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STATUTORY INSTRUMENTS

2025 No. 1263

POLICE

MINISTRY OF DEFENCE POLICE

The Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) (Amendment) Regulations 2025

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The Secretary of State makes these Regulations in exercise of the powers conferred by sections 3A(1), (1A), (1B), (3), 4 and 4A of the Ministry of Defence Police Act 1987(**a**).

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) (Amendment) Regulations 2025 and come into force on 29th December 2025.

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

Interpretation

2.—(1) In these Regulations—

(**a**) 1987 c. 4. Section 3A was inserted by section 79(1) of the Police Reform Act 2002 (c. 30) 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 4 was substituted by paragraph 15 of Schedule 22 to the 2008 Act, and amended by paragraph 3 of Schedule 7, and paragraph 63(3) of Schedule 9 to 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 article 26 and paragraph 20(6) of Schedule 2 to the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602).

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

"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;

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

(2) Any reference in these Regulations to a numbered regulation is to the regulation set out in the paragraph so numbered in the relevant Schedule to the 2020 Regulations.

PART 2

Amendment of the Conduct Regulations

Amendment of the Conduct Regulations

3. The Conduct Regulations are amended in accordance with regulations 4 to 12.

Amendment to regulation 2 (interpretation and delegation)

4.—(1) Regulation 2 is amended as follows.

(2) In paragraph (1)—

(a) in the definition of "gross misconduct", after "as to justify dismissal" insert ", and for the purposes of these Regulations conduct which has resulted in a conviction for an indictable-only offence is to be taken to constitute such a breach";

(b) in the definition of "misconduct hearing", for "whether", in the second place it occurs, substitute ", if it amounts to misconduct or gross misconduct, what";

(c) in the definition of "misconduct meeting", for "whether", in the second place it occurs, substitute ", if it amounts to misconduct, what".

(3) After paragraph (2) insert—

"(2A) For the purposes of these Regulations, an offence is an "indictable-only" offence if—

(a) in the case of an offence under the law of England and Wales or Northern Ireland, it is an offence which, if committed by an adult, is triable only on indictment;

(b) in the case of an offence under the law of Scotland, it is an offence triable only on indictment.".

(4) In paragraph (3), for "a member of the MDP" substitute "an MDP officer".

(5) For paragraph (4D) substitute—

"(4D) For the purposes of paragraph (4B)—

(a) "senior officer" includes—

(i) an MDP officer who is required to perform the duties normally performed by a senior officer;

(**a**) S.I. 2020/1087, amended by S.I. 2024/603.

(ii) a member of a relevant force holding a rank above that of chief superintendent;

(iii) a member of a relevant force who is required to perform the duties normally performed by a member of a relevant force holding a rank above that of chief superintendent;

(b) "former senior officer" includes a person who—

(i) at the time they ceased to be an MDP officer, was required to perform the duties normally performed by a senior officer;

(ii) at the time they ceased to be a member of a relevant force, was required to perform the duties normally performed by a member of a relevant force holding a rank above that of chief superintendent.".

Amendment to regulation 3 (application)

5. In regulation 3(9), after "which requires a person", insert "or panel".

Amendment to regulation 8 (provision of notices or documents)

6.—(1) Regulation 8 is amended as follows.

(2) In paragraph (1)—

(a) in the opening words, for "Where" substitute "Subject to paragraph (2), where";

(b) for sub-paragraph (b) substitute—

"(b) sent to the officer by e-mail or other means of electronic communication,".

(3) For paragraph (2) substitute—

"(2) Where it is not reasonably practicable to give or supply a written notice or document to the officer concerned under paragraph (1)(a) or (b) and there is no agreement under paragraph (1)(c) or (d), the written notice or document must be—

(a) left with a person at the officer's last known address, or

(b) sent to the officer's last known address by first class post or recorded delivery or other service which provides for delivery on the next working day ("by post").

(3) Delivery is effective on the date on which a written notice or document is given to the officer under paragraph (1)(a), (c) or (d) or left with a person at the officer's last known address under paragraph (2)(a).

(4) Where a written notice or document is sent by e-mail or other means of electronic communication, it is to be taken to have been given or supplied to the officer concerned—

(a) if the e-mail or other electronic communication is sent on a working day before 4.30 p.m., on that day, or

(b) in any other case, on the next working day after the day on which it was sent.

(5) Where a written notice or document is sent by post, it is to be taken to have been given or supplied to the officer concerned on the second working day after the day on which it was—

(a) posted, or

(b) left with, delivered to or collected by the relevant service provider.".

Amendment to regulation 27 (persons conducting misconduct proceedings)

7. In regulation 27(5F)(a) for "recommendation" substitute "notification".

Amendment to regulation 41 (outcome of misconduct proceedings)

8.—(1) Regulation 41 is amended as follows.

(2) For paragraph (1) substitute—

"(1) Where the person or panel conducting the misconduct proceedings finds that the conduct of the officer concerned amounts to misconduct or gross misconduct, they must impose disciplinary action in accordance with paragraph (2) or (3) as appropriate.

(1A) Where the person or panel conducting the misconduct proceedings finds that the conduct of the officer concerned amounts to neither misconduct nor gross misconduct, they must—

(a) direct that the matter is referred to be dealt with under the reflective practice review process, or

(b) take no further action.".

(3) In paragraph (3)(b) for paragraphs (i) to (iii) substitute—

"(i) dismissal without notice, or

(ii) if the person or panel conducting the misconduct proceedings is satisfied that there are exceptional circumstances which justify it—

(aa) a final written warning, or

(bb) reduction in rank.".

(4) In paragraph (10), for "persons" substitute "person or panel".

(5) In paragraph (12), for "persons" substitute "person or panel".

Amendment to regulation 49 (referral of case to accelerated misconduct hearing)

9. In regulation 49—

(a) before paragraph (1), insert—

"(A1) In this regulation, the "special conditions" are—

(a) that 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) that it is in the public interest for the officer concerned to cease to be an MDP officer without delay.

(A2) Subject to paragraph (A3), after receipt of the investigator's report under regulation 20(1), the relevant authority may at any time determine whether the special conditions are satisfied.

(A3) Where the case is referred to misconduct proceedings, the relevant authority must not make a determination under paragraph (A2) on or after the date of the misconduct meeting or misconduct hearing.";

(b) omit paragraph (2).

Amendment to regulation 55 (persons conducting accelerated misconduct hearing)

10. In regulation 55(8), in the opening words, for "in" substitute "is".

Amendment to regulation 61 (procedure at accelerated misconduct hearing)

11. In regulation 61, in paragraphs (13), (15) and (16)—

(a) after "person" insert "or panel";

(b) omit "or chairing".

Amendment to regulation 62 (outcome of accelerated misconduct hearing)

12.—(1) Regulation 62 is amended as follows.

(2) In paragraph (1)—

(a) in the opening words—

(i) after "person" insert "or panel";

(ii) omit "or chairing";

(iii) for "may be" substitute "must be";

(b) for sub-paragraphs (a) to (c) substitute—

"(a) dismissal without notice, or

(b) if the person or panel conducting the accelerated misconduct hearing is satisfied that there are exceptional circumstances which justify it—

(i) a final written warning, or

(ii) reduction in rank.".

