
STATUTORY INSTRUMENTS

2020 No. 4

The Police (Conduct) Regulations 2020

PART 5

Accelerated Misconduct Hearings

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.

Status: Point in time view as at 07/05/2024.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, Section 51. (See end of Document for details)

(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—

- (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

- I1** Reg. 51 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, Section 51.