STATUTORY INSTRUMENTS

2026 No. 769

POLICE

MINISTRY OF DEFENCE POLICE

The Ministry of Defence Police (Barred List and Advisory List) Regulations 2026

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The Secretary of State makes these Regulations in exercise of the powers conferred by section 252(1) of, and paragraphs 1(3), 6, 7(2) and (3), 9(2) and 11(3) of Schedule 25 to, the Crime and Policing Act 2026(**a**) and sections 3A(1), (1A) and (1B), 4A and 6A of the Ministry of Defence Police Act 1987(**b**).

PART 1

General

Citation, commencement and extent

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

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

Interpretation

2.—(1) In these Regulations—

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

"the 2020 Regulations" means the Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) Regulations 2020(**c**);

"the Appeals Tribunals Regulations" means the Regulations set out in Schedule 5 to the 2020 Regulations;

"the Conduct Regulations" means the Regulations set out in Schedule 1 to the 2020 Regulations;

"gross incompetence" has the meaning given in regulation 3(1) of the Performance Regulations;

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

(**b**) 1987 c. 4; section 3A was inserted by section 79(1) of the Police Reform Act 2002 (c. 30) ("the 2002 Act") and amended by paragraph 14 of Schedule 22 to, the Criminal Justice and Immigration Act 2008 (c. 4) ("the 2008 Act"), section 6 of the Armed Forces Act 2011 (c. 18), and paragraph 2 of Schedule 7, and paragraph 63(2) of Schedule 9, to the Policing and Crime Act 2017 (c. 3) ("the 2017 Act"); section 4A was substituted by paragraph 16 of Schedule 22 to the 2008 Act and amended by paragraph 4 of Schedule 7 to the 2017 Act and S.I. 2013/602; section 6A was inserted by section 79(4) of the 2002 Act.

(**c**) S.I. 2020/1087, amended by S.I. 2024/603, 2025/1263, 2026/428.

"MDP" means the Ministry of Defence Police;

"MDP advisory list" and "MDP barred list" have the meanings given to them in section 211 of the 2026 Act;

"MDP constable" means a member of the MDP;

"the Performance Regulations" means the Regulations set out in Schedule 4 to the 2020 Regulations;

"Schedule 25" means Schedule 25 to the 2026 Act (special police forces: barred persons lists and advisory lists);

"working day" means any 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(**a**) in England and Wales, Scotland or Northern Ireland,

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

(2) In relation to the Conduct Regulations, the Performance Regulations and the Appeals Tribunals Regulations, any reference in these regulations to a numbered regulation of those Regulations is to the regulation set out in the paragraph so numbered in the relevant Schedule to the 2020 Regulations.

PART 2

The MDP Barred List

Chapter 1

Information to be included in relation to persons in the MDP barred list

Information to be included

3.—(1) The Secretary of State must include in the MDP 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 dismissal or finding by virtue of which P was included in the list, P was an MDP constable or a former MDP constable;

(d) where P was an MDP constable at the time of the dismissal—

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

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

(e) where P was a former MDP constable at the time the finding was made—

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

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

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

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

(**a**) 1971 c. 80.

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

(g) the date of the dismissal or finding;

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

(2) In this regulation "Standards of Professional Behaviour" has the meaning given in regulation 4 of the Conduct Regulations.

Chapter 2

Removal from the MDP barred list: further provision

Automatic removal following legal proceedings

4. Where paragraph 4 of Schedule 25 does not apply, the Secretary of State must nevertheless remove a person ("P") from the MDP barred list as soon as reasonably practicable where the dismissal by virtue of which P was included in the list under paragraph 2(2)(a) of Schedule 25 is found to have been an unfair dismissal by any court or tribunal.

Automatic removal after 12 months

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

(a) P was included in the list under paragraph 2(2)(a) of Schedule 25,

(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 list.

Automatic removal on death

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

Removal on application of barred person

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

(2) P may apply to the Secretary of State to be removed from the list if—

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

(b) in any other case, 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 Secretary of State under paragraph (7) when dismissing P's most recent application, or

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

(4) An application under paragraph (2)—

(a) must be made in the form and manner determined by the Secretary of State;

(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, if the Secretary of State is—

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

(b) not satisfied that it is appropriate, they must dismiss the application.

(6) In determining whether it is appropriate for P to be removed from the list the Secretary of State 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(**a**),

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

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

(7) Where the Secretary of State dismisses P's application, they 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), the Secretary of State may request further representations, information or documents from P.

(9) The Secretary of State must give P notice of their decision on P's application before the end of the period of five working days beginning with the day on which the decision is made.

(10) In this regulation, "relevant minimum period"—

(a) where P was included in the MDP barred list under paragraph 2(2)(a) of Schedule 25 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, means three years;

(b) in any other case, means five years.

