
STATUTORY INSTRUMENTS

2020 No. 4

The Police (Conduct) Regulations 2020

PART 4

Misconduct proceedings

Procedure at misconduct proceedings

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

(2) The misconduct proceedings must not proceed unless the officer concerned has been notified of the effect of regulation 8(1) to (3) in relation to the form of misconduct proceedings taking place.

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

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

(5) At the beginning of the misconduct proceedings, the person conducting or chairing the misconduct proceedings must give the officer concerned the opportunity to say whether or not the officer accepts that the officer's conduct amounts to misconduct or gross misconduct, as the case may be.

(6) The person representing the appropriate authority or, as the case may be, the originating authority may—

- (a) address the proceedings in order to do any or all of the following—
 - (i) put the case of the authority;
 - (ii) sum up that case;
 - (iii) respond on behalf of the authority to any view expressed at the proceedings;
 - (iv) make representations concerning any aspect of proceedings under these Regulations, and
 - (v) subject to paragraph (10), ask questions of any witnesses, and
- (b) confer with the authority.

(7) The person representing the officer concerned may—

- (a) address the proceedings in order to do all or any 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 proceedings;
 - (iv) make representations concerning any aspect of proceedings under these Regulations, and

- (v) subject to paragraph (10), ask questions of any witnesses, and
 - (b) confer with the officer.
- (8) Where (at a misconduct hearing) the person representing the officer concerned is a relevant lawyer, the police friend of the officer may also confer with the officer.
- (9) The police friend or relevant lawyer of the officer concerned may not answer any questions asked of the officer during the misconduct proceedings.
- (10) The person conducting or chairing the misconduct proceedings must determine whether any question should be put to a witness.
- (11) The person conducting or chairing the misconduct proceedings may allow any document to be considered at those proceedings notwithstanding that a copy of it has not been supplied—
- (a) by the officer concerned to the appropriate authority or, as the case may be, the originating authority in accordance with regulation 31(3), or
 - (b) to the officer concerned in accordance with regulation 30(1).
- (12) Where evidence is given or considered at the misconduct proceedings 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 18(1) or 31(2) or (3) (or, where paragraph (13) applies, regulation 54) 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 misconduct proceedings, 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 (14) applies.
- (13) This paragraph applies where the appropriate authority has directed, in accordance with regulation 50(1), that the case be dealt with under this Part.
- (14) Where this paragraph applies, the person or persons conducting the misconduct proceedings may draw such inferences from the failure as appear proper.
- [^{F1}(14A) The advice provided by the legally qualified person under regulation 28(5D) must be given to all parties to the misconduct hearing.
- (14B) In paragraph (14A) “parties” means the panel of persons constituted in accordance with regulation 28, any person to whom responsibility for chairing the misconduct hearing has been delegated under regulation 2(4A), the appropriate authority or, as the case may be, the originating authority, the officer concerned, the representatives of the officer concerned and, where the Director General is presenting the case, the Director General.]
- (15) The person or persons conducting the misconduct proceedings must review the facts of the case and decide whether the conduct of the officer concerned amounts—
- (a) in the case of a misconduct meeting, to misconduct or not, or
 - (b) in the case of a misconduct hearing, to misconduct, gross misconduct or neither.
- (16) The person or persons conducting the misconduct proceedings must not find that the conduct of the officer concerned amounts to misconduct or 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 misconduct proceedings 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 (6) must be read as if for “The person representing the appropriate authority or, as the case may be, the originating authority” there were substituted “ The Director General ”.

Textual Amendments

F1 Reg. 41(14A)(14B) inserted (7.5.2024) by [The Police \(Conduct\) \(Amendment\) Regulations 2024 \(S.I. 2024/521\)](#), regs. 1(2), **3(8)** (with reg. 7)

Commencement Information

II Reg. 41 in force at 1.2.2020, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Police (Conduct) Regulations 2020, Section 41.