
STATUTORY INSTRUMENTS

2020 No. 4

The Police (Conduct) Regulations 2020

PART 5

Accelerated Misconduct Hearings

General

48. Any period of time specified in this Part in relation to an accelerated misconduct hearing may be reduced by agreement between the appropriate authority, the officer concerned, where the Director General is presenting the case, the Director General, and the person conducting or chairing the accelerated misconduct hearing.

Commencement Information

II Reg. 48 in force at 1.2.2020, see [reg. 1](#)

Referral of case to accelerated misconduct hearing

49.—(1) On receipt of a statement submitted by the investigator under regulation 21(3), the appropriate authority must determine whether the special conditions are satisfied.

(2) The special conditions are that—

- (a) there is sufficient evidence, in the form of written statements or other documents, to establish on the balance of probabilities that the conduct of the officer concerned constitutes gross misconduct, and
- (b) it is in the public interest for the officer concerned to cease to be a member of a police force or a special constable without delay.

(3) In a case where misconduct proceedings or an accelerated misconduct hearing have been delayed by virtue of regulation 10(3), as soon as practicable after—

- (a) the appropriate authority considers that such proceedings or hearing would no longer prejudice any criminal proceedings, or
- (b) any criminal proceedings have concluded (whatever the outcome),

the appropriate authority may make a determination, or in the case of an accelerated misconduct hearing must make a further determination, as to 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 must certify the case as one where the special conditions are satisfied and, subject to regulation 10(3), refer it to an accelerated misconduct hearing.

(5) Where the appropriate authority determines—

- (a) that the special conditions are not satisfied, or

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(b) that, although those conditions are satisfied, the circumstances are such as to make such certification inappropriate,

it must, 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 23(1) must be read as if the words “Subject to regulation 49, on receipt of the investigator’s report under regulation 21(1),” were omitted.

(7) Where the appropriate authority certifies a case as one where the special conditions are satisfied under regulation 25(3) or 26(3) of the Complaints and Misconduct Regulations (including pursuant to regulation 26(8)(b) of those Regulations), it must, subject to regulation 10(3), refer it to an accelerated misconduct hearing.

Commencement Information

I2 Reg. 49 in force at 1.2.2020, see [reg. 1](#)

Remission of case

50.—(1) Subject to paragraph (4), at any time after the case has been referred to an accelerated misconduct 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 must be notified before the end of 3 working days beginning with the first working day after that direction is made and the appropriate authority must proceed in accordance with Part 4.

(3) Where the appropriate authority is to proceed in accordance with Part 4, regulation 23(1) must be read as if the words “Subject to regulation 49, on receipt of the investigator’s report under regulation 21(1),” were omitted.

(4) Paragraph (1) does not apply to a case where the Director General has given a direction under regulation 26(8)(b) of the Complaints and Misconduct Regulations.

Commencement Information

I3 Reg. 50 in force at 1.2.2020, see [reg. 1](#)

Notice of referral to accelerated misconduct hearing

51.—(1) Where a case is certified, whether under regulation 49 or under the provisions mentioned in regulation 49(7), as one where the special conditions are satisfied and referred to an accelerated misconduct hearing, the appropriate authority must as soon as practicable give the officer concerned written notice of these matters and must supply the officer with a copy of—

- (a) the certificate issued under regulation 49(4) or under one of the provisions mentioned in regulation 49(7);
- (b) any statement the officer 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 the officer (together with any document attached to or referred to in that report as relates to the officer), and

(ii) any other document which might reasonably be considered capable of undermining or assisting the case.

(2) The notice given under paragraph (1) must—

(a) describe the conduct that is the subject matter of the case and how that conduct is alleged to amount to gross misconduct,^{F1}...

(b) where relevant, specify that the Director General has made a decision under regulation 24(1) to present the case,

[^{F2}(c) notify the officer concerned of the name of the person conducting or chairing the accelerated misconduct hearing; and

(d) notify the officer concerned of the effect of paragraphs (2C) to (2F) of this regulation.]

[^{F3}(2A) Where, under regulation 2(4A), the chief officer of police of the police force concerned delegates responsibility for conducting an accelerated misconduct hearing to another person, the chief officer of police must, as soon as practicable afterwards, give the officer concerned written notice of the name of the person to whom that responsibility has been delegated and the effect of paragraphs (2C) to (2F) of this regulation.

(2B) As soon as practicable after a legally qualified person has been appointed under regulation 55(4A) in relation to the misconduct proceedings, the appropriate authority must give the officer concerned written notice of the name of that person the effect of paragraphs (2C) to (2F) of this regulation.