Chapter 3

Publication of information about persons included in the MDP barred list

Information to be published

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

(b) in the case of inclusion in the barred list under paragraph 2(2)(b) of that Schedule, the finding by virtue of which P was included in the list was made at disciplinary proceedings under those Regulations as they apply to former MDP constables.

(2) Subject to paragraph (4), the Secretary of State must publish, in relation to P, the information mentioned in regulation 3(1)(a), (c), (d)(i) or (e)(i) (as the case may be), (f) and (g).

(3) The information published under paragraph (2) must—

(a) be published in such manner as the Secretary of State 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,

(**a**) "Law enforcement employer" is defined in section 206(1) of the Crime and Policing Act 2026.

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

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

(4) But the Secretary of State must not publish any of the information in relation to P if to publish 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 Secretary of State must have regard to—

(a) any information provided by the person chairing the misconduct meeting or the person conducting or chairing the accelerated misconduct proceedings in accordance with regulation 41 or 62 of the Conduct Regulations (as the case may be), and

(b) the extent to which (and manner in which) any of the information in relation to P has already been made available to the public.

(6) Where, after the Secretary of State has decided that paragraph (4) applies, they become aware that the circumstances which led to that decision no longer apply, they must publish the information.

Review of publication

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

(2) The Secretary of State must consider any matter which comes to their attention (including by way of representations made in a written statement under regulation 25(5B) of the Appeals Tribunals Regulations) which may be relevant to the question of whether the continued publication of some or all of the 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 a significant risk of harm to any person (including P).

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

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

(5) Where, after the Secretary of State has ceased publication of the information under paragraph (3), they become aware that the circumstances which led to that decision no longer apply, they must republish the information for the remainder of the required period.

(6) Where the Secretary of State decides that continuing to publish the information would not have the effects described in paragraph (2) in a particular case, they are not required to review that decision if there has been no material change in the circumstances which led to that decision.

(7) Where the Secretary of State removes a person from the MDP barred list, they must cease to publish the information in relation to P.

(8) In this regulation "required period" means the period for which the Secretary of State 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 them.

PART 3

The MDP Advisory List

Chapter 1

Information to be included in relation to persons in the MDP advisory list

Information to be included

10. The Secretary of State must include in the MDP 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 (inclusion of persons in advisory list) 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 resigned or retired to identify P as a constable (such as a warrant number);

(iii) the date P resigned or retired;

(iv) a summary of the relevant allegation(**a**);

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

(d) where Condition 2 in paragraph 10 of Schedule 25 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 resigned or retired to identify P as a constable (such as a warrant number);

(iii) whether P resigned or retired;

(iv) the date P resigned or retired;

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

(vi) a summary of the relevant allegation;

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

Chapter 2

Removal from the MDP advisory list: further provision

Automatic removal after 5 years

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

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

(**a**) "Relevant allegation" is defined in paragraph 10(7) of Schedule 25 to the Crime and Policing Act 2026.

(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 list.

Automatic removal on death

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

Removal on application of listed person

13.—(1) Paragraph (2) applies where a person ("P") has been included in the MDP 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 Secretary of State to be removed from the 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 Secretary of State under paragraph (6) when dismissing P's most recent application, or

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

(4) An application under paragraph (2)—

(a) must be made in the form and manner determined by the Secretary of State;

(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 if the Secretary of State is—

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

(b) not satisfied that it is appropriate, they must dismiss the application.

(6) Where the Secretary of State dismisses P's application, they 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), the Secretary of State may request further representations, information or documents from P.

(8) The Secretary of State must give P notice of their decision on P's application before the end of the period of five working days beginning with the day on which the decision is made.

PART 4

Consequential Amendments to the 2020 Regulations

Amendments to regulation 2 of the 2020 Regulations

14. In regulation 2 of the 2020 Regulations (general interpretation), insert the following definitions in the appropriate places—

> ""the Barred List and Advisory List Regulations 2026" means the Ministry of Defence Police (Barred List and Advisory List) Regulations 2026;";

""the MDP barred list" has the meaning given in section 211 of the Crime and Policing Act 2026;".

Amendment of the Conduct Regulations

15.—(1) The Conduct Regulations are amended as follows.

(2) In regulation 16(1) (written notices), after paragraph (d) insert—

"(da) that if the officer is dismissed at misconduct proceedings, information including the officer's full name and a description of the conduct which led to dismissal will be added to the MDP barred list and may be subject to publication for a period of up to 5 years,".

(3) In regulation 41 (outcome of misconduct proceedings), after paragraph (14) insert—

"(15) The person chairing the misconduct hearing must provide information to the Secretary of State that the person considers relevant for the purpose of regulation 8(4) of the Barred List and Advisory List Regulations 2026 (requirement not to publish information relating to the officer concerned).".