(3) In paragraph (8), in the opening words—

(a) after "person" insert "or panel";

(b) omit "or chairing".

PART 3

Amendment of Schedule 2 to the 2020 Regulations

Amendment of Schedule 2 to the 2020 Regulations

13. Schedule 2 to the 2020 Regulations (modifications to the Conduct Regulations in their application to former officers) is amended in accordance with regulations 14 to 32.

Amendment to paragraph 2 (modification to regulation 2)

14.—(1) Paragraph 2 is amended as follows.

(2) In sub-paragraph (a)—

(a) in paragraph (ii), for ""extended special leave"" substitute ""extended special unpaid leave"";

(b) after paragraph (ii) insert—

"(iia) for the definition of "accelerated misconduct hearing", there were substituted—

""accelerated misconduct hearing" means a hearing to which an officer may be referred under regulation 20D(7) or 49(4) to determine whether the conduct of the officer amounts to gross misconduct and, if so, what disciplinary action should be imposed;";";

(c) for paragraph (vi) substitute—

"(vi) for the definition of "misconduct hearing", except in its application to regulation 20A(1)(d), there were substituted—

""misconduct hearing" means a hearing to which an officer may be referred under regulation 20D(3) or (6), 20E(5)(a) or 23(8)(a) to determine whether the conduct of the officer amounts to gross misconduct and, if so, what disciplinary action should be imposed;";".

Amendment to paragraph 3 (modification: insertion of Part 1A)

15. In paragraph 3, in the opening words, for "regulation 4" substitute "regulation 5".

Amendment to paragraph 5 (modification to regulation 7)

16. In paragraph 5(b), after "police friend" insert """.

Amendment to paragraph 6 (modification to regulation 8)

17. In paragraph 6, in the text in quotation marks, for "paragraph (1)(b)" substitute "paragraph (2)".

Insertion of paragraphs 15A (modification: insertion of Part 3A) and 15B (modification: insertion of regulation 20G)

18. After paragraph 15 (modification to regulation 20) insert—

"Modification: insertion of Part 3A

15A. The Conduct Regulations are to be read as if after regulation 20 there were inserted—

"PART 3A

Determination as to whether relevant disciplinary proceedings are required and referral

Application of Part 3A and interpretation

20A.—(1) Subject to paragraph (2), this Part applies where—

(a) the relevant authority receives an investigator's report under regulation 20(1);

(b) the relevant authority receives a report submitted under paragraph 22 of Schedule 3 to the 2002 Act (final reports on investigations)(**a**);

(c) the relevant authority is required to proceed in accordance with this Part by regulation 49(5) or 50(2);

(**a**) Paragraph 22 of Schedule 3 to the Police Reform Act 2002 (c. 30) was amended by: paragraph 21 of Schedule 12 to the Serious Organised Crime and Police Act 2005 (c. 15); paragraph 12 of Schedule 23 to, and Part 8 of Schedule 28 to the Criminal Justice and Immigration Act 2008 (c. 4); and section 19(3)(b)(i) of, paragraph 47(h)(vi) and (vii) of Schedule 5 to, and paragraph 56(2) and (14) of Schedule 9 to, the Policing and Crime Act 2017 (c. 3).

(d) the officer concerned, having been referred to a misconduct hearing on the basis that the officer has a case to answer in respect of gross misconduct, resigns or retires before the date of that hearing, or

(e) in a case where relevant disciplinary proceedings have been delayed by virtue of regulation 9(3)—

(i) the relevant authority considers that such a hearing would no longer prejudice criminal proceedings, or

(ii) criminal proceedings have concluded (whatever the outcome of those proceedings).

(2) This Part does not apply where Part 4 applies.

(3) In this Part, "relevant disciplinary proceedings" means—

(a) a misconduct hearing under Part 4 of these Regulations;

(b) an accelerated misconduct hearing under Part 5 of these Regulations.

(4) In determining whether any criminal proceedings are concluded for the purposes of paragraph (1)(e)(ii), any right of appeal is to be disregarded.

Determination as to whether case to answer etc.

20B.—(1) As soon as practicable after a condition referred to in regulation 20A(1) ("the relevant condition") applies, the relevant authority must determine—

(a) whether the officer concerned has a case to answer in respect of gross misconduct or whether the officer has no case to answer;

(b) where the relevant authority determines that the officer has a case to answer in respect of gross misconduct, whether or not relevant disciplinary proceedings should be brought against the officer concerned;

(c) where the relevant authority determines that the officer has no case to answer in respect of gross misconduct, whether there may have been a breach of the Standards of Professional Behaviour that would have justified the bringing of disciplinary proceedings had the officer still been serving.

(2) Where the relevant authority fails to make the determination as to the matters set out in paragraph (1) before the end of the period of 15 working days beginning with the first working day after the relevant condition applies, it must notify the officer concerned of the reasons for this.

Determination that no case to answer or that relevant disciplinary proceedings will not be brought: next steps

20C.—(1) Where the relevant authority determines under regulation 20B(1) that the officer concerned has no case to answer in respect of gross misconduct, the relevant authority must, as soon as practicable after it has made the determination—

(a) give the officer written notice of that determination, as well as its determination as to whether there may have been a breach of the Standards of Professional Behaviour that would have justified the bringing of disciplinary proceedings had the officer still been serving, and

(b) subject to the harm test, give the officer a copy of the investigator's report or such parts of that report as relate to the officer.

(2) Where the relevant authority determines under regulation 20B(1) that the officer concerned has a case to answer in respect of gross misconduct but that relevant

disciplinary proceedings should not be brought against the officer concerned, the relevant authority must, as soon as practicable after it has made the determination—

(a) give the officer written notice of the determination, and

(b) subject to the harm test, give the officer a copy of the investigator's report or such parts of that report as relate to the officer.

Determination that relevant disciplinary proceedings will be brought: next steps

20D.—(1) Where the relevant authority determines under regulation 20B(1) that relevant disciplinary proceedings should be brought against the officer concerned, it must take the following steps.

(2) The relevant authority must decide if it requires a misconduct hearing.

(3) If the relevant authority decides the question in paragraph (2) in the affirmative, it must refer the case to a misconduct hearing.

(4) If the relevant authority decides the question in paragraph (2) in the negative, it must give written notice to the officer concerned that the case will be referred to an accelerated misconduct hearing unless, within the period of 10 working days beginning with the first working day after the notification is given, the officer gives the relevant authority written notice that the officer wishes the case to be referred to a misconduct hearing.

(5) Notification by the officer concerned under paragraph (4) must be given in accordance with regulation 20F.

(6) If the relevant authority is notified that the officer concerned wishes the case to be referred to a misconduct hearing in accordance with paragraph (4), it must refer the case to a misconduct hearing.

(7) If the relevant authority is not so notified, it must refer the case to an accelerated misconduct hearing.

