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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules set out the circumstances in which a member of a police force, a former police officer or a special constable may appeal to a police appeals tribunal. They also set out the procedures governing such an appeal.

They revoke and replace the Police Appeals Tribunals Rules 2012 (S.I. 2012/2630) (“the 2012 Rules”), the Police Appeals Tribunals (Amendment) Rules 2015 (S.I. 2015/625) and relevant provisions of the Police (Conduct, Complaints and Misconduct and Appeal Tribunal) (Amendment) Regulations 2017 (S.I. 2017/1134) subject to transitional provisions. They replace the 2012 Rules (as amended) with substantially similar provisions but with modifications to reflect changes to the handling of police complaints and police discipline matters made by the Policing and Crime Act 2017 (c. 3) (“the 2017 Act”) and the Police (Conduct) Regulations 2020 (S.I. 2020/4) (“the Conduct Regulations”).

The effect of rule 2(2) is that the Police Appeals Tribunals Rules 2008 (S.I. 2008/2863), as modified by rule 2(2) and (3) of the 2012 Rules, and the 2012 Rules (as amended) continue to apply in relation to any appeal by a member of a police force or special constable against a decision made before these Rules come into force in accordance with—

- (a) the Police (Performance) Regulations 2008 (S.I. 2008/2862),
- (b) the Police (Conduct) Regulations 2008 (S.I. 2008/2864),
- (c) the Police (Performance) Regulations 2012 (S.I.2012/2631), or
- (d) the Police (Conduct) Regulations 2012 (S.I. 2012/2632).

The following rules make new provision.

Rule 7 enables a relevant local policing body to delegate functions in relation to the administration of an appeal to another local policing body.

Rule 8 defines the “relevant person” for the purposes of paragraphs 1 and 2 of Schedule 6 to the Police Act 1996 (c. 16). Under paragraphs 1 and 2, the members of a police appeals tribunal are to be appointed by the relevant person. Paragraph 2A of Schedule 6 provides for the relevant person to have the meaning specified in Rules made by the Secretary of State.

Rule 12 provides that where under the Conduct Regulations the Director General of the Independent Office for Police Conduct presented the case to which the appeal relates at the misconduct hearing or accelerated misconduct hearing, the Director General must present the case for the respondent at the appeal.

Rule 27 makes a consequential amendment to a provision in the Police Barred List and Police Advisory List Regulations 2017 (S.I. 2017/1135) relating to the consideration of any matter which comes to the attention of the College of Policing which may be relevant to the publication of certain information in relation to a person who is included in the police barred list under those Regulations.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

**Status:**

Point in time view as at 01/02/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The Police Appeals Tribunals Rules 2020.