(4) In regulation 62 (outcome of accelerated misconduct proceedings), after paragraph (10) insert—

"(11) The person conducting or chairing the accelerated misconduct proceedings must provide information to the Secretary of State that the person considers relevant for the purpose of regulation 8(4) of the Barred List and Advisory List Regulations 2026 (requirement not to publish information relating to the officer concerned).".

Amendment of Schedule 2 to the 2020 Regulations

16.—(1) Schedule 2 to the 2020 Regulations (modifications to the Conduct Regulations in their application to former officers) is amended as follows.

(2) In paragraph 3 (modification: insertion of Part 1A)—

(a) in the inserted regulation 5A—

(i) in paragraph (7)(a) for "as a constable" substitute "by a law enforcement employer";

(ii) after paragraph (8) insert—

"(9) In paragraph (7)(a) "law enforcement employer" has the meaning given in section 206(1) of the Crime and Policing Act 2026.";

(b) in the inserted regulation 5B, for paragraph (2)(c) substitute—

"(c) explain that—

(i) if disciplinary proceedings are taken and the allegation of gross misconduct is proved, the officer concerned may be subject to a finding that the officer would have been dismissed if the officer had not ceased to be a member of the MDP, and

(ii) if the officer concerned is subject to such a finding, the officer will be included in the MDP barred list;".

(3) In paragraph 12 (modification to regulation 16), after paragraph (a) insert—

"(ab) for sub-paragraph (da) there were substituted—

"(da) that if the officer is subject to such a finding, information including the officer's full name and a description of the conduct

which would have led to the officer's dismissal will be added to the MDP barred list and may be subject to publication for a period of up to 5 years,";".

(4) In paragraph 36 (modification to regulation 41), after paragraph (2) of the substituted regulation 41 insert—

"(3) Paragraph (4) applies where disciplinary action for gross misconduct is imposed.

(4) The person chairing a misconduct hearing must provide to the Secretary of State any information they consider would assist the Secretary of State in determining whether regulation 8(4) of the Barred List and Advisory List Regulations 2026 applies (requirement not to publish information relating to the officer concerned).".

(5) For paragraph 41 (modification to regulation 49), substitute—

"41. Regulation 49 is to be read as if in paragraph (2)(b), for the words from "for the officer concerned" to the end of the paragraph, there were substituted "that the officer concerned should be included in the MDP barred list".".

(6) In paragraph 51 (modification to regulation 62), after paragraph (2) of the substituted regulation 62 insert—

"(3) Paragraph (4) applies where disciplinary action for gross misconduct is imposed.

(4) The person chairing the accelerated misconduct hearing must provide to the Secretary of State any information they consider would assist the Secretary of State in determining whether regulation 8(4) of the Barred List and Advisory List Regulations 2026 applies (requirement not to publish information relating to the officer concerned).".

Amendment of the Performance Regulations

17.—(1) The Performance Regulations are amended as follows.

(2) In regulation 30(1) (arrangement of a second stage meeting), after paragraph (d) insert—

"(da) informing the officer that if the outcome is dismissal, the officer's full name and a description of the conduct which led to dismissal will be added to the MDP barred list,".

(3) In regulation 32(1) (arrangement of a second stage meeting without a prior first stage meeting), after paragraph (d) insert—

"(da) informing the officer that if the outcome is dismissal, the officer's full name and a description of the conduct which led to dismissal will be added to the MDP barred list,".

Amendment to regulation 25 of the Appeals Tribunals Regulations

18. In regulation 25 of the Appeals Tribunals Regulations (statement of tribunal's determination), after paragraph (5) insert—

"(5A) Paragraph (5B) applies in a case where information in relation to the appellant which is included in the MDP barred list has been published by the Secretary of State under regulation 8(2) of the Barred List and Advisory List Regulations 2026 (information to be published).

(5B) The chair may include in the written statement any representations that the chair considers it appropriate to make in relation to the appellant and the question mentioned in

regulation 9(2) of the Barred List and Advisory List Regulations 2026 (review of publication).".

Vernon Coaker
Minister of State
Ministry of Defence

7th July 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

Schedule 25 to the Crime and Policing Act 2026 (c. 20) (special police forces: barred persons lists and advisory lists) requires the Secretary of State to maintain a "barred persons list" (paragraph 1) and an "advisory list" (paragraph 9) in relation to the Ministry of Defence Police ("MDP"). These Regulations make supplemental provision relating to the operation of those lists under that Schedule.

Part 2 (MDP barred list) specifies the information that must be included in the MDP barred list (regulation 3), makes provision for additional circumstances in which a person must be removed from the list (regulations 4 to 7) and makes provision about the information that must be published about persons in the list (regulations 8 and 9).

Part 3 (MDP advisory list) specifies the information that must be included in the MDP advisory list (regulation 10) and makes provision for additional circumstances in which a person must be removed from the list (regulations 11 to 13).

Part 4 makes consequential amendments to the Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) Regulations 2020 (S.I. 2020/1087) to reflect the introduction of the MDP barred list.

A full impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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