out in the notice given in accordance with regulation 43(2).

(2) Where the person conducting or chairing the special case hearing requires notice to be given in accordance with paragraph (1), the appropriate authority shall publish the notice on its website no less than 5 working days before the day on which the hearing begins.

(3) Any person to whom this paragraph applies may make written representations to the person conducting or chairing the special case hearing in relation to—

- (a) whether, and (if so) the extent to which, the person conducting or chairing the special case hearing should exclude any person from the whole or part of the hearing under regulation 52(2)(a);
- (b) whether the person conducting or chairing the special case hearing should impose any conditions under regulation 52(2)(b);
- (c) in the light of the representations made under sub-paragraphs (a) and (b)—
 - (i) whether the person conducting or chairing the special case hearing should require notice to be given under paragraph (1);
 - (ii) which types of information mentioned in paragraph (1)(a) to (e) should be included in any such notice.

(4) Paragraph (3) applies to—

- (a) the officer concerned;
- (b) where the officer concerned is a senior officer, the appropriate authority;
- (c) the complainant;
- (d) any interested person;
- (e) the [^{F9}Director General].

(5) Any written representations made in accordance with paragraph (3) must be provided no later than the date specified by the person conducting or chairing the special case hearing for provision of such representations.]

Textual Amendments

- F9** Words in [Regulations](#) substituted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), regs. 1, **24(2)(a)** (with [reg. 37](#))
- F39** [Reg. 44A](#) inserted (1.5.2015) by [The Police \(Conduct\) \(Amendment\) Regulations 2015 \(S.I. 2015/626\)](#), [regs. 1\(1\)](#), **14** (with [reg. 20\(2\)](#))

Procedure on receipt of notice **E+W**

45.—(1) Before the end of 7 working days beginning with the first working day after the written notice given to the officer concerned under regulation 43(1), the officer concerned shall provide to the appropriate authority—

- (a) written notice of whether or not he accepts that his conduct amounts to gross misconduct;
- (b) where he accepts that his conduct amounts to gross misconduct, any written submission he wishes to make in mitigation;
- (c) where he does not accept that his conduct amounts to gross misconduct, written notice of—
 - (i) the allegations he disputes and his account of the relevant events; and
 - (ii) any arguments on points of law he wishes to be considered by the person or persons conducting the special case hearing.

(2) Within the same time period, the officer concerned shall provide the appropriate authority with a copy of any document he intends to rely on at the hearing.

Commencement Information

- I45** [Reg. 45](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Person conducting special case hearing: officers other than senior officers **E+W**

46.—(1) This regulation applies where the officer concerned is an officer other than a senior officer.

- (2) The special case hearing shall be conducted by—
- (a) where the police force concerned is the metropolitan police force, an assistant commissioner; or
 - (b) in any other case, subject to paragraph (3), the chief officer of police of the police force concerned.

(3) Where the chief officer of police of the police force concerned is an interested party or is unavailable, the special case hearing shall be conducted by the chief officer of police of another police force or an assistant commissioner of the metropolitan police force.

Commencement Information

- I46** [Reg. 46](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

Persons conducting special case hearing: senior officers **E+W**

47.—(1) Where the officer concerned is a senior officer, the special case hearing shall be conducted by a panel of persons specified in paragraph (2), appointed by the appropriate authority.

(2) Those persons are—

- (a) a chair selected by the appropriate authority from a list of persons who satisfy the judicial-appointment eligibility criterion on a 7-year basis and have been nominated by the Secretary of State for the purposes of these Regulations;
- (b) HMCIC or an inspector of constabulary nominated by him; and
- (c) a person selected by the appropriate authority from a list of candidates maintained by a local policing body for the purposes of these Regulations.

Commencement Information

I47 Reg. 47 in force at 22.11.2012, see **reg. 1(1)**

Documents to be supplied **E+W**

48.—(1) Prior to the hearing the appropriate authority shall supply the person or persons conducting the special case hearing with a copy of—

- (a) the notice given to the officer concerned under regulation 43(1);
- (b) the other documents given to the officer concerned under regulation 43(1);
- (c) the documents provided by the officer concerned under—
 - (i) regulation 45; and
 - (ii) where paragraph (2) applies, regulation 22(2) and (3);
- (d) where the officer concerned does not accept that his conduct amounts to gross misconduct, any other documents that, in the opinion of the appropriate authority, should be considered at the hearing.

(2) This paragraph applies where the case was certified as a special case following a determination made under regulation 41(3).

(3) Prior to the hearing the officer concerned shall be supplied with a list of the documents supplied under paragraph (1) and a copy of any of such document of which he has not already been supplied with a copy.

Commencement Information

I48 Reg. 48 in force at 22.11.2012, see **reg. 1(1)**

Attendance of officer concerned at special case hearing **E+W**

49.—(1) Subject to paragraph (2), the officer concerned shall attend the special case hearing.

(2) Where the officer concerned informs the person conducting or chairing the special case hearing in advance that he is unable to attend on grounds which the person conducting or chairing the hearing considers reasonable, that person may allow the officer concerned to participate in the hearing by video link or other means.

(3) Where the officer concerned is allowed to and does so participate in the special case hearing, or where the officer concerned does not attend the special case hearing—

- (a) he may nonetheless be represented at that hearing by his—
 - (i) police friend; or
 - (ii) relevant lawyer (in which case the police friend may also attend); and
 - (b) the hearing may be proceeded with and concluded in the absence of the officer concerned whether or not he is so represented.
- (4) Where the officer concerned is represented in accordance with paragraph (3), the person representing the officer concerned or his police friend (if different), or both, may participate using the video link or other means where such means are also used by the officer concerned.

Commencement Information

I49 Reg. 49 in force at 22.11.2012, see **reg. 1(1)**

Participation of [F9Director General] and investigator at special case hearing **E+W**

- 50.**—(1) In any case where—
- (a) paragraph 18 or 19 of Schedule 3 to the 2002 Act (managed and independent investigations) applied; or
 - (b) paragraph 16 or 17 of Schedule 3 to the 2002 Act (investigations by the appropriate authority and supervised investigations) applied and the [F9Director General]—
 - (i) made a recommendation under paragraph 20H(1) of that Schedule (special cases: recommendation or direction of Commission) which the appropriate authority accepted; or
 - (ii) gave a direction under paragraph 20H(7) of that Schedule (special cases: recommendation or direction of Commission),
- the [F9Director General] may attend the special case hearing to make representations.
- (2) Where the [F9Director General] intends to attend the special case hearing—
- (a) [F24the Director General] may instruct a relevant lawyer to represent [F24the Director General];
 - (b) [F24the Director General] shall notify the complainant or any interested person prior to the hearing; and
 - (c) the person conducting or chairing the special case hearing shall notify the officer concerned prior to the hearing.
- (3) The investigator or a nominated person shall attend the special case hearing on the request of the person conducting or chairing the hearing to answer questions.
- (4) For the purposes of this regulation, a “nominated person” is a person who, in the opinion of—
- (a) the appropriate authority; or
 - (b) in a case to which paragraph 18 or 19 of Schedule 3 to the 2002 Act (managed and independent investigations) applied, the [F9Director General],
- has sufficient knowledge of the investigation of the case to be able to assist the person or persons conducting the special case hearing.

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

Textual Amendments

- F9** Words in Regulations substituted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), regs. 1, **24(2)(a)** (with reg. 37)
- F24** Words in Regulations substituted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), regs. 1, **24(2)(b)** (with reg. 37)

Commencement Information

- I50** [Reg. 50](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Attendance of complainant and interested persons at special case hearing E+W

- 51.**—(1) This regulation shall apply in the case of a special case hearing arising from a—
- (a) conduct matter to which paragraph 16, 17, 18 or 19 of Schedule 3 to the 2002 Act (investigations) applied; or
 - (b) complaint which was certified as subject to special requirements under paragraph 19B(1) of that Schedule (assessment of seriousness of conduct).
- (2) The appropriate authority shall notify the complainant or any interested person of the date, time and place of the special case hearing.
- ^{F40}(3)
- ^{F40}(4)
- ^{F40}(5)

Textual Amendments

- F40** [Reg. 51\(3\)-\(5\)](#) omitted (1.5.2015) by virtue of [The Police \(Conduct\) \(Amendment\) Regulations 2015 \(S.I. 2015/626\)](#), regs. 1(1), **15** (with [reg. 20\(2\)](#))

Commencement Information

- I51** [Reg. 51](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Attendance of others at special case hearing E+W

- ^{F41}**52.**—(1) Subject to paragraph (2), a special case hearing shall be in public.
- (2) The person conducting or chairing the special case hearing may—
- (a) in relation to the attendance at the hearing of a person under this regulation, exclude any person as he sees fit from the whole or a part of it; and
 - (b) impose such conditions as he sees fit relating to the attendance under this regulation of any person at the hearing in order to facilitate the proper conduct of it.]

Textual Amendments

- F41** [Reg. 52](#) substituted (1.5.2015) by [The Police \(Conduct\) \(Amendment\) Regulations 2015 \(S.I. 2015/626\)](#), regs. 1(1), **16** (with [reg. 20\(2\)](#))

Commencement Information

- I52** [Reg. 52](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Procedure at special case hearing **E+W**

53.—(1) Subject to these Regulations, the person conducting or chairing the special case hearing shall determine the procedure.

