

---

STATUTORY INSTRUMENTS

---

**2017 No. 1135**

**The Police Barred List and Police  
Advisory List Regulations 2017**

**PART 2**

**The Barred List**

**Removal from barred list on application of barred person**

7.—(1) Paragraph (2) applies where a person (“P”) has been included in the barred list for the relevant minimum period or longer.

(2) P may apply to the College to be removed from the barred list if—

- (a) the application is P’s first application under this regulation; or
- (b) in any other case, the condition set out in paragraph (3) is met.

(3) The condition is met if P makes the application—

- (a) on or after the date specified by the College under paragraph (7) when dismissing P’s most recent application; or
- (b) if no date was specified under paragraph (7), after the expiry of the relevant minimum period beginning with the date on which the College dismissed P’s most recent application.

(4) An application under paragraph (2)—

- (a) must be made in the form and manner determined by the College; and
- (b) may contain any information or be accompanied by any other documents that P considers relevant to the application.

(5) If, on considering P’s application, the College is satisfied that it is appropriate for P to be removed from the barred list, the College must remove P from the list; otherwise the College must dismiss the application.

(6) In determining whether it is appropriate for P to be removed from the barred list the College may have regard (among other things) to—

- (a) the extent to which P has shown that P is suitable to be employed or otherwise appointed by a person mentioned in section 88C(5) (policing positions)(**1**);
- (b) the circumstances of the relevant dismissal or which led to the relevant finding;
- (c) the impact on public confidence in the police of removing P from the barred list.

(7) If the College dismisses P’s application, the College may specify a date (being no later than the last day of the relevant minimum period beginning with the date on which the application is dismissed) before which no further application may be made by P under this regulation.

---

(1) Section 88C(5) was amended by section paragraph 65 of Schedule 9 to the Policing and Crime Act 2017 (c.3).

(8) Before making a decision under paragraph (5) or (7), the College may request further representations, information or documents from P or the relevant authority; and the relevant authority must comply with any such request.

(9) The College must give P and the relevant authority notice of its decision on P's application before the end of 5 working days beginning with the date of the decision.

(10) In this regulation the "relevant minimum period"—

- (a) where P was included in the barred list by virtue of being reported under section 88A(1)(a) or 88A(1)(c) and the reason for P's dismissal related (or one of the reasons for the dismissal related) to a finding that P's performance constituted gross incompetence, means three years;
- (b) in any other case, means 5 years.

(11) For the purposes of paragraph (10), "gross incompetence"—

- (a) where P is a police officer, has the meaning given in regulation 4 of the Police (Performance) Regulations 2012(2);
- (b) where P is a civilian police employee, means a serious inability or serious failure of P to perform the duties of the role P is currently undertaking to a satisfactory standard or level (otherwise than by reason of P's attendance), to the extent that dismissal would be justified.