
STATUTORY INSTRUMENTS

2020 No. 4

The Police (Conduct) Regulations 2020

PART 5

Accelerated Misconduct Hearings

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
- (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.