(2) The special case hearing shall not proceed unless the officer concerned has been notified of the effect of regulation 7(1) to (3) in relation to a special case hearing.

(3) Subject to paragraph (4), the person conducting or chairing the special case hearing may from time to time adjourn the hearing if it appears to him to be necessary or expedient to do so.

(4) The special case hearing shall not, except in exceptional circumstances, be adjourned solely to allow the complainant or any interested person to attend.

(5) No witnesses other than the officer concerned shall give evidence at the special case hearing.

(6) The person representing the officer concerned may—

(a) address the hearing in order to do any or all of the following—

(i) put the case of the officer concerned;

(ii) sum up that case;

(iii) respond on behalf of the officer concerned to any view expressed at the proceedings;
and

(iv) make representations concerning any aspect of proceedings under these Regulations;
and

(b) if the officer concerned is present at the proceedings or is participating in them by video link or other means in accordance with regulation 49(2), confer with the officer concerned.

(7) Where the person representing the officer concerned is a relevant lawyer, the police friend of the officer concerned may also confer with the officer concerned in the circumstances mentioned at paragraph (6)(b).

(8) The police friend or relevant lawyer of the officer concerned may not answer any questions asked of the officer concerned during the special case hearing.

(9) The person conducting or chairing the special case hearing may allow any document to be considered at the hearing notwithstanding that a copy of it has not been supplied—

(a) by the officer concerned to the appropriate authority in accordance with regulation 45(2);
or

(b) to the officer concerned in accordance with regulation 43(1).

(10) Where evidence is given or considered at the special case hearing that the officer concerned—

(a) on being questioned by an investigator, at any time after he was given written notice under regulation 15(1) of these Regulations or paragraph 19B(6) of the 2002 Act; or

(b) in submitting any information or by not submitting any information at all under regulation 45 (or, where paragraph (12) applies, paragraph 19C of Schedule 3 to the 2002 Act or regulation 16(1) or 22(2) or (3)),

failed to mention any fact relied on in his case at the special case hearing, being a fact which in the circumstances existing at the time, the officer concerned could reasonably have been expected to mention when so questioned or when providing such information, paragraph (11) applies.

(11) Where this paragraph applies, the person or persons conducting the special case hearing may draw such inferences from the failure as appear proper.

(12) This paragraph applies where the case was certified as a special case following a determination made under regulation 41(3).

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

(13) The person or persons conducting the special case hearing shall review the facts of the case and decide whether or not the conduct of the officer concerned amounts to gross misconduct.

(14) The person or persons conducting the special case hearing shall not find that the conduct of the officer concerned amounts to gross misconduct unless—

- (a) he is or they are satisfied on the balance of probabilities that this is the case; or
- (b) the officer concerned admits it is the case.

(15) At a special case hearing conducted by a panel, any decision shall be based on a majority (with the chair having the casting vote if necessary), but shall not indicate whether it was taken unanimously or by a majority.

(16) Where the officer concerned is a senior officer, the persons conducting the special case hearing shall, as soon as practicable after the hearing, submit a report to the appropriate authority, together with a copy to the senior officer concerned, setting out—

- (a) the finding of the persons conducting the hearing under paragraph (13);
- (b) the reasons for that finding;
- (c) if the finding was that the conduct of the officer concerned amounted to gross misconduct, a recommendation as to any disciplinary action which in their opinion should be imposed; and
- (d) any other matter arising out of the hearing which they desire to bring to the notice of the appropriate authority.

(17) In any case in which the [^{F9}Director General] was entitled to attend to make representations under regulation 50(1), the persons conducting the special case hearing shall send a copy of any report under paragraph 16 to the [^{F9}Director General].

Textual Amendments

F9 Words in [Regulations](#) substituted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), regs. 1, **24(2)(a)** (with [reg. 37](#))

Commencement Information

I53 [Reg. 53](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Senior officers: further hearing **E+W**

54.—(1) On receiving a report under regulation 53(16) the appropriate authority shall hold a further hearing for the purpose of considering what disciplinary action (if any) should be imposed.

(2) The provisions of these Regulations specified in paragraph (3) shall apply, with the modifications specified in paragraph (4), to a hearing held under paragraph (1) as if it was a special case hearing.

(3) The provisions are—

- (a) regulation 6;
- (b) regulation 7;
- (c) regulation 8;
- (d) regulation 9;
- (e) regulation 44;

[^{F42}(ea) regulation 44A,]

- (f) regulation 49;
 - (g) regulation 50;
 - (h) regulation 51;
 - (i) regulation 52;
 - (j) regulation 53(1) to (12); and
 - (k) regulation 57.
- (4) The modifications are that—
- (a) each reference to the person conducting or chairing the special case hearing has effect as a reference to the appropriate authority; and
 - (b) in regulation 44 the reference to the date on which notice is given under regulation 43(1) has effect as a reference to the date on which the report is submitted under regulation 53(16).

Textual Amendments

F42 Reg. 54(3)(ea) inserted (1.5.2015) by The Police (Conduct) (Amendment) Regulations 2015 (S.I. 2015/626), regs. 1(1), 17 (with reg. 20(2))

Commencement Information

I54 Reg. 54 in force at 22.11.2012, see reg. 1(1)

Outcome of special case hearing **E+W**

55.—(1) Where the person or persons conducting the special case hearing in the case of an officer other than a senior officer find that the conduct of the officer concerned amounts to gross misconduct, he or they shall impose disciplinary action, which may be—

- (a) subject to paragraphs (3) and (4), a final written warning;
- (b) extension of a final written warning in accordance with paragraph (3); or
- (c) dismissal without notice.

(2) On receiving a report under regulation 53(16) containing a finding that the conduct of the officer concerned amounts to gross misconduct, the appropriate authority shall impose disciplinary action, which may be—

- (a) subject to paragraphs (3) and (4), a final written warning; .
- (b) extension of a final written warning in accordance with paragraph (3); or
- (c) dismissal without notice.

(3) Where, on the date of the assessment of the conduct under regulation 12(1) of these Regulations or under paragraph 19B(2) or (3) of Schedule 3 to the 2002 Act, the officer concerned had a final written warning in force—

- (a) a final written warning shall not be given; but
- (b) subject to paragraph (5), in exceptional circumstances, the final written warning may be extended.

(4) Where a final written warning is extended under paragraph (3), that warning shall remain in force for a period of 18 months from the date on which it would otherwise expire.

(5) A final written warning may be extended on one occasion only.

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

(6) Where the person or persons conducting the special case hearing in the case of an officer other than a senior officer find that the conduct of the officer concerned does not amount to gross misconduct, he or they may—

- (a) dismiss the case; or
- (b) return the case to the appropriate authority to deal with in accordance with Part 4 at a misconduct meeting or, if the officer concerned had a final written warning in force at the date of the assessment of conduct under regulation 12(1) or paragraph 19B(2) or (3) of the 2002 Act, at a misconduct hearing.

(7) On receiving a report under regulation 53(16) containing a finding that the conduct of the officer concerned does not amount to gross misconduct, the appropriate authority may—

- (a) dismiss the case; or
- (b) deal with the case in accordance with Part 4 at a misconduct meeting or, if the officer concerned had a final written warning in force at the date of the assessment of conduct under regulation 12(1) or paragraph 19B(2) or (3) of Schedule 3 to the 2002 Act, at a misconduct hearing.

(8) Where the case is returned to the appropriate authority under paragraph (6)(b) or dealt with by the appropriate authority under paragraph (7)(b), the appropriate authority shall proceed in accordance with Part 4, subject to regulation 19(1) being read as if the following are omitted—

- (a) the words “regulation 41 and”; and
- (b) sub-paragraphs (a) and (b).

(9) Except in the case of extending a final written warning, the disciplinary action shall have effect from the date on which it is notified to the officer concerned.

(10) Where the question of disciplinary action is being considered, the person or persons considering it—

- (a) shall have regard to the record of police service of the officer concerned as shown on his personal record;
- (b) may consider such documentary evidence as would, in his or their opinion, assist him or them in determining the question; and
- (c) shall give—
 - (i) the officer concerned; and
 - (ii) his police friend or his relevant lawyer,an opportunity to make oral or written representations.

[^{F43}(11) Where a final written warning is given or extended at a hearing held under regulation 54 the appropriate authority may make an order in relation to the compensation payable to the officer in the event that the officer’s fixed term of appointment is not extended, or the officer is required to resign before the expiry of the fixed term.

(12) An order under paragraph (11) may—

- (a) prohibit the payment of compensation to the officer concerned;
- (b) prohibit the payment of compensation above a specified amount; or
- (c) make provision as to the method by which the compensation is to be calculated.

(13) A local policing body or chief officer must abide by the terms of an order made under paragraph (11).]

[^{F44}(14) Paragraph (15) applies where an officer is dismissed without notice at a special case hearing.

(15) The person who conducted or chaired the special case hearing may provide any information to the appropriate authority that the person considers ought to be included by virtue of regulation 3(2)(l) of the Police Barred List and Advisory List Regulations 2017 in the barred list report relating to the officer concerned (information relating to whether exemptions to requirement to publish the barred list entry apply).]

