STATUTORY INSTRUMENTS

2026 No. 764

POLICE

The British Transport Police (Barred List and Advisory List) Regulations 2026

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Coming into force - -	*21st September 2026*

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The Secretary of State makes these Regulations in exercise of the powers conferred by section 252(1) and paragraphs 1(3), 5(1)(b), 6, 7(2), 7(3), 9(2), 11(3) and 13(e) of Schedule 25 to the Crime and Policing Act 2026(**a**).

In accordance with paragraph 15(1) of Schedule 25 to that Act the Secretary of State has consulted with the Scottish Ministers before making these Regulations.

(**a**) 2026 c. 20.

PART 1

General

Citation, commencement and extent

1.—(1) These Regulations may be cited as the British Transport Police (Barred List and Advisory List) Regulations 2026 and come into force on 21st September 2026.

(2) These Regulations extend to England and Wales and Scotland.

Interpretation

2.—(1) In these Regulations—

"the 2003 Act" means the Railways and Transport Safety Act 2003(**a**);

"the 2026 Act" means the Crime and Policing Act 2026;

"advisory list" means the advisory list maintained by the Authority under paragraph 9(1) of Schedule 25 to the 2026 Act;

"Authority" means the British Transport Police Authority established under section 18 of the 2003 Act;

"barred list" means the barred persons list maintained by the Authority under paragraph 1(1) of Schedule 25 to the 2026 Act;

"constable" means—

(a) a member of the police force appointed and employed by the Authority under section 24 of the 2003 Act, or

(b) a special constable of the police force appointed by the Chief Constable of the police force under section 25 of the 2003 Act;

"gross incompetence" means—

(a) in relation to a constable, a serious inability or serious failure of a constable to perform the duties of the constable's rank or the role the constable is currently undertaking to a satisfactory standard or level, without taking into account the constable's attendance, to the extent that dismissal would be justified and "grossly incompetent" is to be construed accordingly, or

(b) in relation to a civilian employee, a serious inability or serious failure to perform the duties of the role currently being undertaken to a satisfactory standard or level, otherwise than by reason of unsatisfactory attendance, to the extent that dismissal would be justified;

"police force" means the British Transport Police Force established under section 20 of the 2003 Act;

"relevant allegation" has the meaning given in paragraph 10(7) of Schedule 25 to the 2026 Act;

(**a**) 2003 c. 20.

"relevant dismissal" means where a person by virtue of being dismissed at disciplinary proceedings(**a**) ceases to be a constable, or to be a civilian employee;

"relevant finding" means where a person—

(a) is a former constable, a finding in disciplinary proceedings that they would have been dismissed if they had still been a constable, or

(b) is a former civilian employee, a finding in disciplinary proceedings that they would have been dismissed if they had still been such an employee;

"working day" means a day other than—

(a) a Saturday or a Sunday,

(b) a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**b**) in England and Wales or Scotland, or

(c) a day which is a public holiday in England, Wales or Scotland.

(2) For the purposes of paragraph 5(1)(b) of Schedule 25 to the 2026 Act, "appeal proceedings" means any internal review or appeal during which a decision taken in disciplinary proceedings is considered and may be set aside.

(3) For the purposes of paragraph 13(e) of Schedule 25 to the 2026 Act "disciplinary proceedings" means—

(a) in relation to a civilian employee, any proceeding or management process during which that person's conduct results in them being dismissed and the reason, or one of the reasons, for the dismissal relates to conduct, efficiency or effectiveness;

(b) in relation to a former civilian employee, any proceeding or management process during which that person's conduct while a civilian employee is considered in order to determine whether a finding should be made that they would have been dismissed if they had still been such an employee and the reason or one of the reasons, for the dismissal would have related to conduct, efficiency or effectiveness.

PART 2

The barred list

Information to be included in the barred list

3.—(1) The Authority must include in the barred list the following information in relation to each person ("P") included in the list—

(a) P's full name;

(b) P's date of birth;

(c) whether at the time of the relevant dismissal or relevant finding by virtue of which P was included in the list, P was a constable, a former constable, a civilian employee or a former civilian employee;

(d) where P was a constable at the time of the relevant dismissal—

(i) P's rank at that time, and

(**a**) "disciplinary proceedings", in relation to a constable or former constable has the meaning given in paragraph 13(b) of Schedule 25 to the 2026 Act, and in relation to a civilian employee or former civilian employee has the meaning given in regulation 2(3).

(**b**) 1971 c. 80.