Late requests for a misconduct hearing

20E.—(1) Notwithstanding that a case is to be, or has been, referred to an accelerated misconduct hearing under regulation 20D(7), the officer concerned may submit a request to the relevant authority that the case be referred to a misconduct hearing.

(2) Such a request is only valid if—

(a) it is in writing;

(b) it is given or submitted in accordance with regulation 20F(2);

(c) it explains—

(i) why the officer concerned was unable to notify the relevant authority in accordance with regulation 20D(4) that the officer wishes the case to be referred to a misconduct hearing;

(ii) the reasons for any subsequent delay in making the request, and

(d) the relevant authority receives it before the date of the accelerated misconduct hearing.

(3) The relevant authority must forward a valid request to the person conducting or chairing the accelerated misconduct hearing ("the decision maker") for determination.

(4) The decision maker may only grant the request if they are satisfied that—

(a) it was not reasonably practicable for the officer concerned to notify the relevant authority in accordance with regulation 20D(4) that the officer wishes the case to be referred to a misconduct hearing, and

(b) the officer has submitted their request within a reasonable time after the end of the period of 10 working days referred to in regulation 20D(4).

(5) If the decision maker grants the request, they must, as soon as practicable—

(a) direct the relevant authority to refer the case to a misconduct hearing, and

(b) give the officer concerned written notice of their decision.

(6) If the decision maker does not grant the request, they must, as soon as practicable, give the officer concerned written notice of their decision and the reasons for it.

Notifications and requests under regulation 20D and 20E: supplementary

20F.—(1) This regulation applies to—

(a) a notice given by the officer concerned to the relevant authority under regulation 20D(4);

(b) a request submitted by the officer concerned to the relevant authority under regulation 20E(1).

(2) A notification or request to which this regulation applies must be given or submitted to the relevant authority by being—

(a) delivered personally to the relevant authority by—

(i) the officer concerned, or

(ii) if agreed with the officer, the officer's police friend;

(b) sent to the relevant authority's address by first class post or recorded delivery or other service which provides for delivery on the next working day ("by post"), or

(c) sent to the relevant authority by e-mail or other means of electronic communication.

(3) Where a notice or request is sent by e-mail or other means of electronic communication, it is to be taken to have been given or supplied to the relevant authority—

(a) if the e-mail or other electronic communication is sent on a working day before 4.30 p.m., on that day, or

(b) in any other case, on the next working day after the day on which it was sent.

(4) Where a notice or request is sent by post, it is to be taken to have been given or supplied to the relevant authority on the second working day after the day on which it was—

(a) posted, or

(b) left with, delivered to or collected by the relevant service provider.".

Modification: insertion of regulation 20G

15B. The Conduct Regulations are to be read as if before regulation 21 and after the heading to Part 4 there were inserted—

"Application of Part 4

20G. This Part applies where—

(a) the relevant authority has a duty under paragraph 23(5B) of Schedule 3 to the 2002 Act(**a**) to comply with a direction to bring misconduct proceedings;

(b) the relevant authority accepts a recommendation made under paragraph 25(4C)(c) or (4E)(c) of Schedule 3 to the 2002 Act(**b**) that misconduct proceedings of the form specified in the recommendation are brought;

(c) the relevant authority has a duty under paragraph 27(4)(b) of Schedule 3 to the 2002 Act(**c**) to comply with a direction to give effect to a recommendation to bring misconduct proceedings;

(d) the relevant authority has been directed under section 59(5) of the 1998 Act to bring disciplinary proceedings, or

(e) a case is referred to a misconduct hearing under regulation 20D(3) or (6) or 20E(5)(a).".".

Substitution of paragraph 18 (modification to regulation 23)

19. For paragraph 18 substitute—

"Modification to regulation 23 (referral of case to misconduct proceedings)

18. Regulation 23 is to be read as if—

(a) paragraphs (1) to (7) were omitted;

(b) in paragraph (8)—

(i) at the end of sub-paragraph (b), "or" were inserted;

(ii) sub-paragraph (d) and the "or" immediately preceding it were omitted;

(c) paragraphs (9) to (11) were omitted.".

Amendment to paragraph 22 (modification to regulation 27)

20.—(1) Paragraph 22 is amended as follows.

(2) In sub-paragraph (c), at the beginning, omit """.

(3) In sub-paragraph (d), after "relevant time" omit ";".

(4) For sub-paragraph (e)(ii), substitute—

"(ii) sub-paragraph (b) and the "or" immediately preceding it were omitted;".

(5) For sub-paragraph (f)(ii), substitute—

"(ii) sub-paragraph (b) and the "or" immediately preceding it were omitted.".

Amendment to paragraph 24 (modification to regulation 29)

21.—(1) Paragraph 24 is amended as follows.

(2) For sub-paragraph (a)(i)(bb), substitute—

(**a**) Paragraph 23(5B) of Schedule 3 to the Police Reform Act 2002 (c. 30) was inserted by paragraph 26(2) of Schedule 5 to the Policing and Crime Act 2017 (c. 3).

(**b**) Paragraph 25(4C)(c) and (4E) of Schedule 3 to the Police Reform Act 2002 (c. 30) were inserted by paragraph 34(5) of Schedule 5 to the Policing and Crime Act 2017 (c. 3) and amended by paragraph 56 of Schedule 9 to that Act.

(**c**) Paragraph 27(4) of Schedule 3 to the Police Reform Act 2002 (c. 30) was amended by paragraph 56(2) of Schedule 9 to the Policing and Crime Act 2017 (c. 3).

"(bb) in paragraph (iii), for the words from "conduct" to the end, there were substituted "chair the misconduct proceedings,";".

(3) In sub-paragraph (d)(i), for "conduct" substitute "conducting".

(4) In sub-paragraph (e), after "regulation 7(6)" insert "and (7)".

Amendment to paragraph 32 (modification to regulation 37)

22. In paragraph 32, after sub-paragraph (d), insert—

"(da) in paragraph (4), after sub-paragraph (a), "or" were inserted";".

Insertion of paragraphs 39A and 39B

23. After paragraph 39 insert—

"Modification: insertion of regulation 46A (application of Part 5)

39A. The Conduct Regulations are to be read as if before regulation 47 and after the heading to Part 5 there were inserted—

"Application of Part 5

46A. This Part applies where—

(a) the relevant authority has received a statement submitted by the investigator under regulation 20(3);

(b) the relevant authority has referred a case to an accelerated misconduct hearing under regulation 20D(7); or

(c) the relevant authority has received a statement and special report on an investigation under external procedures and has certified a case as one where the special conditions are satisfied under those procedures or was required to certify the case as one where they were satisfied.".".

Modification to regulation 47 (general)

39B. Regulation 47 is to be read as if "conducting or" were omitted.".