Textual Amendments

- F43** Reg. 55(11)-(13) inserted (1.5.2015) by [The Police \(Conduct\) \(Amendment\) Regulations 2015 \(S.I. 2015/626\)](#), regs. 1(1), **18** (with reg. 20(2))
- F44** Reg. 55(14)(15) inserted (15.12.2017) by [The Police \(Conduct, Complaints and Misconduct and Appeal Tribunal\) \(Amendment\) Regulations 2017 \(S.I. 2017/1134\)](#), regs. 1(1), **10** (with reg. 2)

Commencement Information

- I55** Reg. 55 in force at 22.11.2012, see [reg. 1\(1\)](#)

Notification of outcome **E+W**

56.—(1) The officer concerned shall be informed of—

- (a) the finding of the person or persons conducting the special case hearing; and
- (b) in a case other than one to which regulation 54 (senior officers: further hearing) applies, any disciplinary action imposed under regulation 55(1) or any action taken under regulation 55(6) as the case may be,

as soon as practicable and in any event shall be provided with written notice of the relevant matters and the reasons before the end of 5 working days beginning with the first working day after the conclusion of the special case hearing.

(2) In a case to which regulation 54 applies, the officer concerned shall be informed of any disciplinary action imposed under regulation 55(2) or any action taken under regulation 55(7), as the case may be, as soon as practicable, and in any event shall be provided with written notice of the action (if any) and the appropriate authority's reasons before the end of 5 working days beginning with the first working day after the conclusion of the hearing held under regulation 54.

(3) A written notice under this regulation shall include notice of the right of the officer concerned to an appeal hearing.

(4) The appropriate authority shall send a copy of any written notice under this regulation to—

- (a) the ^[F9]Director General], in any case in which the ^[F9]Director General] was entitled to attend the special case hearing to make representations under regulation 50(1); and
- (b) to the complainant and any interested person, in any case to which regulation 51 applies.

^[F45](5) In relation to a special case hearing where the officer concerned is a senior officer (other than a further hearing to which regulation 54 applies), the person chairing the hearing may require the appropriate authority, during the notification period, to publish a notice containing information relating to one or more of the matters set out in paragraph (8) in the manner set out in paragraph (9).

(6) In relation to—

- (a) a special case hearing where the officer concerned is an officer other than a senior officer;
- (b) a further hearing to which regulation 54 applies,

the appropriate authority may, during the notification period, publish a notice containing information relating to one or more of the matters set out in paragraph (8) in the manner set out in paragraph (9).

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

(7) In this regulation, the notification period is the period of 5 working days beginning 7 working days after the day on which the misconduct hearing (or further hearing to which regulation 54 applies) is concluded.

(8) A notice published in accordance with paragraph (5) or (6) may contain information relating to—

- (a) the name of the officer concerned;
- (b) the conduct that was the subject matter of the case and how that conduct was alleged to amount to gross misconduct, as set out in the notice given in accordance with regulation 43(2);
- (c) the finding of the person or persons conducting the misconduct hearing; and
- (d) any disciplinary action imposed.

(9) Where the appropriate authority publishes a notice in accordance with paragraph (5) or (6), it shall publish the notice on its website for a period of no less than 28 days.

(10) In making decisions under paragraph (5) or (6), the person chairing the special case hearing or (as the case may be) the appropriate authority may have regard to any representations—

- (a) that were provided under regulation 44A(3);
- (b) made at the special case hearing or, as the case may be, the further hearing.

(11) In any case where the disciplinary action imposed is dismissal, the appropriate authority shall send a copy of the written notice under this regulation to the College of Policing.]

Textual Amendments

- F9** Words in [Regulations](#) substituted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), regs. 1, **24(2)(a)** (with reg. 37)
- F45** [Reg. 56\(5\)-\(11\)](#) inserted (1.5.2015) by [The Police \(Conduct\) \(Amendment\) Regulations 2015 \(S.I. 2015/626\)](#), regs. 1(1), **19** (with reg. 20(2))

Commencement Information

- I56** [Reg. 56](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Record of special case hearing **E+W**

57.—(1) A verbatim record of the proceedings at the special case hearing shall be taken.

(2) The officer concerned shall, on request, be supplied with a copy of the record of the proceedings at the special case hearing.

Commencement Information

- I57** [Reg. 57](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

PART 6 **E+W**

Record Keeping

Record of disciplinary proceedings **E+W**

58.—(1) Subject to paragraph (2), the chief officer of police of the police force concerned shall cause a record to be kept of disciplinary proceedings and special case proceedings brought against every officer concerned, together with the finding and decision on disciplinary action and the decision in any appeal by the officer concerned.

(2) Where the officer concerned is a chief officer of police or an acting chief officer, the local policing body of the police force concerned shall cause such a record to be kept.

Commencement Information

158 [Reg. 58](#) in force at 22.11.2012, see [reg. 1\(1\)](#)

Home Office
18th October 2012

Damian Green
Minister of State

Status: Point in time view as at 08/01/2018.
Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

SCHEDULE 1 **E+W**

Regulation 2

TRANSITIONAL MODIFICATIONS TO OLD REGULATIONS

PART 1 **E+W**

The Police (Conduct) Regulations 2008

1. Subject to paragraph 2, the modifications to the Police (Conduct) Regulations 2008 (“the 2008 Regulations”) in this Part have effect in every case to which those Regulations continue to apply.

Commencement Information

I59 Sch. 1 para. 1 in force at 22.11.2012, see [reg. 1\(1\)](#)

2. The modifications in paragraphs 5 and 6 do not have effect in a case in which any person was appointed before 22nd November 2012 to conduct misconduct proceedings under regulation 26, 26A or 27, or to conduct a special case hearing under regulation 47, 47A or 48, and the proceedings or hearing have not been completed by that date.

Commencement Information

I60 Sch. 1 para. 2 in force at 22.11.2012, see [reg. 1\(1\)](#)

3. In regulation 3(1)—

- (a) after the definition of “the Performance Regulations”, insert the definition of “acting chief officer” which appears in regulation 3(1) of these Regulations;
- (b) for the definition of “appropriate authority” and “police staff member” substitute the definitions which appear in regulation 3(1) of these Regulations.

Commencement Information

I61 Sch. 1 para. 3 in force at 22.11.2012, see [reg. 1\(1\)](#)

4. In regulation 25(4)(c), for “police authority or the Mayor’s Office for Policing and Crime” substitute “local policing body”.

Commencement Information

I62 Sch. 1 para. 4 in force at 22.11.2012, see [reg. 1\(1\)](#)

5. Omit regulations 26, 27, 47 and 48.

Commencement Information

I63 Sch. 1 para. 5 in force at 22.11.2012, see [reg. 1\(1\)](#)

6. In regulations 26A, 34, 34A, 35, 36, 47A, 54, 54A, 55 and 56 omit the words “of the Metropolitan Police Force” wherever they appear.

Commencement Information

I64 Sch. 1 para. 6 in force at 22.11.2012, see [reg. 1\(1\)](#)

7. In regulation 26A(2)(c), for “police authority or the Mayor’s Office for Policing and Crime” substitute “local policing body”.

Commencement Information

I65 Sch. 1 para. 7 in force at 22.11.2012, see [reg. 1\(1\)](#)

8. In regulation 47A(2)(c), for “police authority or the Mayor’s Office for Policing and Crime” substitute “local policing body”.

Commencement Information

I66 Sch. 1 para. 8 in force at 22.11.2012, see [reg. 1\(1\)](#)

9. In regulation 58(2), for “the police authority of the police force concerned or, in the case of the Commissioner of Police of the Metropolis, the Mayor’s Office for Policing and Crime” substitute “the local policing body for the police force concerned”.

Commencement Information

I67 Sch. 1 para. 9 in force at 22.11.2012, see [reg. 1\(1\)](#)

PART 2 **E+W**

The Police (Conduct) Regulations 2004

10.—(1) The following modifications to the Police (Conduct) Regulations 2004 have effect in every case where those Regulations continue to apply.

Commencement Information

I68 Sch. 1 para. 10 in force at 22.11.2012, see [reg. 1\(1\)](#)

11. In regulation 3(1)—

- (a) before the definition of “appropriate authority” insert the definition of “acting chief officer” which appears in regulation 3(1) of these Regulations;
- (b) for the definition of “appropriate authority” substitute the definition which appears in regulation 3(1) of these Regulations.

Commencement Information

I69 Sch. 1 para. 11 in force at 22.11.2012, see [reg. 1\(1\)](#)

12. In regulation 5—

Status: Point in time view as at 08/01/2018.
Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

- (a) in paragraph (1)(a), for “police authority or, in the case of the Commissioner of Police of the Metropolis, the Mayor’s Office for Policing and Crime” substitute “local policing body”;
- (b) in paragraph (2), for “police authority, Mayor’s Office for Policing and Crime” substitute “local policing body”.

Commencement Information
I70 Sch. 1 para. 12 in force at 22.11.2012, see **reg. 1(1)**

13. In regulation 19(5), for “by the police authority for the force concerned or by the Mayor’s Office for Policing and Crime from a list of candidates maintained by that authority or Office” substitute “by the local policing body for the force concerned from a list of candidates maintained by that body”.