(ii) any number used at that time to identify P as a constable, for example, a warrant number;

(e) where P was a former constable at the time of the relevant finding—

(i) P's rank when P was last a constable, and

(ii) any number used when P was last a constable to identify P as such, for example, a warrant number;

(f) where P was a civilian employee at the time of the relevant dismissal, any number used at that time to identify P as such an employee;

(g) where P was a former civilian employee at the time of the relevant finding, any number used when P was last a civilian employee to identify P as such;

(h) the reasons for the relevant dismissal or the relevant finding, including where applicable—

(i) a description of P's conduct which led to the relevant dismissal or the relevant finding, and

(ii) any provision of the Standards of Professional Behaviour breached by P;

(i) the date of the relevant dismissal or the relevant finding;

(j) the date P's details are included in the barred list.

(2) In this regulation, "Standards of Professional Behaviour" has the meaning given in the Police (Conduct) Regulations 2020(**a**).

Automatic removal following legal proceedings

4. Where paragraphs 4 and 5 of Schedule 25 to the 2026 Act do not apply, the Authority must nevertheless remove a person ("P") from the barred list as soon as reasonably practicable where—

(a) P is reinstated as a civilian employee of the Authority following a decision of any court or tribunal, or

(b) the dismissal by virtue of which P was included in the barred list under paragraph 2(2)(a) or 3(2)(a) of Schedule 25 to the 2026 Act is found to have been an unfair dismissal by any court or tribunal.

Automatic removal after 12 months

5. The Authority must remove a person ("P") from the barred list as soon as reasonably practicable where—

(a) P was included in the barred list under paragraph 2(2)(a) or 3(2)(a) of Schedule 25 to the 2026 Act,

(b) the reason for P's dismissal related to P's unsatisfactory performance, not amounting to gross incompetence, or unsatisfactory attendance, and

(c) P has been included in the list for a period of 12 months beginning with the day on which P was included in the barred list.

Automatic removal on death

6. Where it comes to the attention of the Authority that a person who is included in the barred list has died, the Authority must remove that person from the list as soon as reasonably practicable.

(**a**) S.I. 2020/4. See regulation 2(1), to which there are amendments not relevant to these Regulations. Pursuant to sections 36 and 37 of the 2003 Act, the Authority has made provision equivalent to those regulations.

Removal from the barred list: on application of a listed person

7.—(1) Paragraph (2) applies where a person ("P") has been included in the barred list for the relevant minimum period or longer.

(2) P may apply to the Authority to be removed from the barred list if—

(a) the application is P's first under this regulation, or

(b) in any other case, the condition set out in paragraph (3) is met.

(3) The condition is met if P makes the application—

(a) on or after the date specified by the Authority under paragraph (7) when dismissing P's most recent application, or

(b) where no date was specified under paragraph (7), after the expiry of the relevant minimum period beginning with the day on which the Authority dismissed P's most recent application.

(4) An application under paragraph (2)—

(a) must be made in the form and manner determined by the Authority, and

(b) may contain any information or be accompanied by any other documents that P considers relevant to the application.

(5) On considering P's application in accordance with paragraph (6), where the Authority—

(a) is satisfied that it is appropriate for P to be removed from the barred list, the Authority must remove P from the list as soon as reasonably practicable;

(b) is not satisfied that it is appropriate for P to be removed from the barred list, the Authority must dismiss P's application.

(6) In determining whether it is appropriate for P to be removed from the barred list the Authority must have regard to—

(a) the extent to which P has shown that P is suitable to be employed or otherwise appointed by a law enforcement employer,

(b) the circumstances of the relevant dismissal, or circumstances which led to the relevant finding, by virtue of which P was included in the barred list, and

(c) the impact on public confidence in the police of removing P from the barred list.

(7) Where the Authority dismisses P's application, the Authority may specify a date, being no later than the last day of the relevant minimum period beginning with the day on which the application is dismissed, before which no further application may be made by P under this regulation.

(8) Before making a decision under paragraph (5) or (7)—

(a) the Authority may request further representations, information or documents from P;

(b) where P was a special constable or former special constable, the Authority may also request further information from the Chief Constable of the police force; and the Chief Constable of the police force must comply with any such request.

(9) The Authority must before the end of the period of five working days beginning with the day on which the decision is made—

(a) give P notice of its decision on P's application;

(b) where P was a special constable or former special constable, give the Chief Constable of the police force notice of its decision on P's application.