Substitution of paragraph 41 (modification to regulation 49)

24. For paragraph 41 substitute—

"Modification to regulation 49 (referral of case to accelerated misconduct hearing)

41. Regulation 49 is to be read as if—

(a) at the end of the heading there were inserted "otherwise than under regulation 20D(7)";

(b) in paragraph (A1)(b), for the words from "for the officer concerned" to the end, there were substituted "that the officer concerned should be prevented from future employment or appointment as a constable";

(c) in paragraph (5), in the closing words, for "Part 4" there were substituted "Part 3A";

(d) paragraph (6) were omitted.".

Amendment to paragraph 42 (modification to regulation 50)

25. For paragraph 42 substitute—

"Modification to regulation 50 (remission of case)

42. Regulation 50 is to be read as if—

(a) in paragraph (1)—

(i) after "after the case has been referred" there were inserted "under regulation 49";

(ii) for "dealt with under Part 4" there were substituted "considered under Part 3A";

(b) in paragraph (2), for "Part 4" there were substituted "Part 3A";

(c) paragraph (3) were omitted;

(d) paragraph (4)(b) were omitted.".

Amendment to paragraph 43 (modification to regulation 51)

26. In paragraph 43—

(a) after paragraph (za) insert—

"(zb) after paragraph (1) there were inserted—

"(1A) Where a case is referred to an accelerated misconduct hearing under regulation 20D(7), the relevant authority must as soon as practicable give the officer concerned written notice of these matters and supply the officer with a copy of the items referred to in paragraph (1)(b) and (c).";";

(b) in paragraph (a)—

(i) after the opening words insert—

"(ai) in the opening words, after "paragraph (1)" there were inserted "or (1A)";";

(ii) in sub-paragraph (ii), for "(d)" substitute "(c)";

(iii) in sub-paragraph (iii)—

(aa) omit the comma after "MDP";

(bb) after the closing quotation mark, for "," substitute ";".

Amendment to paragraph 44 (modification to regulation 52)

27. For paragraph 44, substitute—

"Modification to regulation 52 (notice of accelerated misconduct hearing)

44. Regulation 52 is to be read as if—

(a) in paragraph (1), in the opening words, after "regulation 51(1)" there were inserted "or (1A)";

(b) paragraph (3) were omitted.".

Amendment to paragraph 46 (modification to regulation 54)

28. For paragraph 46, substitute—

"Modification to regulation 54 (procedure on receipt of notice)

46. Regulation 54 is to be read as if—

(a) in paragraph (1), in the opening words, after "regulation 51(1)" there were inserted "or (1A)";

(b) paragraph (3) were omitted.".

Amendment to paragraph 47 (modification to regulation 55)

29.—(1) Paragraph 47 is amended as follows.

(2) After sub-paragraph (b), insert—

"(ba) in paragraph (4)(a)(i), for "is the chief constable", there were substituted "was the chief constable at the relevant time";".

(3) In sub-paragraph (c), for "office" substitute "officer".

(4) For sub-paragraph (d)(ii), substitute—

"(ii) sub-paragraph (b) and the "or" immediately preceding it were omitted;".

(5) For sub-paragraph (e)(ii), substitute—

"(ii) sub-paragraph (b) and the "or" immediately preceding it were omitted.".

Amendment to paragraph 48 (modification to regulation 56)

30. For paragraph 48, substitute—

"Modification to regulation 56 (documents to be supplied)

48. Regulation 56 is to be read as if—

(a) in paragraph (1), in each of sub-paragraphs (a) and (b), after "under regulation 51(1)" there were inserted "or (1A)";

(b) paragraph (5) were omitted.".

Amendment to paragraph 49 (modification to regulation 58)

31. In paragraph 49(b), after the opening words insert—

"(ai) in the opening words, omit "or, as the case may be, Ombudsman,";".

Amendment to paragraph 50 (modification to regulation 61)

32. In paragraph 50, after sub-paragraph (a), insert—

"(aa) in paragraph (11)(b), after "regulation 51(1)" there were inserted "or (1A)";".

PART 4

Amendment of the Performance Regulations

Amendment of the Performance Regulations

33. The Performance Regulations are amended in accordance with regulations 34 to 70.

Amendment to regulation 3 (interpretation and delegation)

34.—(1) Regulation 3 is amended as follows.

(2) In paragraph (1)—

(a) before the definition of "first stage appeal meeting", insert—

> ""appeal manager", in relation to the officer concerned, means the person appointed by the relevant authority to that role for the purposes of these Regulations, being of a rank or level of seniority which is above that of the line manager of the officer;";

(b) in the definition of "proposed witness", for "third stage meeting" substitute "second stage meeting";

(c) omit the definition of "relevant terms of the final written improvement notice";

(d) omit the definition of "second line manager";

(e) omit the definition of "second stage appeal meeting";

(f) in the definition of "second stage meeting", for "regulation 21(2) or 23(5)(e)" substitute "regulation 29(2) or 31(3)";

(g) for the definition of "senior manager", substitute—

> ""senior manager" , in relation to the officer concerned, means the police officer or staff member appointed by the relevant authority to that role for the purposes of these Regulations, being of at least the same rank or level of seniority as the person who is the appeal manager of the officer;";

(h) omit the definition of "third stage meeting".

Amendment to regulation 5 (legal and other representation)

35. In regulation 5(1) and (4), for "third stage meeting" substitute "second stage meeting".

Amendment to regulation 6 (provision of notices or documents)

36. For regulation 6, substitute—

"Provision of notices or documents

6.—(1) Subject to paragraph (2), where any written notice or document is to be given or supplied to the officer concerned under these Regulations, it must be—

(a) given to the officer in person,

(b) sent to the officer by e-mail or other means of electronic communication,

(c) given to the officer in person by the officer's police friend where the police friend has agreed with the relevant authority to deliver the notice or document, or

(d) given to the officer in any other manner agreed between the person who is required to give the notice or document and the officer.

(2) Where it is not reasonably practicable to give or supply a written notice or document to the officer concerned under paragraph (1)(a) or (b) and there is no agreement under paragraph (1)(c) or (d), the written notice or document must be—

(a) left with a person at the officer's last known address, or

(b) sent to the officer's last known address by first class post or recorded delivery or other service which provides for delivery on the next working day ("by post").

(3) Delivery is effective on the date on which a written notice or document is given to the officer under paragraph (1)(a), (c) or (d) or left with a person at the officer's last known address under paragraph (2)(a).

(4) Where a written notice or document is sent by e-mail or other means of electronic communication, it is to be taken to have been given or supplied to the officer concerned—

(a) if the e-mail or other electronic communication is sent on a working day before 4.30 p.m., on that day, or

(b) in any other case, on the next working day after the day on which it was sent.

(5) Where a written notice or document is sent by post, it is to be taken to have been given or supplied to the officer concerned on the second working day after the day on which it was—

(a) posted, or

(b) left with, delivered to or collected by the relevant service provider.".

Amendment to regulation 7 (procedure at meetings)

37.—(1) Regulation 7 is amended as follows.

(2) In paragraphs (1), (2), (3), (5) and (7), in each place it occurs, for "third stage meeting" substitute "second stage meeting".

(3) In paragraph (9)—

(a) in sub-paragraph (a), omit ", 22(8), 26(6)(b)";

(b) in sub-paragraph (b), omit "22(2),".