Commencement Information
I71 Sch. 1 para. 13 in force at 22.11.2012, see **reg. 1(1)**

SCHEDULE 2 **E+W**

Regulation 3

STANDARDS OF PROFESSIONAL BEHAVIOUR

Commencement Information
I72 Sch. 2 in force at 22.11.2012, see **reg. 1(1)**

Honesty and Integrity

Police officers are honest, act with integrity and do not compromise or abuse their position.

Authority, Respect and Courtesy

Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

Police officers do not abuse their powers or authority and respect the rights of all individuals.

Equality and Diversity

Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

Use of Force

Police officers only use force to the extent that it is necessary, proportionate and reasonable in all the circumstances.

Orders and Instructions

Police officers only give and carry out lawful orders and instructions.

Police officers abide by police regulations, force policies and lawful orders.

Duties and Responsibilities

Police officers are diligent in the exercise of their duties and responsibilities.

Confidentiality

Police officers treat information with respect and access or disclose it only in the proper course of police duties.

Fitness for Duty

Police officers when on duty or presenting themselves for duty are fit to carry out their responsibilities.

Discreditable Conduct

Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

Police officers report any action taken against them for a criminal offence, any conditions imposed on them by a court or the receipt of any penalty notice.

Challenging and Reporting Improper Conduct

Police officers report, challenge or take action against the conduct of colleagues which has fallen below the Standards of Professional Behaviour.

[^{F46}SCHEDULE 3 **E+W**

Regulation 5(2)

Modifications to these Regulations in their application to former officers

Textual Amendments

F46 Sch. 3 inserted (15.12.2017) by [The Police \(Conduct, Complaints and Misconduct and Appeal Tribunal\) \(Amendment\) Regulations 2017 \(S.I. 2017/1134\)](#), reg. 1(1), **Sch. 1** (with reg. 2)

Modification to regulation 3 (interpretation and delegation) **E+W**

1. Regulation 3 is to be read as if—
 - (a) in paragraph (1)—
 - (i) the following definitions were inserted in the appropriate places—
 - ““Condition C person” means a person in relation to whom regulation 5(2)(a) and (5)(a) and (b) is satisfied;”;
 - ““Condition C special determination” has the meaning given in regulation 4A(2);”;
 - ““relevant time” means the time immediately before the officer concerned ceased to be a member of a police force or a special constable;”;
 - (ii) the definitions of “appeal meeting”, “human resources professional”, “management action”, “management advice”, “misconduct meeting” and “misconduct proceedings” were omitted;
 - (iii) for the definition of “appropriate authority” there were substituted—
 - ““appropriate authority” means where the officer concerned was—
 - (a) the chief officer or acting chief officer of any police force at the relevant time, the local policing body for the force’s area;
 - (b) any other police officer at the relevant time, the chief officer of police of the police force concerned;”;

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

- (iv) for the definition of “disciplinary action” there were substituted—
 - ““disciplinary action” means a finding that the officer concerned would have been dismissed if he had not ceased to be a member of a police force or a special constable;”;
- (v) in the definition of “disciplinary proceedings”, for “misconduct proceedings” there were substituted “a misconduct hearing”;
- (vi) in the definition of “misconduct hearing”, “up to and including dismissal” were omitted;
- (vii) for the definition of “police force concerned” there were substituted—
 - ““police force concerned” means—
 - (a) where the officer concerned was a member of a police force at the relevant time, the police force of which he was a member at that time;
 - (b) where the officer concerned was a special constable at the relevant time, the police force maintained for the police area for which he was appointed at that time;”;
- (viii) for the definition of “police officer”, except in its application to regulation 5, there were substituted—
 - ““police officer” and “officer” mean a person who has ceased to be a member of a police force or a special constable;”;
- (ix) in the definition of “proposed witness”, for “proceedings”, in the first place where it appears, there were substituted “hearing” and for the words from “conducting” to the end there were substituted “chairing that hearing;”;
- (x) for the definition of “senior officer” there were substituted—
 - ““senior officer” means a member of a police force who held a rank above that of chief superintendent at the relevant time;”;
- (xi) for the definition of “staff association” there were substituted—
 - ““staff association” means—
 - (a) in relation to an officer who was a member of a police force of the rank of chief inspector or below at the relevant time, the Police Federation of England and Wales;
 - (b) in relation to an officer who was a member of a police force of the rank of superintendent or chief superintendent at the relevant time, the Police Superintendents’ Association of England and Wales; and
 - (c) in relation to an officer who was a senior officer at the relevant time, the Chief Police Officers’ Staff Association;”;
- (b) in paragraph (2)—
 - (i) in sub-paragraph (a) after “special constable” there were inserted “at the relevant time”;
 - (ii) for sub-paragraph (c)(ii) there were substituted—
 - “(ii) it is in the public interest for the officer concerned to be included in the police barred list without delay.”;
- (c) paragraphs (3) and (4) were omitted.

Modification: insertion of Part 1A **E+W**

2. These Regulations apply as if after regulation 4 there were inserted—

“PART 1A **E+W**

Condition C special determination

Condition C special determination: matters to be taken into account

4A.—(1) This Part applies where the [^{F9}Director General] is required under paragraph 20AA(2) or 23(6B) of Schedule 3 to the 2002 Act (as applied with modifications by regulation 27 of, and the Schedule to, the Police (Complaints and Misconduct) Regulations 2012) to make a Condition C special determination.

(2) A Condition C special determination is a determination by the [^{F9}Director General] as to whether the taking of disciplinary proceedings against a Condition C person in respect of alleged gross misconduct would be reasonable and proportionate having regard to—

- (a) the seriousness of the alleged gross misconduct;
- (b) the impact of the allegation on public confidence in the police; and
- (c) the public interest.

(3) When assessing the seriousness of the alleged gross misconduct for the purposes of paragraph (2)(a), the matters which the [^{F9}Director General] must take into account are—

- (a) whether it appears that the alleged gross misconduct amounts to a criminal offence;
- (b) whether it appears that a complainant or other person has been harmed (whether physically or psychologically) by the alleged gross misconduct and, if so, the extent and seriousness of the harm;
- (c) where it appears that a complainant or other person has been so harmed, whether that person was a vulnerable person;
- (d) whether it appears that the alleged gross misconduct was intentional;
- (e) whether it appears that the purpose or one of the purposes of the alleged gross misconduct was personal gain or benefit for the officer concerned;
- (f) whether it appears that the alleged gross misconduct is aggravated by discriminatory behaviour on the grounds of a person’s race, gender, disability, age, religion or belief, sexual orientation or gender identity;
- (g) whether it appears that the officer concerned acted with one or more other persons serving with the police within the meaning of section 12(7)(a) or (c) of the 2002 Act (member of a police force or special constable under the direction and control of a chief officer);
- (h) the extent to which the alleged gross misconduct involved abuse of a position of trust or authority held by the officer concerned;
- (i) whether it appears that the officer concerned has taken steps to prevent the alleged gross misconduct being identified or to obstruct investigations into it, other than lawful steps to defend himself;
- (j) whether it appears that the alleged gross misconduct has had an adverse effect on community relations;

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- (k) whether it appears that there are mitigating circumstances arising out of the health (whether physical or mental) of the officer concerned at the time of the alleged gross misconduct; and
 - (l) any other matters that the [F⁹Director General] considers relevant.
- (4) When assessing the impact of the allegation on public confidence in the police for the purposes of paragraph (2)(b), the matters which the [F⁹Director General] must take into account are—
- (a) whether it appears that the alleged gross misconduct has had an effect on relations between the public and the police, including relations between the members of the community where the alleged gross misconduct occurred and the police force concerned;
 - (b) the extent of any apparent harm to public confidence in the police and, in particular, in the police force concerned;
 - (c) the effect that a decision not to take disciplinary proceedings might have on public confidence in the police; and
 - (d) any other matters that the [F⁹Director General] considers relevant.
- (5) When assessing the public interest for the purposes of paragraph (2)(c), the matters which the [F⁹Director General] must take into account are—
- (a) whether it appears that the officer concerned should be prevented from future employment or appointment by a person mentioned in section 88C(5) of the 1996 Act;
 - (b) where it appears that the officer concerned should be so prevented, whether disciplinary proceedings are necessary for this purpose;
 - (c) the length of time since the alleged gross misconduct occurred;
 - (d) whether it appears that the officer concerned will be held to account in respect of the alleged gross misconduct through other means, such as criminal or other proceedings;
 - (e) where it appears that a complainant or other person has been harmed (whether physically or psychologically) by the alleged gross misconduct, whether it appears that a decision not to take disciplinary proceedings would adversely affect that person;
 - (f) whether it appears that the officer concerned is unfit to be subject to or to participate in disciplinary proceedings by reason of disability or ill-health; and
 - (g) any other matters that the [F⁹Director General] considers relevant.
- (6) In paragraph (3)(c), “vulnerable person” means a person who, by reason of age, disability or ill-health, is, or may be, unable to—
- (a) take care of himself; or
 - (b) protect himself against harm or exploitation.