(10) In this regulation—

"law enforcement employer" has the meaning given in section 206 of the 2026 Act;

"relevant minimum period" means—

(a) where P was included in the barred list pursuant to paragraph 2(2)(a) or 3(2)(a) of Schedule 25 to the 2026 Act and the reason for P's dismissal, or one of the reasons for the dismissal, related to a finding that P's performance constituted gross incompetence, three years;

(b) in any other case, five years.

Publication of information in the barred list

8.—(1) This regulation applies in relation to a person ("P") who is included in the barred list under paragraph 2(2) of Schedule 25 to the 2026 Act where—

(a) in the case of inclusion in the barred list under paragraph 2(2)(a) of that Schedule, P was dismissed at disciplinary proceedings under provision made by the Authority relating to matters which are the subject of the Police (Conduct) Regulations 2020, or

(b) in the case of inclusion in the barred list under paragraph 2(2)(b) of that Schedule, the relevant finding by virtue of which P was included in the list was made at disciplinary proceedings under provision made by the Authority relating to matters which are the subject of the Police (Conduct) Regulations 2020.

(2) Subject to paragraph (4), the Authority must publish in accordance with paragraph (3) the information in relation to P required under regulation 3(a), (c), (d)(i), (e)(i), (h) and (i).

(3) The information required to be published under paragraph (2) must—

(a) be published in such manner as the Authority considers appropriate,

(b) be published no later than the last working day of the month following the month in which P was included in the barred list,

(c) subject to regulation 9, remain published by the Authority for a period of five years beginning with the day on which it is first published, and

(d) cease to be published by the Authority at the end of that period.

(4) The Authority must not publish any of the information in relation to P if publishing some or all of that information—

(a) would be against the interests of national security,

(b) might prejudice the investigation or prosecution of a criminal offence or any civil proceedings, or

(c) would result in a significant risk of harm to any person, including P.

(5) In determining whether paragraph (4) applies, the Authority must have regard to the extent to which, and the manner in which, any of the information in relation to P has already been made available to the public.

(6) Where, after the Authority has decided not to publish the information under paragraph (4), it becomes aware that the circumstances which led to that decision no longer apply, the Authority must publish the information.

Review of publication

9.—(1) This regulation applies where the information in relation to a person ("P") who is included in the barred list is published by the Authority under regulation 8.

(2) The Authority must consider any matter which comes to its attention, including by way of representations made in a written statement under provision equivalent to Rule 26(7) of the Police

Appeals Tribunals Rules 2020(**a**), which may be relevant to the question of whether the continued publication of some or all of the specified information in relation to P—

(a) is against the interests of national security,

(b) might prejudice the investigation or prosecution of a criminal offence or any civil proceedings, or

(c) is resulting in significant risk of harm to any person, including P.

(3) Where, having considered the matter, the Authority decides that continuing to publish some or all of the information in relation to P has any of the effects mentioned in paragraph (2), the Authority must cease to publish all of the information in relation to P.

(4) Where the Authority is required to cease publishing the information under paragraph (3), it must do so before the end of the period of five working days beginning with the day on which it makes the decision under that paragraph.

(5) Where, after the Authority has ceased publication of the information under paragraph (3), it becomes aware that the circumstances in paragraph (2) which required the Authority to cease publishing that information no longer apply, the Authority must republish the information in question for the remainder of the required period.

(6) Where the Authority decides that continuing to publish the information would not have the effects described in paragraph (2), the Authority is not required to review that decision if there has been no material change in the circumstances which led to that decision.

(7) Where the Authority removes P from the barred list, the Authority must cease to publish all of the information in relation to P.

(8) In this regulation, "required period" means the period for which the Authority is required to publish the information under regulation 8(3)(c), ending no later than the end of the period of five years beginning with the day on which the information was first published by the Authority.

PART 3

The advisory list

Information to be included in the advisory list

10. The Authority must include in the advisory list the following information in relation to each person ("P") included in the list—

(a) P's full name;

(b) P's date of birth;

(c) where Condition 1 in paragraph 10 of Schedule 25 of the 2026 Act is met in relation to P—

(i) whether, at the time of resigning or retiring P was a constable of the police force or a civilian employee;

(ii) where P was a constable of the police force at the time of resigning or retiring—

(aa) P's rank at the time,

(bb) any number used at that time to identify P as such, for example, a warrant number;

(iii) where P was a civilian employee at the time of resigning or retiring, any number used to identify P as such;

(**a**) S.I. 2020/1, to which there are amendments not relevant to these Regulations.