Amendment to regulation 8 (nominated persons)

38.—(1) Regulation 8 is amended as follows.

(2) In paragraphs (1), (2) and (3), for "second line manager" substitute "appeal manager".

(3) In paragraph (4), for "or equivalent rank or grade" substitute "rank or level of seniority".

(4) In paragraph (5), for "a second line manager" substitute "an appeal manager".

Amendment to regulation 9 (reference to certain periods)

39.—(1) Regulation 9 is amended as follows.

(2) In paragraph (2)—

(a) in sub-paragraph (a), for "16(6)(c)" substitute "16(6A)";

(b) omit sub-paragraph (b);

(c) in sub-paragraph (c), for "45(7)(c) and (8)(a)" substitute "45(7A) and 45(8)(a)(i)".

(3) In paragraph (4), for "under", in the second place it occurs, substitute "in accordance with".

Amendment to regulation 10 (suspension of certain periods)

40.—(1) Regulation 10 is amended as follows.

(2) In paragraph (2)—

(a) in sub-paragraph (a), for "regulation 16(6)(c)" substitute "regulation 16(6A)";

(b) in sub-paragraph (b), after "regulation 17(4)" insert "or "45(7)(d)";

(c) omit sub-paragraphs (c) and (d);

(d) in sub-paragraph (e), for "under regulation 45(7)(c), (d) or (8)(a)" substitute "in accordance with regulation 45(7A) or (8)(a)(i)";

(e) in sub-paragraph (f), omit "final".

Amendment to regulation 11 (meeting following investigation by the Director General)

41.—(1) Regulation 11 is amended as follows.

(2) In paragraph (1), in the opening words, omit ", (3)".

(3) In paragraph (2)(b), after "regulation 17(4) or 45(7)(d)," insert "or, where the period of the written improvement notice has been extended under regulation 45(3)(d), within the meaning of regulation 45(8)(c),".

(4) Omit paragraph (3).

(5) In paragraph (6)—

(a) at the end of sub-paragraph (a) insert "and";

(b) omit sub-paragraph (b) and the "and" after it;

(c) in sub-paragraph (c), for "third stage meeting" substitute "second stage meeting".

(6) In paragraph (7), in the opening words, omit ", 22(2)".

(7) In paragraph (8)—

(a) in the opening words—

(i) for "third stage meeting" substitute "second stage meeting";

(ii) for "paragraph (3)" substitute "paragraph (2)";

(iii) omit "final";

(b) in sub-paragraph (a), for "third stage meeting" substitute "second stage meeting".

Amendment to regulation 12 (provision of information to the Director General)

42. In regulation 12(2)—

(a) in sub-paragraph (a)—

(i) omit paragraphs (iii) to (v);

(ii) in paragraph (viii), omit "final";

(b) in sub-paragraph (b), for "16(6)(c), 24(6)(c) or 45(7)(c) or (8)(a)" substitute "16(6A), 45(7A) or (8)(a)(i)".

Amendment to regulation 13 (meeting following referral under the Conduct Regulations)

43.—(1) Regulation 13 is amended as follows.

(2) Before paragraph (1) insert—

"(A1) This regulation applies where regulation 31 does not apply and the relevant authority assesses under regulation 13(2)(b), 23(4)(b) or 26(2)(a)(iii) of the Conduct Regulations that a matter should be referred to be dealt with under these Regulations.".

(3) In paragraph (1)—

(a) for the opening words substitute "Where this regulation applies—";

(b) in sub-paragraph (a), omit ", (3)";

(c) in sub-paragraph (b)(i)—

(i) for "each of paragraphs (2)(a) and (3)(a)" substitute "paragraph (2)(a)";

(ii) for ““(1)(b)(ii)”” substitute ““(1)(b)(iii), (iv) or (v)””;

(iii) for “13(1)” substitute “13(A1)”.

Amendment to regulation 15 (arrangement of first stage meeting)

44. In regulation 15(1)(d), for “, a second stage meeting and a third stage meeting”, substitute “and a second stage meeting”.

Amendment to regulation 16 (procedure at first stage meeting)

45.—(1) Regulation 16 is amended as follows.

(2) In paragraph (6)—

(a) in sub-paragraph (c)—

(i) for “such reasonable period as the line manager specifies (being a period not exceeding 12 months)” substitute “such period as the line manager specifies in accordance with paragraph (6A)”;

(ii) for “regulation 21” substitute “regulation 29”;

(b) in sub-paragraph (e), for “regulation 21” substitute “regulation 29”.

(3) After paragraph (6) insert—

“(6A) The period specified must be three months, except where the line manager considers that there are circumstances which justify a longer period, in which case the period specified must be a reasonable period not exceeding 12 months.”.

Amendment to regulation 17 (procedure following first stage meeting)

46. In regulation 17(6)(b), for “second line manager” substitute “appeal manager”.

Amendment to regulation 18 (appeal against the finding and outcome of a first stage meeting)

47.—(1) Regulation 18 is amended as follows.

(2) In paragraph (3)(c), for “regulation 16(6)(c)” substitute “regulation 16(6A)”.

(3) In paragraphs (5), (7), (8) and (9), in each place it occurs, for “second line manager” substitute “appeal manager”.

Amendment to regulation 19 (arrangement of first stage appeal meeting)

48. In regulation 19(1), (2), (3), (5)(b) and (6), in each place it occurs, for “second line manager” substitute “appeal manager”.

Amendment to regulation 20 (procedure at first stage appeal meeting)

49. In regulation 20(2), (3), and (5) to (10), in each place it occurs, for “second line manager” substitute “appeal manager”.

Omission of Part 4 (second stage)

50. Omit Part 4.

Amendment to heading to Part 5 (third stage)

51. In the heading to Part 5, for “Third Stage” substitute “Second Stage”.

Amendment to regulation 29 (assessment following second stage meeting)

52.—(1) Regulation 29 is amended as follows.

(2) In the heading, for "second stage meeting" substitute "first stage meeting".

(3) In paragraph (1)—

(a) omit "final";

(b) for "24(6)(c)" substitute "16(6A)".

(4) In paragraphs (2) and (3), for "third stage meeting" in each place it occurs, substitute "second stage meeting".

(5) In paragraph (4)—

(a) omit "final";

(b) for "24(6)(c)" substitute "16(6A)".

(6) In paragraph (5)(b), for "third stage meeting" substitute "second stage meeting".

(7) In paragraph (6)—

(a) for "third stage meeting" substitute "second stage meeting";

(b) omit "final.

Amendment to regulation 30 (arrangement of a third stage meeting)

53.—(1) Regulation 30 is amended as follows.

(2) In the heading and paragraphs (1) and (3), in each place it occurs, for "third stage meeting" substitute "second stage meeting".

Amendment to regulation 31 (circumstances in which a third stage meeting may be required without a prior first or second stage meeting)

54.—(1) Regulation 31 is amended as follows.

(2) In the heading—

(a) for "third stage meeting" substitute "second stage meeting";

(b) omit "or second".