Condition C special determination: procedure

4B.—(1) Before making a Condition C special determination the [F⁹Director General] must give a notification in writing to—

- (a) any complainant;
- (b) any interested person; and

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Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

- (c) the officer concerned.
- (2) A notification under paragraph (1) must—
 - (a) state that the [F9Director General] is to make a Condition C special determination and the consequences under Schedule 3 to the 2002 Act of such a determination;
 - (b) explain the effect of regulation 4A;
 - (c) explain that—
 - (i) if disciplinary proceedings are taken and the allegation of gross misconduct is proved, the officer concerned may be subject to a finding that he would have been dismissed if he had not ceased to be a member of a police force or a special constable; and
 - (ii) if he is subject to such a finding, he will be included in the police barred list;
 - (d) subject to the harm test, set out any findings relating to the conduct to which the investigation relates in any special report or investigation report submitted to [F47or, in the case of an investigation under paragraph 19 of Schedule 3 to the 2002 Act (independent investigations) carried out by the Director General personally, completed by] the Commission under Schedule 3 to the 2002 Act;
 - (e) set out the person’s rights under paragraph (3);
 - (f) in the case of the officer concerned, state that he has the right to seek advice from his staff association or any other body and the effect of regulation 6(1) and (2).
- (3) A person given a notification under paragraph (1) may, within the period of 21 days beginning with the day on which the notice is given or such longer period as the [F9Director General] may agree, provide a written statement and any document which the person wishes the [F9Director General] to take into account for the purposes of the Condition C special determination.
- (4) Before making a Condition C special determination the [F9Director General] may consult any other person it thinks fit.
- (5) When making a Condition C special determination the [F9Director General] must take into account in addition to the matters specified in regulation 4A—
 - (a) any written statement or document provided under paragraph (3);
 - (b) any response to a consultation carried out under paragraph (4);
 - (c) any findings relating to the conduct to which the investigation relates in any special report or investigation report submitted to [F47or, in the case of an investigation under paragraph 19 of Schedule 3 to the 2002 Act (independent investigations) carried out by the Director General personally, completed by] the Commission under Schedule 3 to the 2002 Act; and
 - (d) any other relevant evidence.
- (6) The [F9Director General] must give notification in writing of a Condition C special determination and the consequences under Schedule 3 to the 2002 Act of the determination to the persons mentioned in paragraph (1).”

Textual Amendments

F9 Words in Regulations substituted (8.1.2018) by The Independent Office for Police Conduct (Transitional and Consequential) Regulations 2017 (S.I. 2017/1250), regs. 1, 24(2)(a) (with reg. 37)

Status: Point in time view as at 08/01/2018.
Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

F47 Words in Sch. 3 para. 2 inserted (8.1.2018) by The Independent Office for Police Conduct (Transitional and Consequential) Regulations 2017 (S.I. 2017/1250), regs. 1, 24(7) (with reg. 37)

Modification to regulation 6 (police friend) E+W

3. Regulation 6 is to be read as if—
- (a) in paragraph (1)—
 - (i) at the end of sub-paragraph (b), “or” were omitted;
 - (ii) for sub-paragraph (c), there were substituted—
 - “(c) where the officer concerned is a member of his staff association, a person nominated by his staff association; or
 - (d) where the officer concerned is not a member of his staff association, any other person nominated by the officer concerned and approved by the chief officer of the police force concerned.”;
 - (b) in paragraph (2)—
 - (i) in sub-paragraph (b), for “proceedings” there were substituted “hearing” and “or appeal meeting” were omitted;
 - (ii) in sub-paragraph (d), “ , meeting” were omitted.

Modification to regulation 7 (legal and other representation) E+W

4. Regulation 7 is to be read as if—
- (a) in paragraph (2), for “he may be dismissed or” there were substituted “disciplinary action may be imposed in relation to him or he may”;
 - (b) in paragraph (3)—
 - (i) for “misconduct proceedings” there were substituted “a misconduct hearing”;
 - (ii) “or an appeal meeting” were omitted;
 - (c) in paragraph (4)—
 - (i) for “misconduct proceedings” there were substituted “a misconduct hearing”;
 - (ii) “or an appeal meeting” and in sub-paragraph (b) “only,” and the words before it were omitted;
 - (d) in paragraph (5)—
 - (i) “Subject to paragraph (6),”, “person or” and “or appeal meeting” were omitted;
 - (ii) for “proceedings” there were substituted “hearing”;
 - (e) paragraph (6) were omitted.

Modification to regulation 8 (provision of notices or documents) E+W

5. Regulation 8 is to be read as if—
- (a) the existing text were paragraph (1);
 - (b) after paragraph (1), there were inserted—
 - “(2) The appropriate authority shall make reasonable enquiries in order to determine the last known address of the officer concerned for the purposes of paragraph (1)(b).”.

Modification to regulation 9 (outstanding or possible criminal proceedings) E+W

6. Regulation 9 is to be read as if—
- (a) in paragraph (2)—
 - (i) for “misconduct proceedings”, in the first place where it appears, there were substituted “a misconduct hearing”;
 - (ii) for “misconduct proceedings”, in the second place where it appears, there were substituted “the misconduct hearing”;
 - (b) in paragraph (3)—
 - (i) for “any misconduct proceedings” there were substituted “a misconduct hearing”;
 - (ii) for “misconduct or special case” there were substituted “hearing or”;
 - (c) in paragraph (4), for “misconduct proceedings” there were substituted “a misconduct hearing”.

Modification: omission of regulation 10 (suspension) E+W

7. These Regulations are to be read as if regulation 10 were omitted.

Modification to regulation 12 (assessment of conduct) E+W

8. Regulation 12 is to be read as if—
- (a) in paragraph (1), for the words from “misconduct” to the end there were substituted “gross misconduct.”;
 - (b) in paragraph (2), for the words from “amount” to the end there were substituted “not amount to gross misconduct, it must take no further action.”;
 - (c) paragraph (3) were omitted;
 - (d) in paragraph (4), after “misconduct,” there were inserted “subject to paragraph (5A),”;
 - (e) in paragraph (5), for “misconduct proceedings” there were substituted “a misconduct hearing”;
 - (f) after paragraph (5), there were inserted—
 - “(5A) The appropriate authority shall take no action or no further action under paragraph (1), (4) or (5) if—
 - (a) it is satisfied that the officer concerned is unfit for disciplinary proceedings to be brought against him by reason of disability or ill-health; or
 - (b) the appropriate authority has made all reasonable efforts to establish his whereabouts but it has been unsuccessful.”;
 - (g) for paragraph (6), there were substituted—
 - “(6) Where the appropriate authority is required by paragraph (2) to take no action or by paragraph (5A)(a) to take no action or no further action, it shall notify the officer concerned in writing as soon as practicable.”.

Modification to regulation 13 (appointment of investigator) E+W

9. Regulation 13 is to be read as if—
- (a) in paragraph (3)—
 - (i) for “is” there were substituted “was”;

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- (ii) after “Metropolis”, in the second place that word appears, there were inserted “at the relevant time”;
- (b) in paragraph (4)—
 - (i) for sub-paragraph (c), there were substituted—
 - “(c) if he worked, directly or indirectly, under the management of the officer concerned at the relevant time; or”;
 - (ii) in sub-paragraph (d)—
 - (aa) for “is a senior officer, if he is” there were substituted “was a senior officer at the relevant time, if he was at that time”;
 - (bb) for “is a member of the metropolitan police force” there were substituted “was a member of the metropolitan police force at the relevant time”.

Modification to regulation 14 (investigation) E+W

10. Regulation 14 is to be read as if “misconduct or”, in both places where those words appear, were omitted.

Modification to regulation 15 (written notices) E+W

11. Regulation 15 is to be read as if—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (b), “misconduct or” were omitted;
 - (ii) for sub-paragraphs (d) to (ea), there were substituted—
 - “(d) that if the matter were to be referred to proceedings under Part 4—
 - (i) the form of those proceedings would be a misconduct hearing;
 - (ii) if the allegation of gross misconduct is proved, he may be subject to a finding that he would have been dismissed if he had not ceased to be a member of a police force or a special constable; and
 - (iii) if he is subject to such a finding, his full name and a description of the conduct which would have led to his dismissal will be added to the police barred list and may be subject to publication for a period of up to five years;”;
 - (iii) at the end of sub-paragraph (g), “and” were omitted;
 - (iv) after sub-paragraph (g), there were inserted—
 - “(ga) informing him that it may harm his case if he fails to attend an interview of which he has been given notice under regulation 17(5) (interviews during investigation); and”;
 - (v) in sub-paragraph (h), for the words from “regulations” to the end there were substituted “regulation 16(1), 17A(2) or 22(2) or (3) something which he later relies on in any misconduct hearing or special case hearing or at an appeal hearing.”;
- (b) in paragraph (2)—
 - (i) “or its determination of the likely form of any misconduct proceedings to be taken” and, after “notice”, “of” were omitted;
 - (ii) in sub-paragraph (a)—
 - (aa) at the beginning, “of” were inserted;

- (bb) “misconduct or” and “as the case may be” were omitted;
- (iii) for sub-paragraph (b) there were substituted—
 - “(b) where the assessment is that the conduct, if proved, would not amount to gross misconduct, that if, notwithstanding that assessment, the matter were to be referred to proceedings under Part 4, the form of those proceedings would be a misconduct hearing;
 - (c) where the assessment is that the conduct, if proved, would amount to gross misconduct, that if the matter were to be referred to proceedings under Part 4, the form of those proceedings would be a misconduct hearing.”.