(2C) The officer concerned may object to any person whom the officer is notified under the preceding provisions of this regulation is to—

(a) conduct, or as the case may be, chair the accelerated misconduct hearing; or

(b) be the legally qualified person appointed under regulation 55(4A) in respect of the accelerated misconduct hearing.

(2D) Any such objection must be—

(a) made in writing to—

(i) the local policing body, where the person in relation to whom the objection is made was appointed by that body;

(ii) where the objection is to the chief officer of police conducting an accelerated misconduct hearing under regulation 55(1) or a person to whom the responsibility for conducting an accelerated hearing has been delegated under regulation 2(4A), the chief officer of police of the police force concerned; or

(iii) the appropriate authority in all other cases; and

(b) in the case of a joint accelerated misconduct hearing, copied to each other officer concerned,

before the end of three working days beginning with the first working day after the officer is given notice of the person's name and must set out the grounds of objection of the officer.

(2E) The appropriate authority, the chief officer of police of the police force concerned or, as the case may be, the local policing body must notify the officer concerned in writing whether it upholds or rejects an objection to a person conducting or, as the case may be, chairing the accelerated misconduct hearing or the legally qualified person appointed under regulation 55(4A).

(2F) If the appropriate authority, the chief officer of police of the police force concerned or, as the case may be, the local policing body upholds the objection, the person to whom the officer concerned objects must be replaced (in accordance with paragraph (2G) or (2I), or regulation 2(4A) or 55, as appropriate).

(2G) Where—

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- (a) the person conducting the accelerated misconduct hearing is the chief officer of police of the police force concerned; and
- (b) an objection is upheld against them,

the chief officer of police must delegate responsibility for conducting that accelerated misconduct hearing in accordance with regulation 2(4B) and (4C).

(2H) The delegation referred to in paragraph (2G) is to be treated as having been done under regulation 2(4A).

(2I) Where—

- (a) the person chairing the accelerated misconduct hearing is appointed by the local policing body under regulation 55(4)(a); and
- (b) an objection is upheld against the chair,

the local policing body must require HMCIC to chair the accelerated misconduct hearing or nominate an inspector of constabulary to replace the chair under regulation 28(5A).

(2J) As soon as reasonably practicable after any such appointment or after any such delegation, the appropriate authority must give a written notice to the officer concerned of the name of the new person who is to conduct or, as the case may be, chair the accelerated misconduct hearing or, as the case may be, the legally qualified person appointed under regulation 55(4A), and of the effects of paragraphs (2K) and (2L).

(2K) The officer concerned may object to the person who, in accordance with paragraph (2F), replaces a person in respect of whom an objection has been upheld.

(2L) In relation to an objection under paragraph (2K)—

- (a) paragraph (2D) applies, except insofar as it specifies the period of time for making an objection;
- (b) the objection must be made before the end of three working days beginning with the first working day after the officer concerned has been given the notice referred to in paragraph (7); and
- (c) paragraphs (2E) to (2J) apply, with the exception of the requirement in paragraph (2J) for the appropriate authority to give written notice of the effects of paragraphs (2K) and this paragraph.]

(3) Where the Director General has made a decision under regulation 24(1) to present a case, the appropriate authority must—

- (a) consult the Director General about the contents of the written notice to be given under paragraph (1) and on the application of the harm test under paragraph (1)(c);
- (b) comply with any direction given by the Director General in relation to the matters specified in paragraph (a), and
- (c) provide the Director General with a copy of the written notice given under paragraph (1).

Textual Amendments

- F1** Word in reg. 51(2)(a) omitted (7.5.2024) by virtue of [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), regs. 1(2), **3(10)(a)(i)** (with reg. 7)
- F2** Reg. 51(2)(c)(d) inserted (7.5.2024) by [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), regs. 1(2), **3(10)(a)(ii)** (with reg. 7)
- F3** Reg. 51(2A)-(2L) inserted (7.5.2024) by [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), regs. 1(2), **3(10)(b)** (with reg. 7)

Commencement Information

I4 Reg. 51 in force at 1.2.2020, see [reg. 1](#)

Notice of accelerated misconduct hearing

52.—(1) The appropriate authority must specify a date for the accelerated misconduct hearing which must be not less than 10 and not more than 15 working days after the date on which notice is given under regulation 51(1) and must as soon as practicable—

- (a) notify the officer concerned and the person conducting or chairing the accelerated misconduct hearing of the date, time and place of that hearing, and
- (b) notify the officer concerned of the effect of regulation 8(1) to (3) in relation to an accelerated misconduct hearing.