(iv) the date P resigned or retired;

(v) a summary of the relevant allegation;

(vi) in a case where disciplinary proceedings have been brought, the form of these proceedings;

(vii) the date P's details are included in the advisory list;

(d) where Condition 2 in paragraph 10 of Schedule 25 to the 2026 Act is met in relation to P—

(i) P's rank at the time of resigning or retiring;

(ii) any number used at the time P retired or resigned to identify P as a constable of the police force, for example, a warrant number;

(iii) whether P retired or resigned;

(iv) the date P retired or resigned;

(v) the date the relevant allegation about P came to the attention of the Authority;

(vi) a summary of the relevant allegation;

(vii) the date P's details are included in the advisory list.

Automatic removal after 5 years

11. The Authority must remove a person ("P") from the advisory list as soon as reasonably practicable where—

(a) the relevant allegation about P did not relate to P's conduct, and

(b) P has been included in the list for a period of five years beginning with the day on which P was included in the advisory list.

Automatic removal on death

12. Where it comes to the attention of the Authority that a person who is included in the advisory list has died, the Authority must remove the person from the list as soon as reasonably practicable.

Removal from the advisory list: on application of a listed person

13.—(1) Paragraph (2) applies where a person ("P") has been included in the advisory list for five years or more beginning with the day on which P was included in the list.

(2) P may apply to the Authority to be removed from the advisory list if—

(a) the application is P's first application under this regulation, or

(b) the condition set out in paragraph (3) is met.

(3) The condition in this paragraph is met if P makes the application—

(a) on or after the date specified by the Authority under paragraph (6) when dismissing P's most recent application, or

(b) where no date was specified under paragraph (6), after the expiry of the five year period beginning with the day on which the Authority dismissed P's most recent application.

(4) An application under paragraph (2)—

(a) must be made in the form and manner determined by the Authority, and

(b) may contain any information or be accompanied by any other documents that P considers relevant to the application.

(5) On considering P's application, where the Authority—

(a) is satisfied that it is appropriate for P to be removed from the advisory list, the Authority must remove P from the list as soon as reasonably practicable;

(b) is not satisfied that it is appropriate for P to be removed from the advisory list, the Authority must dismiss P's application.

(6) Where the Authority dismisses the application, the Authority may specify a date, being no later than the last day of the period of five years beginning with the day on which the application is dismissed, before which no further application may be made by P under this regulation.

(7) Before making a decision under paragraph (5) or (6)—

(a) the Authority may request further representations, information or documents from P, and

(b) where P was a special constable or former special constable, the Authority may request further representations, information or documents from the Chief Constable of the police force; and the Chief Constable of the police force must comply with any such request.

(8) The Authority must before the end of the period of five working days beginning with the day on which the decision is made—

(a) give P notice of its decision on P's application, and

(b) where P was a special constable or former special constable, give the Chief Constable of the police force notice of its decision on P's application.

Signed by Authority of the Secretary of State for Transport

Hendy of Richmond Hill
Minister of State
Department for Transport

6th July 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under Schedule 25 to the Crime and Policing Act 2026 (c. 20) (special police forces: barred persons lists and advisory lists) which require the British Transport Police Authority ("the Authority") to maintain a "barred persons list" (paragraph 1 of Schedule 25) and an "advisory list" (paragraph 9 of Schedule 25) in relation to the British Transport Police Force.

Part 2 of the Regulations makes provision for the maintenance by the Authority of the barred list for the British Transport Police Force.

Regulation 3 sets out the information that must be included in the barred list about a person.

Regulations 4, 5 and 6 set out the circumstances where the Authority will be required to remove a person from the barred list.

Regulation 7 sets out the process under which a person can apply to be removed from the barred list. It sets out the circumstances in which a person can make such an application and the action that the Authority must take when considering the application, and once it has made a decision on that application.

Regulation 8 sets out the circumstances in which the Authority must publish information from the barred list about persons on the barred list. It also sets out the circumstances in which such information must not be published, for example where it relates to national security.

Regulation 9 provides for the Authority to review any decision to publish information from the barred list about a person and sets out the action that the Authority must take if its decision on whether to publish such information changes.

Part 3 of the Regulations makes provision for the advisory list to be maintained by the Authority for the British Transport Police Force.

Regulation 10 sets out the information that must be included in the advisory list about a person.

Regulations 11 and 12 set out the circumstances in which the Authority will be required to remove a person from the advisory list.

Regulation 13 sets out the process under which a person can apply to be removed from the advisory list. It sets out the circumstances in which a person can make such an application and the action that the Authority must take when considering the application, and once it has made a decision on that application.

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.

An Explanatory Memorandum and a De Minimis Assessment have been prepared and are published alongside this instrument on www.legislation.gov.uk.

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