Modification to regulation 17 (interviews during investigations) E+W

12. Regulation 17 is to be read as if—
- (a) in paragraph (1), after “practicable” there were inserted “and subject to regulation 17A”;
 - (b) in paragraph (4), for the words from “must” to the end there were substituted “must be reasonable.”.

Modification: insertion of regulation 17A E+W

13. These Regulations are to be read as if after regulation 17 there were inserted—

“Notice of enquiry of police officer during investigation

17A.—(1) Where the investigator is satisfied that, having regard to the circumstances of the officer concerned, it would be unreasonable to require him to attend an interview, the investigator may cause the officer concerned to be given a written notice of enquiry.

- (2) A notice of enquiry given under paragraph (1) shall—
 - (a) state any question the investigator wishes to ask the officer concerned; and
 - (b) request a response to any such question from the officer concerned within a specified period.
- (3) The investigator shall make a record of any notice of enquiry and response received under this regulation.”.

Modification to regulation 18 (report of investigation) E+W

14. Regulation 18 is to be read as if in paragraph (2)(c), for “whether there is a case” to the end there were substituted—

“whether—

- (i) other than in a case to which sub-paragraph (ii) applies—
 - (aa) there is a case to answer in respect of gross misconduct or there is no case to answer;
 - (bb) where the investigator’s opinion is that there is no such case to answer, there may nevertheless have been a breach of the Standards of Professional Behaviour;
- (ii) where the person to whose conduct the investigation related is a person in relation to whom regulation 5(2)(a) and (5)(a) and (b) is satisfied—
 - (aa) there may have been a breach of the Standards of Professional Behaviour;

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Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

- (bb) where the investigator’s opinion is that there may have been such a breach, the breach is so serious that, if the person had not ceased to be a member of a police force or a special constable, it would have justified dismissal.”.

Modification to the heading of Part 4 (Misconduct Proceedings) E+W

15. The heading of Part 4 is to be read as if for “Proceedings” there were substituted “Hearings”.

Modification to regulation 19 (referral of case to misconduct proceedings) E+W

16. Regulation 19 is to be read as if—
- (a) in the heading, for “proceedings” there were substituted “hearing”;
 - (b) in paragraphs (1) and (2), “misconduct or”, in each case in the first place where those words appear, were omitted;
 - (c) in paragraph (3), for the words from “may” to the end there were substituted “must take no further disciplinary action against the officer concerned.”;
 - (d) in paragraph (4), for “paragraph (2)” there were substituted “paragraphs (2) and (4A)”;
 - (e) after paragraph (4), there were inserted—
 - “(4A) The appropriate authority shall not refer the case to a misconduct hearing if—
 - (a) it is satisfied that the officer concerned is unfit for disciplinary proceedings to be brought against him by reason of disability or ill-health; or
 - (b) the appropriate authority has made all reasonable efforts to establish his whereabouts but it has been unsuccessful.”;
 - (f) paragraph (5) were omitted;
 - (g) in paragraph (6)—
 - (i) in sub-paragraph (a), “misconduct meeting or a” were omitted;
 - (ii) for “9(3), refer the case to such a meeting or hearing” there were substituted “9(3) and paragraph (4A), refer the case to such a hearing”;
 - (h) in paragraph (7), for the words from “fails to” to the end of sub-paragraph (b) there were substituted “fails to make the determination referred to in paragraph (1)”;
 - (i) paragraphs (8) and (9) were omitted.

Modification to regulation 20 (withdrawal of case) E+W

17. Regulation 20 is to be read as if—
- (a) in paragraph (1), for “proceedings” there were substituted “hearing”;
 - (b) in paragraph (2)—
 - (i) in sub-paragraph (a), for the words from “may” to the end there were substituted “must take no further action against the officer concerned; and”;
 - (ii) in sub-paragraph (b)(i), “, indicating whether any action will be taken” were omitted.

Modification to regulation 21 (notice of referral to misconduct proceedings and panel membership) E+W

18. Regulation 21 is to be read as if—
- (a) in the heading, for “proceedings” there were substituted “hearing”;

- (b) in paragraph (1)—
 - (i) for “misconduct proceedings”, where those words first appear, there were substituted “a misconduct hearing”;
 - (ii) in sub-paragraph (a)—
 - (aa) in paragraph (ii), “misconduct or” and “as the case may be” were omitted;
 - (bb) in paragraph (iii), the words from “(in the” to “other case)” and “and” at the end of that paragraph were omitted and for “proceedings” there were substituted “hearing”;
 - (cc) in paragraph (iv) for “form of misconduct proceedings” there were substituted “misconduct hearing”;
 - (dd) after paragraph (iv), there were inserted—
 - “and
 - (v) the matters mentioned in paragraph (1A);”;
 - (iii) in sub-paragraph (c)—
 - (aa) at the end of paragraph (i), “and” were omitted;
 - (bb) after paragraph (i), there were inserted—
 - “(ia) in the case of a Condition C person, any written statement or document provided to the [F9]Director General] under regulation 4B(3) and any consultation response provided under regulation 4B(4); and”;
- (c) after paragraph (1) there were inserted—
 - “(1A) The matters referred to in paragraph (1)(a)(v) are the fact that the officer—
 - (a) will be subject to disciplinary proceedings under the Regulations; and
 - (b) if the allegation of gross misconduct is proved, may be subject to a finding that he would have been dismissed if he had not ceased to be a member of a police force or a special constable.”;
- (d) in paragraph (2)—
 - (i) in sub-paragraph (a), “person or” were omitted and for “proceedings” there were substituted “hearing”;
 - (ii) for sub-paragraph (b) there were substituted—
 - “(b) the persons comprising the panel which is to conduct the misconduct hearing (other than the chair) have been determined.”;
- (e) in paragraph (3)—
 - (i) in sub-paragraph (a), for “proceedings” there were substituted “hearing”;
 - (ii) for sub-paragraph (b) there were substituted—
 - “(b) advise the persons conducting that hearing.”;
- (f) in paragraph (5), for the words from “person or” to the end there were substituted “persons conducting the misconduct hearing.”;
- (g) in paragraph (6) “and (6)” were omitted;
- (h) in paragraph (7), for the words from “person” to “proceedings” there were substituted “persons conducting the misconduct hearing”.

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

Textual Amendments

- F9** Words in Regulations substituted (8.1.2018) by The Independent Office for Police Conduct (Transitional and Consequential) Regulations 2017 (S.I. 2017/1250), regs. 1, **24(2)(a)** (with reg. 37)

Modification to regulation 22 (procedure on receipt of notice) **E+W**

19. Regulation 22 is to be read as if—

- (a) in paragraph (1)(b), for the words from “conducting” to “proceedings” there were substituted “chairing the misconduct hearing”;
- (b) in paragraph (2)—
 - (i) in sub-paragraphs (a), (b) and (c) for “misconduct or gross misconduct as the case may be” there were substituted “gross misconduct”;
 - (ii) in sub-paragraph (c)(ii), for the words from “the person” to the end there were substituted “the persons conducting the misconduct hearing.”;
- (c) in paragraph (3), for “proceedings” there were substituted “hearing”.

Modification to regulation 23 (witnesses) **E+W**

20. Regulation 23 is to be read as if—

- (a) in paragraph (1), for the words from “conducting” to the end there were substituted “chairing the misconduct hearing.”;
- (b) in paragraph (2), “conducting or” were omitted and for “proceedings”, in both places where it appears, there were substituted “hearing”;
- (c) in paragraph (3)—
 - (i) for the words from “misconduct proceedings”, in the first place where they appear, to “those proceedings” there were substituted “a misconduct hearing unless the person chairing that hearing”;
 - (ii) in sub-paragraphs (a) and (b), for “proceedings” there were substituted “hearing”.

Modification to regulation 24 (timing and notice of misconduct proceedings) **E+W**

21. Regulation 24 is to be read as if—

- (a) in the heading, for “proceedings” there were substituted “hearing”;
- (b) in paragraph (1), for the words from “proceedings” to the end of sub-paragraph (b) there were substituted “hearing shall take place before the end of 30 working days”;
- (c) in paragraphs (2), (3), (4), (5) and (7)(b) for “conducting or chairing the misconduct proceedings” there were substituted “chairing the misconduct hearing”;
- (d) in paragraphs (4), in the second place where it appears, (6), (8) and (9), in all three places where it appears, for “proceedings” there were substituted “hearing”;
- (e) in paragraph (5), for “those proceedings” there were substituted “that hearing”.

Modification to regulation 25 (persons conducting misconduct proceedings: officers other than senior officers) **E+W**

22. Regulation 25 is to be read as if—

- (a) in the heading, for “proceedings” there were substituted “hearing”;

- (b) paragraphs (2) and (3) were omitted;
- (c) in paragraph (4)(b), after “officer concerned” there were inserted “held at the relevant time”.

