
STATUTORY INSTRUMENTS

2020 No. 1

The Police Appeals Tribunals Rules 2020

Procedure on notice of appeal

13.—(1) As soon as reasonably practicable, the relevant local policing body must supply a copy of the notice of appeal—

- (a) to the respondent;
- (b) where functions have been delegated under rule 7, to the relevant person, and
- (c) where—
 - (i) the appeal is a specified appeal, or
 - (ii) the Director General is presenting the case, in accordance with rule 12(1), to the Director General.

(2) Where functions have been delegated under rule 7, the relevant local policing body must, as soon as reasonably practicable, give the appellant and the respondent written notice of the delegation, including details of the local policing body to whom the functions have been delegated.

(3) As soon as reasonably practicable after receipt of a copy of the notice of appeal, and in any event before the end of 15 working days beginning with the first working day after the day of such receipt, the respondent must supply to the relevant person—

- (a) a copy of the relevant decision made at or following the original hearing provided under regulation 43(2) or 63(2) of the Conduct Regulations or regulation 45(3) of the Performance Regulations;
- (b) any documents which were made available to the person or persons conducting the original hearing, and
- (c) a copy of any transcript requested under rule 9(3).

(4) A copy of any such transcript must at the same time be given to the appellant, unless it has been given to the appellant under rule 9(3).

(5) The appellant must supply the following documents to the relevant person in accordance with paragraph (7)—

- (a) a statement of the relevant decision and the grounds of appeal;
- (b) any supporting documents;
- (c) where the appellant is permitted to adduce witness evidence—
 - (i) a list of any proposed witnesses;
 - (ii) a witness statement from each proposed witness, and
- (d) if the appellant consents to the appeal being determined without a hearing, notice of such consent.

(6) For the purposes of paragraph (5)(c)—

- (a) an appellant is only permitted to adduce witness evidence where the appellant is relying on the ground of appeal set out in rule 4(4)(b), 5(6)(b) or 6(4)(b);

- (b) a “proposed witness” is a person—
 - (i) whom the appellant wishes to call to give evidence at the hearing;
 - (ii) whose evidence was not and could not reasonably have been considered at the original hearing, and
 - (iii) whose evidence could have materially affected the relevant decision.
- (7) The appellant must supply the documents mentioned in paragraph (5) before the end of—
 - (a) 20 working days beginning with the first working day after the day on which the appellant is supplied with a copy of the transcript under paragraph (4), or
 - (b) where no transcript has been requested under rule 9(3), 35 working days beginning with the first working day after the day on which the appellant gave notice of the appeal to the relevant local policing body.
- (8) The relevant person must give a copy of the documents supplied under paragraph (5) to the respondent as soon as practicable following receipt.
- (9) Before the end of 20 working days beginning with the first working day after the day on which the respondent receives the documents under paragraph (8), the respondent must supply to the relevant person—
 - (a) a statement of the respondent’s response to the appeal;
 - (b) any supporting documents;
 - (c) where the respondent is permitted to adduce witness evidence—
 - (i) a list of any proposed witnesses;
 - (ii) a witness statement from each proposed witness, and
 - (d) if the respondent consents to the appeal being determined without a hearing, notice of such consent.
- (10) For the purposes of paragraph (9)(c)—
 - (a) a respondent is only permitted to adduce witness evidence where the appellant is relying on the ground of appeal set out in rule 4(4)(b), 5(6)(b) or 6(4)(b);
 - (b) a “proposed witness” is a person—
 - (i) whom the respondent wishes to call to give evidence at the hearing, and
 - (ii) whose evidence is relevant to all or part of the evidence on which the appellant is relying for the purposes of rule 4(4)(b), 5(6)(b), or 6(4)(b).
- (11) The respondent must at the same time as supplying to the relevant person the documents referred to in paragraph (9)(a) to (d), give the appellant a copy of the documents referred to in paragraph (9)(a), (c) and (d), together with a list of the documents (if any) supplied under paragraph (9)(b).
- (12) On receipt of the documents supplied under paragraph (9), the relevant person must give to the chair a copy of the documents supplied under paragraphs (5) and (9).