[^{F4}(1A) Where—

- (a) the officer concerned raises an objection under regulation 51(2C) or (2K); and
- (b) that objection is upheld,

the appropriate authority must specify a date to replace that specified under paragraph (1), which must be not less than 10 and not more than 15 working days after the date on which the person in respect of whom the objection was made is replaced.]

(2) Where the Director General has made a decision under regulation 24(1) to present a case or is entitled to attend the accelerated misconduct hearing to make representations under regulation 58(1), the appropriate authority must notify the Director General of the date, time and place of the hearing.

Textual Amendments

F4 Reg. 52(1A) inserted (7.5.2024) by [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), [regs. 1\(2\)](#), [3\(11\)](#) (with [reg. 7](#))

Commencement Information

I5 Reg. 52 in force at 1.2.2020, see [reg. 1](#)

Public notification of accelerated misconduct hearing

53.—(1) The person conducting or chairing an accelerated misconduct hearing may require the appropriate authority to give notice of the hearing 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 51(2).

(2) Where the person conducting or chairing the accelerated misconduct hearing requires notice to be given in accordance with paragraph (1), the appropriate authority must publish the notice on its website as soon as practicable after notice of the hearing is given under regulation 52(1).

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

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- (a) whether, and (if so) the extent to which, the person conducting or chairing the accelerated misconduct hearing should exclude any person from the whole or part of the hearing under regulation 59(2)(a);
- (b) whether the person conducting or chairing the accelerated misconduct hearing should impose any conditions under regulation 59(2)(b);
- (c) whether the person conducting or chairing the accelerated misconduct hearing should give directions prohibiting the publication of any matter relating to the proceedings under regulation 59(2)(c);
- (d) in the light of the representations made under sub-paragraphs (a) to (c)—
 - (i) whether the person conducting or chairing the accelerated 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, and
 - (e) the Director General.
- (5) Written representations, in relation to the matters specified in paragraph (3)(a) to (c), may also be made by any representative of the media to the person conducting or chairing the accelerated misconduct hearing.
- (6) Any written representations made in accordance with paragraph (3) or (5), as the case may be, must be provided no later than the date specified by the person conducting or chairing the accelerated misconduct hearing for provision of such representations.

Commencement Information

16 Reg. 53 in force at 1.2.2020, see [reg. 1](#)

Procedure on receipt of notice

- 54.**—(1) Before the end of 7 working days beginning with the first working day after the written notice is given to the officer concerned under regulation 51(1), the officer concerned must give the appropriate authority—
- (a) written notice of whether or not they accept that their conduct amounts to gross misconduct;
 - (b) where they accept that their conduct amounts to gross misconduct, any written submission they wish to make in mitigation;
 - (c) where they do not accept that their conduct amounts to gross misconduct, written notice of—
 - (i) the allegations they dispute and their account of the relevant events, and
 - (ii) any arguments on points of law they wish to be considered by the person or persons conducting the accelerated misconduct hearing;
 - (d) a copy of any document they intend to rely on at the accelerated misconduct hearing.

(2) Where the Director General has made a decision under regulation 24(1) to present a case, the officer concerned must provide the Director General with a copy of the documents they have provided in accordance with paragraph (1).

Commencement Information

I7 Reg. 54 in force at 1.2.2020, see [reg. 1](#)

Persons conducting accelerated misconduct hearing

55.—^{F5}(1) Where the officer concerned is an officer other than a senior officer, the accelerated misconduct hearing must be conducted by the chief officer of police of the police force concerned (but see regulation 2(4A)).]

^{F6}(2)

(3) Where the officer concerned is a senior officer, the accelerated misconduct hearing must be conducted by a panel of persons specified in paragraph (4) ^{F7}....

(4) Those persons are—

^{F8}(a) a chair, who must be—

(i) where the officer is a chief officer of police, a Commissioner of Police of the Metropolis, a Deputy Commissioner of Police of the Metropolis or an Assistant Commissioner of Police of the Metropolis, HMCIC or an inspector of constabulary nominated by HMCIC, appointed by the local policing body; or

(ii) in every other case, a more senior officer than the officer concerned from a force other than the force concerned, appointed by the appropriate authority;

(aa) a person selected in accordance with regulation 28(4)(b); and]

^{F9}(b)

(c) a person selected in accordance with regulation 28(4)(c).

^{F10}(4A) A legally qualified person is to be appointed by the local policing body as an adviser to the chair and the panel of persons specified in paragraph (4), to be selected in accordance with regulation 28(5B).