Modification to regulation 26 (persons conducting misconduct proceedings: senior officers) E+W

23. Regulation 26 is to be read as if in the heading and in paragraph (1) for “proceedings” there were substituted “hearing”.

Modification to regulation 27 (documents to be supplied) E+W

24. Regulation 27 is to be read as if—

- (a) in paragraph (1)—
 - (i) for “proceedings”, in all three places where it appears, there were substituted “hearing”;
 - (ii) “person or” were omitted;
 - (iii) in sub-paragraph (c), for “misconduct or gross misconduct as the case may be” there were substituted “gross misconduct”;
- (b) in paragraph (3), for “proceedings” there were substituted “hearing”.

Modification to regulation 27A (notification of misconduct hearings) E+W

25. Regulation 27A is to be read as if—

- (a) in paragraph (1)—
 - (i) at the end of sub-paragraph (d), “and” were omitted;
 - (ii) in sub-paragraph (e), for “misconduct or gross misconduct as the case may be” there were substituted “gross misconduct”;
 - (iii) at the end of sub-paragraph (e), there were inserted—
 - “; and
 - (f) where the officer concerned is a Condition C person, the Condition C special determination.”;
- (b) in paragraph (3)(c)(ii), for “(e)” there were substituted “(f)”.

Modification to regulation 28 (attendance of officer concerned at misconduct proceedings) E+W

26. Regulation 28 is to be read as if—

- (a) in the heading and paragraph (1), for “proceedings” there were substituted “hearing”;
- (b) for paragraph (2) there were substituted—
 - “(2) Where the officer concerned informs the person chairing the misconduct hearing in advance that he is unable to attend on grounds which the person chairing that hearing considers reasonable, that person may allow the officer concerned to participate in the hearing by video link or other means.”;
- (c) in paragraph (3)—
 - (i) for “proceedings”, in all four places where it appears, there were substituted “hearing”;

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- (ii) in sub-paragraph (a), for “those” there were substituted “that” and, in paragraph (ii), “in the case of a misconduct hearing, his” were omitted.

Modification to regulation 29 (participation of [F9]Director General] and investigator at misconduct proceedings) E+W

27. Regulation 29 is to be read as if—

- (a) in the heading and in the last place where it appears in paragraph (1), for “proceedings” there were substituted “hearing”;
- (b) for paragraph (2) there were substituted—
- “(2) Where the [F9]Director General] so attends the misconduct hearing—
- (a) [F24]the Director General] may instruct a relevant lawyer to represent it;
- (b) [F24]the Director General] shall notify the complainant or any interested person prior to that hearing; and
- (c) the person chairing the misconduct hearing shall notify the officer concerned prior to that hearing.”;
- (c) in paragraph (3), for the words from “proceedings on” to the end there were substituted “hearing on the request of the person chairing that hearing to answer questions.”;
- (d) in paragraph (4), for the words from “person or” to the end there were substituted “persons conducting the misconduct hearing.”;
- (e) in paragraph (5), for “proceedings”, in both places where it appears, there were substituted “hearing”.

Textual Amendments

- F9** Words in [Regulations](#) substituted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), regs. 1, [24\(2\)\(a\)](#) (with reg. 37)
- F24** Words in [Regulations](#) substituted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), regs. 1, [24\(2\)\(b\)](#) (with reg. 37)

Modification to regulation 30 (attendance of complainant or interested person at misconduct proceedings) E+W

28. Regulation 30 is to be read as if—

- (a) in the heading, for “proceedings” there were substituted “hearing”;
- (b) in paragraph (1), for “misconduct proceedings” there were substituted “a misconduct hearing”;
- (c) in paragraph (2), for “proceedings” there were substituted “hearing”;
- (d) paragraphs (3) and (4) were omitted;
- (e) in paragraphs (7) and (8) for “conducting or chairing the misconduct proceedings” there were substituted “chairing the misconduct hearing” and in paragraph (8), for “proceedings”, in the last place where it appears, there were substituted “hearing”.

Modification to regulation 31 (attendance of others at misconduct proceedings) E+W

29. Regulation 31 is to be read as if—

- (a) in the heading, for “proceedings” there were substituted “hearing”;

- (a) paragraphs (2) to (5) were omitted;
- (c) in paragraph (6)—
 - (i) for “conducting or chairing the misconduct proceedings” there were substituted “chairing the misconduct hearing”;
 - (ii) in sub-paragraphs (a) and (b), for “the proceedings” there were substituted “the hearing” and for “those proceedings” there were substituted “that hearing”;
- (d) in paragraph (7), for “proceedings”, in both places where it appears, there were substituted “hearing”.

Modification to regulation 32 (exclusion from misconduct proceedings) E+W

30. Regulation 32 is to be read as if—

- (a) in the heading, for “proceedings” there were substituted “hearing”;
- (b) for “conducting or chairing the misconduct proceedings” there were substituted “chairing the misconduct hearing” and for “the proceedings” there were substituted “the hearing”.

Modification to regulation 33 (procedure at misconduct proceedings) E+W

31. Regulation 33 is to be read as if—

- (a) in the heading, for “proceedings” there were substituted “hearing”;
- (b) in paragraph (1), for “conducting or chairing the misconduct proceedings” there were substituted “chairing the misconduct hearing” and for “those proceedings” there were substituted “that hearing”;
- (c) in paragraph (2), for “proceedings”, in the first place where it appears, and “form of misconduct proceedings taking place” there were substituted “hearing”;
- (d) in paragraph (3), for “conducting or chairing the misconduct proceedings” there were substituted “chairing the misconduct hearing” and for “the proceedings” there were substituted “the hearing”;
- (e) in paragraphs (4) and (7), for “proceedings” there were substituted “hearing”;
- (f) in paragraph (5), for “proceedings”, in the first two places where it appears, there were substituted “hearing”;
- (g) in paragraph (6), “(at a misconduct hearing)” were omitted;
- (h) in paragraphs (8) and (9), for “conducting or chairing the misconduct proceedings” there were substituted “chairing the misconduct hearing” and in paragraph (9) for “those proceedings” there were substituted “that hearing”;
- (i) in paragraph (10)—
 - (i) for “proceedings”, in both places where it appears, there were substituted “hearing”;
 - (ii) in sub-paragraph (b)—
 - (aa) after “Act” there were inserted “, regulation 19A(2) (notice of enquiry of person concerned during investigation) of the Police (Complaints and Misconduct) Regulations 2012 (as modified by regulation 27 of, and the Schedule to, those Regulations)”;
 - (bb) after “16(1)” there were inserted “, 17A(2)”;
- (j) after paragraph (10) there were inserted—

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Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

- “(10A) Where evidence is given or considered at the misconduct hearing that the officer concerned was given written notice of an interview under regulation 17(5) (interviews during investigation) and failed to attend the interview, paragraph (12) applies.”;
- (k) in paragraphs (12), (13) and (14), for “person or persons conducting the misconduct proceedings” there were substituted “persons conducting the misconduct hearing”;
 - (l) in paragraph (13), for the words from “amounts” to the end there were substituted “amounts to misconduct, gross misconduct or neither.”;
 - (m) in paragraph (15), for “misconduct proceedings conducted by a panel” there were substituted “a misconduct hearing”;
 - (n) in paragraph (16)—
 - (i) for “proceedings”, in all three places where it appears, there were substituted “hearing”;
 - (ii) “meeting or” were omitted;
 - (iii) in sub-paragraph (c), for the words from “misconduct or” to the end there were substituted “gross misconduct, a recommendation as to whether disciplinary action should be imposed; and”;
 - (o) in paragraph (17), for “proceedings” there were substituted “hearing”.

Modification to regulation 34 (senior officers: further meeting or hearing) E+W

32. Regulation 34 is to be read as if—

- (a) in the heading, “meeting or” were omitted;
- (b) in paragraph (1), for the words from “shall” to the end there were substituted “shall hold a further hearing for the purpose of considering whether disciplinary action should be imposed.”;
- (c) in paragraph (2), for “to a meeting held under paragraph (1)(a) as if it was a misconduct meeting, and to a hearing under paragraph (1)(b)” there were substituted “to a hearing under paragraph (1)”;
- (d) in paragraph (4), for “conducting or chairing the misconduct proceedings” there were substituted “chairing the misconduct hearing”.

Modification: substitution of regulation 35 (outcome of misconduct proceedings) E+W

33. These Regulations are to be read as if for regulation 35 there were substituted—

“Outcome of misconduct hearing

35.—(1) Subject to the provisions of this regulation, the persons conducting a misconduct hearing in the case of an officer other than a senior officer may—

- (a) where they find the conduct amounts to gross misconduct, impose disciplinary action; or
- (b) where they find the conduct amounts to misconduct but not gross misconduct, record a finding of misconduct but take no further action.