(3) In paragraph (3)—

(a) for "third stage meeting" substitute "second stage meeting";

(b) omit "or a second stage meeting".

Amendment to regulation 32 (arrangement of a third stage meeting without a prior first or second stage meeting)

55.—(1) Regulation 32 is amended as follows.

(2) In the heading—

(a) for "third stage meeting" substitute "second stage meeting";

(b) omit "or second".

(3) In paragraph (1), in the opening words and sub-paragraph (a), in both places it occurs, for "third stage meeting" substitute "second stage meeting".

Amendment to regulation 33 (appointment of panel members)

56.—(1) Regulation 33 is amended as follows.

(2) In paragraph (1), for "third stage meeting" substitute "second stage meeting".

(3) In paragraph (9)—

(a) at the end of sub-paragraph (a) insert "or";

(b) omit sub-paragraph (b) and the "or" after it;

(c) in sub-paragraph (c), omit "25, 28,".

(4) After paragraph (10) insert—

"(11) For the purposes of paragraph (3)—

(a) an MDP officer is to be treated as a senior officer,

(b) a member of a relevant force is to be treated as if they hold a rank above that of chief superintendent,

if they are required to perform the duties normally performed by a senior officer or member of a relevant force holding the rank above that of chief superintendent as the case may be.".

Amendment to regulation 35 (procedure on receipt of notice of third stage meeting)

57.—(1) Regulation 35 is amended as follows.

(2) In the heading and paragraph (3), for "third stage meeting" substitute "second stage meeting".

Amendment to regulation 36 (witnesses)

58.—(1) Regulation 36 is amended as follows.

(2) In paragraphs (2)(b), (3) and (4), in each place it occurs, for "third stage meeting" substitute "second stage meeting".

Amendment to regulation 37 (timing and notice of third stage meeting)

59.—(1) Regulation 37 is amended as follows.

(2) In the heading and paragraphs (1), (4), (5), (6), (8) to (10), in each place it occurs, for "third stage meeting" substitute "second stage meeting".

Amendment to regulation 38 (postponement and adjournment of a third stage meeting)

60.—(1) Regulation 38 is amended as follows.

(2) In the heading and paragraph (1), in both places it occurs, for "third stage meeting" substitute "second stage meeting".

Amendment to regulation 39 (participation of Director General and investigator at third stage meeting)

61.—(1) Regulation 39 is amended as follows.

(2) In the heading and paragraphs (2) and (3), for "third stage meeting" substitute "second stage meeting".

Amendment to regulation 40 (attendance of complainant or interested person at third stage meeting)

62.—(1) Regulation 40 is amended as follows.

(2) In the heading and paragraphs (1), (2), (3) and (5), in each place it occurs, for "third stage meeting" substitute "second stage meeting".

Amendment to regulation 41 (attendance of others at a third stage meeting)

63.—(1) Regulation 41 is amended as follows.

(2) In the heading and paragraphs (1), (4), (6), (7), (8)(a) and (c), (9) and (12), in each place it occurs, for "third stage meeting" substitute "second stage meeting".

Amendment to regulation 42 (exclusion from a third stage meeting)

64.—(1) Regulation 42 is amended as follows.

(2) In the heading, for "third stage meeting" substitute "second stage meeting".

Amendment to regulation 43 (procedure at a third stage meeting)

65.—(1) Regulation 43 is amended as follows.

(2) In the heading and paragraphs (1), (2) and (3), in each place it occurs, for "third stage meeting" substitute "second stage meeting".

Amendment to regulation 44 (finding)

66.—(1) Regulation 44 is amended as follows.

(2) In paragraph (1)—

(a) in the opening words, for "third stage meeting" substitute "second stage meeting";

(b) in sub-paragraph (a), for "24(6)(c)" substitute "16(6A)";

(c) in sub-paragraph (b)—

(i) omit "final";

(ii) for "24(6)(c)" substitute "16(6A)".

Amendment to regulation 45 (outcomes)

67.—(1) Regulation 45 is amended as follows.

(2) In paragraph (3), in each of sub-paragraphs (d) and (e), omit "final".

(3) In paragraph (4), for "third stage meeting" substitute "second stage meeting".

(4) In paragraph (7)—

(a) in the opening words, omit "or a final written improvement notice";

(b) for sub-paragraph (c) substitute—

"(c) state that, if a sufficient improvement is not made within such period as the panel specifies in accordance with paragraph (7A), the officer may be required to attend another second stage meeting, and state the date with which this period ends;";

(c) in sub-paragraph (e)—

(i) after "may be required to attend", for "a" substitute "another";

(ii) omit "(in the case of a written improvement notice) or another third stage meeting (in the case of a final written improvement notice".

(5) After paragraph (7) insert—

"(7A) The period specified must be three months, except where the panel considers that there are circumstances which justify a longer period, in which case the period specified must be a reasonable period not exceeding 12 months.".

(6) In paragraph (8)—

(a) in the opening words, for "the final" substitute "a";

(b) in sub-paragraph (a)(i), for "third stage meeting" substitute "second stage meeting".

Omission of regulation 46 (assessment of performance or attendance following third stage meeting where a written improvement notice has been issued)

68. Omit regulation 46.

Amendment to regulation 47 (assessment of performance or attendance following third stage meeting where a final written improvement notice has been issued or extended)

69.—(1) Regulation 47 is amended as follows.

(2) In the heading—

(a) for "third stage meeting" substitute "second stage meeting";

(b) omit "final".

(3) Before paragraph (1) insert—

"(A1) This regulation applies where—

(a) the period of a written improvement notice has been extended under regulation 45(3)(d), or

(b) a written improvement notice has been issued under regulation 45(3)(e) or (6).".

(4) In paragraph (1), for the opening words substitute "As soon as reasonably practicable after the end of the period specified in accordance with regulation 45(7A) (issue of written improvement notice) or 45(8)(a)(i) (extension of written improvement notice)—".

(5) In paragraphs (2) and (3), in each place it occurs, for "third stage meeting" substitute "second stage meeting".

(6) In paragraph (4)—

(a) omit "final";

(b) for "regulation 45(7)(c)" substitute "regulation 45(7A)";

(c) after "where the panel orders", for "and" substitute "an";

(d) for "regulation 45(8)(a)" substitute "regulation 45(8)(a)(i)".

(7) In paragraphs (5)(b) and (7), for "third stage meeting" substitute "second stage meeting".

(8) In paragraph (8)—

(a) in sub-paragraph (a)—

(i) for "regulation 24(6)(c)" substitute "regulation 16(6A)";

(ii) for "under regulation 45(7)(c) or (8)(a)" substitute "in accordance with regulation 45(7A) or (8)(a)(i)";

(b) in sub-paragraph (b), omit "final".

(9) In paragraph (9)—

(a) for "third stage meeting" substitute "second stage meeting";

(b) for "final written improvement notice issued or extended under regulation 45" substitute "written improvement notice issued or extended under regulation 45(3)(e), (6) or (8)";

(c) for "regulation 45(8)(a)" substitute "regulation 45(8)(a)(i)".