(4B) The legally qualified person appointed under paragraph (4A) must provide advice to the panel of persons conducting or to the person chairing an accelerated misconduct hearing on request by the chair in respect of any legal or procedural matters relating to the accelerated misconduct hearing.

(4C) The panel of persons conducting or the person chairing an accelerated misconduct hearing must have regard to any advice given by the legally qualified person in accordance with paragraph (4B).

(4D) Paragraph (4E) applies where the officer concerned is not a senior officer and—

(a) the appropriate authority, when its views were sought in respect of the case under paragraph 23(5A)(a)(i) or (iii) of Schedule 3 to the 2002 Act (action by the Director General in relation to an investigation report under paragraph 22 of that Schedule), expressed a view on the matter that differed from the determination of the Director General under paragraph 23(5A)(b) of that Schedule; or

(b) the appropriate authority notified the Director General under paragraph 25(4D)(a) of Schedule 3 to the 2002 Act (reviews with respect to an investigation) that it did not accept

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a recommendation of the Director General under paragraph 25(4C)(c) of that Schedule (reviews with respect to an investigation).

(4E) Where this paragraph applies, the Director General may, within five working days beginning with the day after the day on which the Director General makes the determination referred to in paragraph (4D)(a) or the recommendation referred to in paragraph (4D)(b), make written representations to the chief officer of police who is to chair the accelerated misconduct hearing under paragraph (1) as to whether the chief officer of police should delegate responsibility for chairing the accelerated misconduct hearing to a person from a police force other than the police force concerned.

(4F) The chief officer of police to whom representations have been made under paragraph (4E) must—

- (a) have regard to those representations; and
- (b) within five working days beginning with the day on which the representations were received, determine whether or not to delegate responsibility for chairing the accelerated misconduct hearing to a person from a police force other than the police force concerned.]

(5) For the purpose of section 84(4) of the 1996 Act (power to prescribe “the panel” for the purpose of representation at proceedings), the panel of persons or the person specified by this regulation to conduct an accelerated misconduct hearing is prescribed as “the panel”.

Textual Amendments

- F5** Reg. 55(1) substituted (7.5.2024) by [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), regs. 1(2), **3(12)(a)** (with reg. 7)
- F6** Reg. 55(2) omitted (7.5.2024) by virtue of [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), regs. 1(2), **3(12)(b)** (with reg. 7)
- F7** Words in reg. 55(3) omitted (7.5.2024) by virtue of [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), regs. 1(2), **3(12)(c)** (with reg. 7)
- F8** Reg. 55(4)(a)(aa) substituted for reg. 55(4)(a) (7.5.2024) by [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), regs. 1(2), **3(12)(d)(i)** (with reg. 7)
- F9** Reg. 55(4)(b) omitted (7.5.2024) by virtue of [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), regs. 1(2), **3(12)(d)(ii)** (with reg. 7)
- F10** Reg. 55(4A)-(4F) inserted (7.5.2024) by [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), regs. 1(2), **3(12)(e)** (with reg. 7)

Commencement Information

- I8** Reg. 55 in force at 1.2.2020, see [reg. 1](#)

Documents to be supplied

56.—(1) Prior to the accelerated misconduct hearing the appropriate authority must supply the person conducting or chairing the accelerated misconduct hearing with a copy of—

- (a) the notice given to the officer concerned under regulation 51(1);
- (b) the other documents given to the officer under regulation 51(1);
- (c) the documents provided by the officer under—
 - (i) regulation 54, and
 - (ii) where paragraph (2) applies, regulation 31(2) and (3);
- (d) where the officer concerned does not accept that the officer's 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 in a case where misconduct proceedings have been delayed by virtue of regulation 10(3) and the appropriate authority has certified the case as one where the special conditions are satisfied following a determination made under regulation 49(3).

(3) Prior to the accelerated misconduct hearing, the appropriate authority must provide the officer concerned with—

- (a) a list of the documents supplied under paragraph (1), and
- (b) a copy of any such document, where it has not already been supplied.

(4) Where the Director General has made a decision under regulation 24(1) to present a case, the duty specified in paragraph (1) to supply the specified documents to the person conducting or chairing the accelerated misconduct hearing lies with the Director General and not with the appropriate authority.

Commencement Information

19 Reg. 56 in force at 1.2.2020, see [reg. 1](#)

Attendance of officer concerned at accelerated misconduct hearing

57.—(1) Subject to paragraph (2), the officer concerned must attend the accelerated misconduct hearing.

