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STATUTORY INSTRUMENTS

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**2015 No. 25**

**The Ministry of Defence Police (Conduct etc.) Regulations 2015**

**PART 4**

**Misconduct Proceedings**

**Procedure on receipt of notice**

**26.**—(1) Subject to paragraph (2), the officer concerned must comply with paragraphs (3) and (4) before the end of 14 working days beginning with the first working day after the documents have been supplied to the officer concerned under regulation 25(1).

(2) The person conducting or chairing the misconduct proceedings may extend the period described in paragraph (1) where to do so is in the interests of justice.

(3) The officer concerned must provide to the relevant authority—

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

(4) The officer concerned must give the relevant authority a copy of any document that the officer intends to rely on at the misconduct proceedings.

(5) 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 (3), the relevant authority and the officer concerned must each give to the other either—

- (a) a list of proposed witnesses, including brief details of the evidence that each witness is able to adduce; or
- (b) give notice that they do not have any proposed witnesses.

(6) Where there are proposed witnesses, the officer concerned and the relevant authority must, if reasonably practicable, agree a list of proposed witnesses, including brief details of the evidence that each witness is able to adduce.