(10) In paragraph (10), for "third stage meeting" substitute "second stage meeting".

Amendment to regulation 48 (third stage meeting under regulation 47)

70.—(1) Regulation 48 is amended as follows.

(2) In the heading, and paragraphs (1) and (2), in each place it occurs, for "third stage meeting" substitute "second stage meeting".

(3) In paragraph (2), omit "final".

PART 5

Amendment of the Appeals Tribunals Regulations

Amendment of the Appeals Tribunals Regulations

71. The Appeals Tribunals Regulations are amended in accordance with regulations 72 to 74.

Amendment to regulation 2 (interpretation and general provision as to written notices or documents)

72.—(1) Regulation 2 is amended as follows.

(2) In paragraph (1), in the definition of "original hearing", for "third stage meeting" substitute "second stage meeting".

(3) In paragraph (3)—

(a) in the opening words, for "Where" substitute "Subject to paragraph (4), where";

(b) for sub-paragraph (b) (but not the "or" after it) substitute—

"(b) sent to the appellant by e-mail or other means of electronic communication,".

(4) After paragraph (3) insert—

"(4) Where it is not reasonably practicable to give or supply a written notice or document to the appellant under paragraph (3)(a) or (b) and there is no agreement under paragraph (3)(c), the written notice or document must be—

(a) left with a person at the appellant's last known address, or

(b) sent to the appellant's last known address by first class post or recorded delivery or other service which provides for delivery on the next working day ("by post").

(5) Delivery is effective on the date on which a written notice or document is given to the appellant under paragraph (3)(a) or (c) or left with a person at the appellant's last known address under paragraph (4)(a).

(6) Where a written notice or document is sent by e-mail or other means of electronic communication, it is to be taken to have been given or supplied to the appellant—

(a) if the e-mail or other electronic communication is sent on a working day before 4.30 p.m., on that day, or

(b) in any other case, on the next working day after the day on which it was sent.

(7) Where a written notice of document is sent by post, it is to be taken to have been given or supplied to the appellant on the second working day after the day on which it was—

(a) posted, or

(b) left with, delivered to or collected by the relevant service provider.".

Amendment to regulation 4 (circumstances in which an MDP officer may appeal to a tribunal - Performance Regulations)

73.—(1) Regulation 4 is amended as follows.

(2) In paragraph (2), for "third stage meeting" substitute "second stage meeting".

(3) In paragraph (4), in the opening words, for "third stage meeting" substitute "second stage meeting".

(4) In paragraph (5)—

(a) in the opening words, for "third stage meeting" substitute "second stage meeting";

(b) omit sub-paragraph (d).

(5) In paragraph (6)(d)—

(a) for "third stage meeting" substitute "second stage meeting";

(b) omit "final".

Amendment to regulation 6 (appointment and composition of police appeals tribunal)

74. In regulation 6, for paragraph (4)(a) substitute—

"(a) one must be a person who is a legal member of the First-tier Tribunal under section 15(2) of the Tribunals (Scotland) Act 2014(**a**),".

PART 6

Transitional Provisions

Interpretation of Part 6

75. In this Part—

"the 2002 Act" means the Police Reform Act 2002(**b**);

"appellant" means an MDP officer or a former MDP officer who has given a notice of appeal in accordance with regulation 7 or 8 of the Appeals Tribunals Regulations;

"chief constable" means the chief constable of the MDP;

"the Commissioner" means the officer known as the Police Investigations and Review Commissioner, established under section 33 of the Police, Public Order and Criminal Justice (Scotland) Act 2006(**c**);

(**a**) 2014 asp. 10
(**b**) 2002 c. 30.
(**c**) 2006 asp. 10. Section 33 was amended by section 61 of the Police and Fire Reform (Scotland) Act 2012 (asp 8).

"Director General" means the Director General of the Independent Office for Police Conduct, established under section 9 of the 2002 Act(**a**);

"external procedures" means—

(a) in the case of external procedures established for England and Wales, procedures established with the Director General in accordance with an agreement made under section 26(1) of the 2002 Act(**b**);

(b) in the case of external procedures established for Northern Ireland, procedures established with the Ombudsman in accordance with an agreement made under section 60(1) of the Police (Northern Ireland) Act 1998(**c**);

(c) in the case of external procedures established for Scotland, procedures—

(i) established with the Commissioner in accordance with an agreement under article 4 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (Consequential Provisions and Modifications) Order 2007(**d**);

(ii) established with the Commissioner in accordance with an agreement under article 3(5) of the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013(**e**); or

(iii) which apply where the Commissioner has been directed to investigate by an "appropriate prosecutor", and for this purpose "appropriate prosecutor" has the meaning given by section 47 of the Police, Public Order and Criminal Justice (Scotland) Act 2006(**f**);

"former MDP officer" means a person who has ceased to be an MDP officer;

"Head of HR" means the head of HR for the MDP in the Ministry of Defence;

"line manager" means the MDP officer or staff member who has immediate supervisory responsibility for the officer concerned;

"MDP" means the Ministry of Defence Police;

"MDP officer" means a member of the MDP;

"Ombudsman" means the Police Ombudsman for Northern Ireland(**g**);

"pre-commencement allegation" means an allegation against an MDP officer or former MDP officer which came to the attention of a relevant authority, the Director General, the Commissioner or the Ombudsman before the coming into force of these Regulations;

"relevant authority" has the meaning given in section 4(4) of the Ministry of Defence Police Act 1987(**h**);

(**a**) Section 9 was amended by section 33 of the Policing and Crime Act 2017 (c. 3).
(**b**) Section 26 was amended by paragraph 290 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13) and paragraph 33 of Schedule 9 to the Policing and Crime Act 2017 (c. 3).
(**c**) 1998 c. 32. Section 60 was amended by paragraph 23(5)(a) of Schedule 6 to the Police (Northern Ireland) Act 2000 and S.I. 2010/976.
(**d**) S.I. 2007/1098. Article 4 was amended by section 11(7) of, and paragraph 18(3) of Schedule 6 to, the Crime and Courts Act 2013 (c. 22), and by paragraph 7 of Schedule 13 to the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (c. 41).
(**e**) S.I. 2013/602, to which there are amendments not relevant to these Regulations.
(**f**) 2006 asp 10. Section 47 was substituted by paragraph 33 of Schedule 7 to the Police and Fire Reform (Scotland) Act 2012 (asp 8), and amended by S.S.I. 2013/119.
(**g**) The Police Ombudsman for Northern Ireland is established by section 51 of the Police (Northern Ireland) Act 1998 (c. 32).
(**h**) 1987 c. 4. The definition of "relevant authority" was amended by paragraph 3 of Schedule 7 to the Policing and Crime Act 2017 (c. 3).

"staff member" means any person other than an MDP officer who is employed by the Secretary of State for Defence.