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

(3) Where under paragraph (2) the officer concerned is allowed to and does so participate in the accelerated misconduct hearing, or where the officer otherwise does not attend the accelerated misconduct hearing—

- (a) the officer may nonetheless be represented at that hearing by—
 - (i) a police friend, or
 - (ii) a 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 whether or not the officer is so represented.

(4) Where the officer concerned is represented in accordance with paragraph (3), the police friend or relevant lawyer of the officer, or both, as the case may be, may participate using the video link or other means where such means are also used by the officer.

Commencement Information

110 Reg. 57 in force at 1.2.2020, see [reg. 1](#)

Participation of Director General and investigator at accelerated misconduct hearing

58.—(1) Subject to paragraph (5), in any case where—

- (a) paragraph 18 or 19 of Schedule 3 to the 2002 Act (directed and independent investigations) applied, or
- (b) paragraph 16 of Schedule 3 to the 2002 Act (investigations by the appropriate authority on its own behalf) applied and the Director General—

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- (i) made a recommendation under paragraph 25(4C)(c) 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 Director General may attend the accelerated misconduct hearing to make representations.

(2) Where the Director General so attends the accelerated misconduct hearing—

- (a) the Director General may be represented by a relevant lawyer;
- (b) the Director General must notify the complainant or any interested person prior to the hearing, and
- (c) the person conducting or chairing the accelerated misconduct hearing must notify the officer concerned prior to the hearing.

(3) The investigator or a nominated person must attend the accelerated misconduct 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 (directed and independent investigations) applied, the Director General,

has sufficient knowledge of the investigation of the case to be able to assist the person conducting or chairing the accelerated misconduct hearing.

(5) Paragraph (1) does not apply in a case where the Director General has made a decision under regulation 24(1) to present a case.

Commencement Information

III Reg. 58 in force at 1.2.2020, see [reg. 1](#)

Reporting restrictions and participation at accelerated misconduct hearing

59.—(1) Subject to paragraph (2), an accelerated misconduct hearing must be in public.

(2) Having considered any representations received under regulation 53(3) and (5), the person conducting or chairing the accelerated misconduct hearing may—

- (a) in relation to the attendance at the hearing of a person under this regulation, exclude any person as they see fit from the whole or a part of it;
- (b) impose such conditions as they see fit relating to the attendance under this regulation of any person at the hearing in order to facilitate the proper conduct of it, and
- (c) give such directions as they think appropriate prohibiting the publication of any matter relating to the hearing.

(3) Where the person conducting or chairing the accelerated misconduct hearing excludes a person under paragraph (2)(a) which has the effect of excluding a representative of the media, or gives a direction under paragraph (2)(c), any representative of the media may make representations to the person conducting or chairing the accelerated misconduct hearing about the exclusion or, as the case may be, direction.

[^{F11}(4) Where the person conducting or chairing an accelerated misconduct hearing exercises their power under paragraph (2) to exclude any person from all or part of the hearing, impose conditions that have the effect of excluding any person from all or part of the hearing or prohibit the publication

of any matter relating to the hearing, the person must give written reasons to the local policing body for taking such action.]

Textual Amendments

F11 Reg. 59(4) inserted (7.5.2024) by [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), regs. 1(2), **5(3)** (with reg. 7)

Commencement Information

I12 Reg. 59 in force at 1.2.2020, see [reg. 1](#)

Notice to complainant and interested persons of accelerated misconduct hearing

60.—(1) This regulation applies in the case of an accelerated misconduct hearing arising from the investigation of a—

- (a) conduct matter under Schedule 3 to the 2002 Act (handling of complaints and conduct matters etc.), or
- (b) complaint to which paragraph 19A of that Schedule (special procedure where investigation relates to police officer or special constable) applied.

(2) The appropriate authority must notify the complainant and any interested person of the date, time and place of the accelerated misconduct hearing and of their right to make representations under regulation 53(3).

Commencement Information

I13 Reg. 60 in force at 1.2.2020, see [reg. 1](#)

Procedure at accelerated misconduct hearing

61.—(1) The person conducting or chairing the accelerated misconduct hearing must determine the procedure at the hearing and, in so far as it is set out in these Regulations, must determine it in accordance with these Regulations.

(2) The accelerated misconduct hearing must not proceed unless the officer concerned has been notified of the effect of regulation 8(1) to (3) in relation to an accelerated misconduct hearing.

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

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

(5) At the beginning of the accelerated misconduct hearing, the person conducting or chairing the accelerated misconduct hearing must give the officer the opportunity to say whether or not the officer accepts that the officer's conduct amounts to gross misconduct.