(2) Subject to the provisions of this regulation, at a hearing held under regulation 34 in the case of a senior officer, the appropriate authority may—

- (a) where the finding set out in the report is that the conduct amounted to gross misconduct, impose disciplinary action; or

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the Police (Conduct) Regulations 2012. (See end of Document for details)

- (b) where the finding set out in the report is that the conduct amounted to misconduct but not gross misconduct, record a finding of misconduct but take no further action.
- (3) Where the question of disciplinary action is being considered, the person or persons considering it—
 - (a) shall have regard to the record of police service of the officer concerned as shown on his personal record;
 - (b) may receive evidence from any witness whose evidence would, in his or their opinion, assist them in determining the question; and
 - (c) shall give—
 - (i) the officer concerned, his police friend or his relevant lawyer; and
 - (ii) in the case of an officer other than a senior officer, the appropriate authority or person appointed to represent the appropriate authority in accordance with regulation 7(4),
an opportunity to make oral or written representations before any such question is determined.
- (4) Paragraph (5) applies in the case of an officer in relation to whom disciplinary action is imposed at a misconduct hearing.
- (5) The chair of the panel which conducted the misconduct hearing may provide any information to the appropriate authority that the chair considers ought to be included by virtue of regulation 3(2)(1) of the Police Barred List and Advisory List Regulations 2017 in the barred list report relating to the officer concerned (information relating to whether exemptions to requirement to publish the barred list entry apply).”.

Modification to regulation 36 (notification of outcome) E+W

- 34.** Regulation 36 is to be read as if—
- (a) in paragraph (1)—
 - (i) in sub-paragraph (a), for “person or persons conducting the misconduct proceedings” there were substituted “persons conducting the misconduct hearing”;
 - (ii) in sub-paragraph (b), “meeting or” were omitted;
 - (iii) for “proceedings”, in the last place where it appears, there were substituted “hearing”;
 - (b) in paragraph (2), “meeting or” were omitted;
 - (c) in paragraph (3), for the words from “include” to the end there were substituted “include notice of the right of the officer concerned to appeal to a police appeals tribunal.”;
 - (d) in paragraph (4), “In all cases referred to in paragraph (3)” were omitted;
 - (e) in paragraph (12), for the words from “In any case” to “without notice)” there were substituted “Where disciplinary action is imposed”.

Modification to regulation 37 (record of misconduct proceedings) E+W

- 35.** Regulation 37 is to be read as if—
- (a) in the heading, for “proceedings” there were substituted “hearing”;
 - (b) for paragraph (1) there were substituted—
 - “(1) A verbatim record of the misconduct hearing shall be taken.”;

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Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

- (c) in paragraph (2), for “proceedings”, in the second place where it appears, there were substituted “hearing”.

Modifications: omission of regulations 38 (appeal from misconduct meeting: officers other than senior officers), 39 (appeal meeting) and 40 (procedure and finding of the appeal) **E**
+W

36. These Regulations are to be read as if regulations 38 to 40 were omitted.

Modification to regulation 43 (notice of referral to special case hearing) **E+W**

37. Regulation 43(1)(c) is to be read as if—
- (a) at the end of paragraph (i), “and” were omitted;
 - (b) after paragraph (i), there were inserted—
 - “(ia) in the case of a Condition C person, any written statement or document provided to the [^{F9}Director General] under regulation 4B(3) and any consultation response provided under regulation 4B(4); and”.

Textual Amendments

- F9** Words in [Regulations](#) substituted (8.1.2018) by [The Independent Office for Police Conduct \(Transitional and Consequential\) Regulations 2017 \(S.I. 2017/1250\)](#), regs. 1, **24(2)(a)** (with reg. 37)

Modification to regulation 53 (procedure at special case hearing) **E+W**

38. Regulation 53 is to be read as if—
- (a) in paragraph (10)(b)—
 - (i) after “Act” there were inserted “, regulation 19A(2) (notice of enquiry of person concerned during investigation) of the Police (Complaints and Misconduct) Regulations 2012 (as modified by regulation 27 of, and the Schedule to, those Regulations)”;
 - (ii) after “16(1)” there were inserted “, 17A(2)”;
 - (b) after paragraph (10) insert—

“(10A) Where evidence is given or considered at the special case hearing that the officer concerned was given written notice of an interview under regulation 17(5) (interviews during investigation) and failed to attend the interview, paragraph (11) applies.”;
 - (c) in paragraph (16)(c), for “any disciplinary action which in their opinion” there were substituted “whether disciplinary action”.

Modification to regulation 54 (senior officers: further hearing) **E+W**

39. Regulation 54(1) is to be read as if for “what disciplinary action (if any)” there were substituted “whether disciplinary action”.

Modification: substitution of regulation 55 (outcome of special case hearing) **E+W**

40. These Regulations are to be read as if for regulation 55 there were substituted—

“Outcome of special case hearing

55.—(1) Subject to the provisions of this regulation, the person or persons conducting the special case hearing in the case of an officer other than a senior officer may—

- (a) where he or they find the conduct amounts to gross misconduct, impose disciplinary action; or
- (b) where he or they find the conduct amounts to misconduct but not gross misconduct, record a finding of misconduct but take no further action.

(2) Subject to the provisions of this regulation, at a hearing held under regulation 54 the appropriate authority may—

- (a) where the finding set out in the report under regulation 53(16) is that the conduct amounted to gross misconduct, impose disciplinary action; or
- (b) where the finding set out in the report is that the conduct amounted to misconduct but not gross misconduct, record a finding of misconduct but take no further action.

(3) Where the question of disciplinary action is being considered, the person or persons considering it—

- (a) shall have regard to the record of police service of the officer concerned as shown on his personal record;
- (b) may consider such documentary evidence as would, in his or their opinion, assist him or them in determining the question; and
- (c) shall give—
 - (i) the officer concerned; and
 - (ii) his police friend or his relevant lawyer,an opportunity to make oral or written representations.

(4) Paragraph (5) applies in the case of an officer other than a senior officer in relation to whom disciplinary action is imposed at a special case hearing.

(5) The person who conducted or chaired the special case hearing may provide any information to the appropriate authority that the person considers ought to be included by virtue of regulation 3(2)(l) of the Police Barred List and Advisory List Regulations 2017 in the barred list report relating to the officer concerned (information relating to whether exemptions to requirement to publish the barred list entry apply).”.

Modification to regulation 56 (notification of outcome) E+W

41. Regulation 56 is to be read as if—

- (a) in paragraph (1)(b), “or any action taken under regulation 55(6) as the case may be” were omitted;
- (b) in paragraph (2), “or any action taken under regulation 55(7), as the case may be,” were omitted;
- (c) in paragraph (11), for the words from “In any case” to “dismissal” there were substituted “Where disciplinary action is imposed”.]

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and re-enact the Police (Conduct) Regulations 2008 (S.I. 2008/2864 – “the 2008 Regulations”), with modifications to reflect changes to policing governance made by the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”).

Relevant provisions of the 2011 Act affecting the metropolitan police district came into force on 16th January 2012, and the Police (Performance and Conduct) (Amendment: Metropolitan Police) Regulations 2011 (S.I. 2011/3027 – “the 2011 Regulations”) amended the 2008 Regulations to reflect this. These Regulations replicate the changes that made to the 2008 Regulations by the 2011 Regulations, and make further changes to achieve the same results in relation to all police areas in England and Wales. The 2011 Regulations are revoked by the Police (Performance) Regulations 2012, which come into force on the same date as these Regulations.

Section 1 of the 2011 Act abolishes police authorities outside London and replaces them with police and crime commissioners. These commissioners, together with the Mayor’s Office for Policing and Crime (which has replaced the Metropolitan Police Authority as the body responsible for maintaining the Metropolitan Police) and the Common Council (which retains its functions as the police authority for the City of London police area), are known collectively as local policing bodies (see section 97(2) of the 2011 Act, which amends Schedule 1 to the Interpretation Act 1978). Paragraph 4 of Schedule 2 to the 2011 Act allows chief constables to employ staff, referred to in the 2011 Act as the police force’s civilian staff.

These Regulations, and in particular regulation 3, reflect these changes.

Regulation 5(2) of these Regulations allows multiple allegations of misconduct to be considered together when deciding how the case should be handled and what disciplinary action should be imposed.

Regulations 26 and 47 of these Regulations have the effect that misconduct proceedings or special case hearings concerning senior officers of all police forces are conducted by a panel consisting of a legally-qualified chair, Her Majesty’s Chief Inspector of Constabulary or one of his Inspectors, and a person selected from a list maintained for these purposes. A special case hearing is a disciplinary hearing held in a case where the appropriate authority determines that there is sufficient written evidence to establish on the balance of probabilities, without the need for further written or oral evidence, that the conduct of the officer concerned constitutes gross misconduct, and that it is in the public interest for the officer to cease to be a police officer without delay. A special case hearing may also be held on the recommendation or at the direction of the Independent Police Complaints Commission.

Regulations 33(16) and 53(16) of these Regulations provide for the panel conducting the misconduct proceedings or special case hearing, in a case where the officer concerned is a senior officer of any police force, to make the finding of fact as to whether or not the officer is guilty of misconduct or gross misconduct, but then to remit the matter to the appropriate authority for a decision as to the action to be taken against the officer.

Regulations 30 and 51 of these Regulations have the effect that a complainant or interested person may remain in attendance during the part of the misconduct proceedings or special case hearing when consideration is being given as to what disciplinary action should be imposed, but they may be excluded when a plea in mitigation is being made on behalf of the officer concerned.

Document Generated: 2024-08-05

Status: Point in time view as at 08/01/2018.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2012. (See end of Document for details)

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