Transitional provisions: amendments to the Conduct Regulations

76.—(1) Subject to paragraphs (2) and (3), the amendments made by Parts 2 and 3 do not have effect in relation to—

(a) a pre-commencement allegation, or

(b) an allegation against an MDP officer or former MDP officer which comes to the attention of a relevant authority on or after 29th December 2025 and which relates to a matter in respect of which a pre-commencement allegation against that person was made, if at the time the allegation is made the pre-commencement allegation is being handled in accordance with—

(i) the Conduct Regulations as in force before 29th December 2025, or

(ii) external procedures established for England and Wales, Northern Ireland, or Scotland.

(2) Paragraph (1) does not apply where the Director General—

(a) determines under section 13B of the 2002 Act (power of the Director General to require re-investigation)(**a**) that a complaint or matter is to be re-investigated, or

(b) makes a direction under section 28A(1) or (4) of the 2002 Act (application of Part 2 to old cases)(**b**) in relation to a matter.

(3) Paragraph (1) does not apply where the officer concerned was given a written notice on or after 29th December 2025 under—

(a) regulation 29(1) of the Conduct Regulations (notice of referral to misconduct proceedings), or

(b) regulation 51(1) of the Conduct Regulations (notice of referral to accelerated misconduct hearing).

Transitional provisions: amendments to the Performance Regulations and the Appeals Tribunals Regulations

77.—(1) The amendments made by Part 4 and regulations 72(2) and 73 do not have effect in relation to—

(a) unsatisfactory performance or attendance or gross incompetence which came to the attention of the line manager of an MDP officer, or the chief constable, before 29th December 2025, or

(b) unsatisfactory performance or attendance or gross incompetence which came to the attention of the line manager of an MDP officer, or the chief constable, on or after 29th December 2025 but which relates to a matter being handled under the Performance Regulations as in force immediately before 29th December 2025.

(2) The amendments made by paragraphs (3) and (4) of regulation 72 do not have effect where notice of the appeal was given by an appellant under the Appeals Tribunals Regulations before 29th December 2025.

(**a**) Section 13B of the Police Reform Act 2002 (c. 30) was inserted by section 18(1) of the Policing and Crime Act 2017 (c. 3), and amended by paragraph 20 of Schedule 9 to that Act.

(**b**) Section 28A of the Police Reform Act 2002 (c. 30) was inserted by section 2 of the Police (Complaints and Conduct) Act 2012 (c. 22), and amended by paragraph 39 of Schedule 9 to the Policing and Crime Act 2017 (c. 3) and section 45(2) of the Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 (c. 41).

(3) The amendment made by regulation 74 does not have effect in relation to an appointment made by the Head of HR under regulation 6(4) of the Appeals Tribunals Regulations before 29th December 2025.

Vernon Coaker
Minister of State
Ministry of Defence

1st December 2025

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) Regulations 2020 (S.I. 2020/1087) ("the 2020 Regulations"), primarily to align with changes made by the Police (Conduct, Performance and Complaints and Misconduct) (Amendment) Regulations 2025 (S.I. 2025/558) to the disciplinary procedures that apply to members and former members of the territorial police forces in England and Wales and appeals from those procedures.

Part 2 amends the Conduct Regulations set out in Schedule 1 to the 2020 Regulations. Regulation 4 makes various changes to the interpretative provisions, including to clarify that a conviction for an indictable-only offence will always amount to gross misconduct, and makes a minor change to the rules relating to the delegation of functions. Regulation 6 makes changes to enable written notices or documents to be sent by e-mail rather than by post. It also creates rules for deemed dates of service. Regulations 8 and 12 amend regulations 41 and 62 of the Conduct Regulations to require that disciplinary action is imposed in cases where misconduct or gross misconduct is found. They also provide that, where gross misconduct is found, the outcome must be dismissal without notice unless exceptional circumstances apply. Regulation 9 amends regulation 49 of the Conduct Regulations to allow a relevant authority to refer a case to an accelerated misconduct hearing even if it has not received a statement of the investigator's belief that the special conditions are satisfied. Various errors within the Conduct Regulations are also corrected by regulations 5, 7, 8, 10, 11, and 12.

Part 3 amends Schedule 2 to the 2020 Regulations (modifications to the Conduct Regulations in their application to former officers), mainly in consequence of amendments to the Conduct Regulations. Regulation 18 inserts a new Part 3A into the Conduct Regulations as modified, and introduces a presumption that a former police officer should be referred to an accelerated misconduct hearing rather than a misconduct hearing unless the officer opts for a misconduct hearing or the relevant authority determines that a misconduct hearing is necessary. Various other errors are corrected by regulations 14 to 16, 20 to 22, 26 and 29. The Ministry of Defence has produced a version of the Conduct Regulations as modified in respect of former officers which can be obtained from the Professional Standards Department of the Ministry of Defence Police by e-mailing MDP-PSD-GMB@mod.gov.uk or online at:

https://www.gov.uk/government/publications/ministry-of-defence-police-conduct-performance-and-appeals-tribunals-regulations-2020.

Part 4 amends the Performance Regulations as set out in Schedule 4 to the 2020 Regulations. Regulation 34 makes various changes to the interpretative provisions, including to introduce a definition of "appeal manager" and to remove the requirement that a "senior manager" be the supervisor of the second line manager of the officer concerned. Regulation 36 amends regulation 6 of the Performance Regulations and provides that written notices or documents may be sent by e-mail rather than by post. It also creates rules for deemed dates of service. Regulations 45 and 67 amend regulations 16 and 45 of the Performance Regulations respectively to provide that the officer concerned must demonstrate sufficient improvement for a default period of three months where they are issued with a written improvement notice. Regulation 47 amends regulation 18 of the Performance Regulations to provide that an appeal against the finding and outcome of a first stage meeting must be heard by an appeal manager rather than by the second line manager of the officer concerned. Regulation 50 omits Part 4 of the Performance Regulations and thereby reduces the previous three-stage system to a two-stage process. Regulation 56 amends regulation

33 of the Performance Regulations to provide that a panel chair may be a member of the Ministry of Defence Police or another police force who acts as a senior officer. Other changes are consequential on those set out above.

Part 5 amends the Appeals Tribunals Regulations. These amendments are in consequence of the changes to the Performance Regulations and also include one change to the eligibility of those who can be selected as the chair of an appeal tribunal panel as a consequence of changes being made in Scotland (to abolish police appeal tribunals and move appeals to the Scottish Tribunals system).

Part 6 makes transitional provision. It provides that the amendments made by Parts 2 to 5 do not have effect in relation to a matter that pre-dates the coming into force of these Regulations, or post-dates it but relates to a matter that is already being handled in accordance with the applicable conduct or performance regime. It also provides that the amendments made by Parts 2 and 3 have effect where the officer concerned has not already been given notice of their referral to misconduct proceedings or an accelerated misconduct hearing.

Regulation 77 also contains provision to ensure that the change to the rules on giving notices or documents to an appellant under the Appeals Tribunals Regulations does not apply where notice of the appeal was given by an appellant before these Regulations come into force and the change to the rule relating to the appointment of the chair of a Police Appeals Tribunal panel does not affect cases where the chair was appointed before these Regulations come into force.

A full impact assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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