(6) No witnesses other than the officer concerned may give evidence at the accelerated misconduct hearing and the person conducting or chairing the accelerated misconduct hearing must determine whether and by whom the officer concerned can be questioned.

(7) The person representing the appropriate authority may—

- (a) address the hearing in order to do any or all of the following—
 - (i) put the case of the authority;

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- (ii) sum up that case;
 - (iii) respond on behalf of the authority to any view expressed at the accelerated misconduct hearing, and
 - (iv) make representations concerning any aspect of proceedings under these Regulations, and
- (b) confer with the authority.
- (8) 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;
 - (ii) sum up that case;
 - (iii) respond on behalf of the officer to any view expressed at the accelerated misconduct hearing, and
 - (iv) make representations concerning any aspect of proceedings under these Regulations, and
 - (b) if the officer concerned is present at the accelerated misconduct hearing or is participating in it by video link or other means in accordance with regulation 57(2), confer with the officer.
- (9) Where the person representing the officer concerned is a relevant lawyer, the police friend of the officer may also confer with the officer in the circumstances mentioned in paragraph (8)(b).
- (10) The police friend or relevant lawyer of the officer concerned may not answer any questions asked of the officer during the accelerated misconduct hearing.
- (11) The person conducting or chairing the accelerated misconduct 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 54, or
 - (b) to the officer in accordance with regulation 51(1).
- (12) Where evidence is given or considered at the accelerated misconduct hearing that the officer concerned—
- (a) on being questioned by an investigator, at any time after the officer was given written notice under regulation 17(1) of these Regulations or regulation 17(1) of the Complaints and Misconduct Regulations, or
 - (b) in submitting any information or by not submitting any information at all under regulation 54 (or, where paragraph 14 applies, regulation 18(1) or 31(2) or (3)) of these Regulations or under regulation 20 of the Complaints and Misconduct Regulations,
- failed to mention, any fact relied on in the officer's case at the accelerated misconduct hearing, being a fact which in the circumstances existing at the time, the officer could reasonably have been expected to mention when so questioned or when providing such information, paragraph (13) applies.
- (13) Where this paragraph applies, the person conducting or chairing the accelerated misconduct hearing may draw such inferences from the failure as appear proper.
- (14) This paragraph applies where the case was certified as one where the special conditions are satisfied following a determination made under regulation 49(3), being a case where misconduct proceedings have been delayed by virtue of regulation 10(3).
- [^{F12}(14A) The advice provided by the legally qualified person under regulation 55(4B) must be given to all parties to the accelerated misconduct hearing.
- (14B) In paragraph (14A) “parties” means the panel of persons appointed in accordance with regulation 55(4), the appropriate authority or, as the case may be, the originating authority, the officer

concerned, the representatives of the officer and, where the Director General is presenting the case, the Director General.]

(15) The person conducting or chairing the accelerated misconduct hearing must review the facts of the case and decide whether or not the conduct of the officer concerned amounts to gross misconduct.

(16) The person conducting or chairing the accelerated misconduct hearing must not find that the conduct of the officer concerned amounts to gross misconduct unless—

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

(17) At an accelerated misconduct hearing conducted by a panel, any decision must be based on a majority but must not indicate whether it was taken unanimously or by a majority.

(18) Where the Director General has made a decision under regulation 24(1) to present a case, paragraph (7) must be read as if for “The person representing the appropriate authority” there were substituted “The Director General”.

Textual Amendments

F12 Reg. 61(14A)(14B) inserted (7.5.2024) by [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), [regs. 1\(2\)](#), **3(13)** (with [reg. 7](#))

Commencement Information

I14 Reg. 61 in force at 1.2.2020, see [reg. 1](#)

Outcome of accelerated misconduct hearing

62.—(1) Where the person conducting or chairing the accelerated misconduct hearing finds that the conduct of the officer concerned amounts to gross misconduct, they must impose disciplinary action, which, subject to the provisions of this regulation, may be—

- (a) a final written warning;
- (b) reduction in rank, or
- (c) dismissal without notice.

(2) The disciplinary action has effect from the date on which it is notified to the officer concerned.

(3) Where, on the date of the severity assessment under regulation 14(1) of these Regulations or under regulation 16 of the Complaints and Misconduct Regulations, the officer concerned had a final written warning in force, a final written warning must not be given.

(4) Where a final written warning is given, that warning remains in force for—

- (a) a period of 2 years beginning with the day on which it was notified to the officer concerned, or
- (b) such longer period as the person or persons considering the question of disciplinary action may determine, up to a maximum of 5 years from the day on which it was notified to the officer.

(5) The reference to a period in paragraph (4)(a) and (b) does 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).

(6) Reduction in rank may only be imposed under this regulation where the person or persons imposing the disciplinary action consider this is an appropriate sanction, taking into account the views of the appropriate authority, including in relation to the likely operational impact.

Status: Point in time view as at 07/05/2024.

Changes to legislation: There are currently no known outstanding effects for the Police (Conduct) Regulations 2020, PART 5. (See end of Document for details)

(7) Where, on the date of the severity assessment under regulation 14(1) of these Regulations or under regulation 16 of the Complaints and Misconduct Regulations, the officer concerned had been reduced in rank under the Police (Conduct) Regulations 2004 or under these Regulations, a reduction in rank may not be imposed.

(8) Where the person conducting or chairing the accelerated misconduct hearing finds that the conduct of the officer concerned does not amount to gross misconduct, they may—

- (a) dismiss the case, or
- (b) return the case to the appropriate authority to deal with in accordance with Part 4.

(9) Where the case is returned to the appropriate authority under paragraph (8)(b), the appropriate authority must proceed in accordance with Part 4, subject to regulation 23(1) being read as if the words “Subject to regulation 49, on receipt of the investigator's report under regulation 21(1),” were omitted.

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

- (a) must have regard to the record of police service of the officer concerned as shown on the officer's personal record;
- (b) may consider such documentary evidence as would, in their opinion, assist them in determining the question;
- (c) must give—
 - (i) the officer;
 - (ii) if the officer is legally represented, the officer's relevant lawyer or, where the officer is not legally represented, the officer's police friend;
 - (iii) the appropriate authority or the person appointed to represent such authority in accordance with regulation 8(5), and
 - (iv) the Director General or the Director General's relevant lawyer, where the Director General presented the case on behalf of the appropriate authority,
 an opportunity to make oral or written representations before any such question is determined, including on the appropriate level of disciplinary action, and
- (d) where representations are received in relation to mitigating circumstances—
 - (i) must consider whether those circumstances have been mentioned at an earlier stage in the proceedings and, if they have not been so mentioned, whether the officer could reasonably have been expected to so mention them, and
 - (ii) in the light of their conclusions under paragraph (i), may determine that it is appropriate to place less weight on those circumstances.

(11) Paragraph (12) applies where an officer is dismissed at an accelerated misconduct hearing.

(12) The person conducting or chairing the accelerated misconduct hearing must 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 Police Advisory List Regulations 2017^{M1} in the barred list report relating to the officer concerned (information relating to whether exemptions to requirement to publish the barred list entry apply).

Commencement Information

I15 Reg. 62 in force at 1.2.2020, see [reg. 1](#)

Marginal Citations

M1 S.I. 2017/1135.

Notification of outcome

63.—(1) [^{F13}Subject to paragraph (1B),] the person conducting or chairing the accelerated misconduct hearing must, before the end of a period of 5 working days beginning with the first working day after the completion of the accelerated misconduct hearing, submit a report to the appropriate authority, setting out—

- (a) the finding of the person or persons conducting the accelerated misconduct hearing;
- (b) the reasons for that finding;
- (c) any disciplinary action imposed; [^{F14}and]

[^{F15}(d) where it was found that the conduct of the officer concerned amounted to gross misconduct but the disciplinary action imposed was not dismissal without notice, the reasons for that decision.]

[^{F16}(1A) The person chairing the accelerated misconduct hearing under regulation 55(4) may require the legally qualified person appointed under regulation 55(4A) to provide advice in respect of legal and procedural issues relating to the report under paragraph (1).

(1B) The person chairing the accelerated misconduct hearing under regulation 55(4) may delegate responsibility for preparing the report under paragraph (1) to the legally qualified person appointed under regulation 55(4A).

(1C) Where the person chairing the accelerated misconduct hearing under regulation 55(4) delegates responsibility for preparing the report under paragraph (1B)—

- (a) the legally qualified person must submit the report to the person chairing the accelerated misconduct hearing within five working days beginning with the first working day after completion of the accelerated misconduct hearing;
- (b) the person chairing the accelerated misconduct hearing—
 - (i) may amend the report prepared by the legally qualified person; and
 - (ii) must satisfy themselves that they are content with the report prepared by the legally qualified person (whether or not they have amended it under paragraph (i)).

(1D) Where the person chairing an accelerated misconduct hearing delegates responsibility for preparing the report under paragraph (1B), paragraph (1) is to be read as if for “five working days” there were substituted “10 working days”.]

(2) A report under this regulation must include notice of the right of appeal to a police appeals tribunal.

(3) The appropriate authority must, as soon as practicable after receiving the report under paragraph (1), notify the officer concerned of the outcome by sending the officer a copy of that report.

(4) The appropriate authority must send a copy of any report under this regulation to—

- (a) the Director General, in any case where the Director General—
 - (i) presented the case, or
 - (ii) was entitled to attend to make representations under regulation 58(1), ^{F17}...
- (b) the complainant and any interested person, in any case to which regulation 60 applies, [^{F18}and]

Status: Point in time view as at 07/05/2024.

Changes to legislation: There are currently no known outstanding effects for the The Police (Conduct) Regulations 2020, PART 5. (See end of Document for details)

[^{F19}(c) where the person conducting the accelerated misconduct hearing found that the conduct of the officer concerned amounted to gross misconduct but the disciplinary action imposed was not dismissal without notice, the local policing body.]

(5) Subject to the harm test and paragraph (9), the person conducting or chairing the accelerated misconduct hearing must require the appropriate authority to publish the report submitted under paragraph (1).

(6) Where the appropriate authority is required to publish the report in accordance with paragraph (5), it must do so as soon as practicable after the officer concerned is notified of the outcome of the accelerated misconduct hearing under paragraph (3).

(7) Where the appropriate authority publishes a report in accordance with paragraph (5), it must publish the notice on its website for a period of not less than 28 days.

(8) Prior to publication of a report under paragraph (5) the appropriate authority may, subject to paragraph (11), redact the document—

(a) in so far as the authority considers redaction is—

- (i) 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;
- (ii) necessary in the interests of national security;
- (iii) necessary for the purpose of the prevention or detection of crime, or the apprehension or prosecution of offenders;
- (iv) 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;
- (v) necessary and proportionate for the protection of the welfare and safety of any informant or witness;
- (vi) otherwise in the public interest, and

(b) in line with any restrictions imposed on the disclosure of information during the course of the proceedings.

(9) The person conducting or chairing the accelerated misconduct hearing may dispense with the requirement under paragraph (5) to publish the report if in the particular circumstances of the case the person considers it is appropriate to do so on any of the grounds set out in paragraph (8)(a) or (b).

(10) In making a decision under paragraph (9), the person conducting or chairing the accelerated misconduct hearing may have regard to any representations—

- (a) provided under regulation 53(3) or (5), or
- (b) made at the accelerated misconduct hearing.

(11) Information that has already been published during the course of the proceedings may not be redacted under paragraph (8).

Textual Amendments

- F13** Words in [reg. 63\(1\)](#) inserted (7.5.2024) by [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), [regs. 1\(2\)](#), [3\(14\)\(a\)](#) (with [reg. 7](#))
- F14** Word in [reg. 63\(1\)\(c\)](#) inserted (7.5.2024) by [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), [regs. 1\(2\)](#), [5\(4\)\(a\)\(i\)](#) (with [reg. 7](#))
- F15** [Reg. 63\(1\)\(d\)](#) inserted (7.5.2024) by [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), [regs. 1\(2\)](#), [5\(4\)\(a\)\(ii\)](#) (with [reg. 7](#))
- F16** [Reg. 63\(1A\)-\(1D\)](#) inserted (7.5.2024) by [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), [regs. 1\(2\)](#), [3\(14\)\(b\)](#) (with [reg. 7](#))

- F17** Word in reg. 63(4)(a)(ii) omitted (7.5.2024) by virtue of The Police (Conduct) (Amendment) Regulations 2024 (S.I. 2024/521), regs. 1(2), **5(4)(b)(i)** (with reg. 7)
- F18** Word in reg. 63(4)(b) inserted (7.5.2024) by The Police (Conduct) (Amendment) Regulations 2024 (S.I. 2024/521), regs. 1(2), **5(4)(b)(ii)** (with reg. 7)
- F19** Reg. 63(4)(c) inserted (7.5.2024) by The Police (Conduct) (Amendment) Regulations 2024 (S.I. 2024/521), regs. 1(2), **5(4)(b)(iii)** (with reg. 7)

Commencement Information

- I16** Reg. 63 in force at 1.2.2020, see **reg. 1**

Record of accelerated misconduct hearing

64.—(1) A verbatim record of the proceedings at the accelerated misconduct hearing must be taken.

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

Commencement Information

- I17** Reg. 64 in force at 1.2.2020, see **reg. 1**

Status:

Point in time view as at 07/05/2024.

Changes to legislation:

There are currently no known outstanding effects for the The Police (Conduct) Regulations 2020, PART 5.