STATUTORY INSTRUMENTS

2026 No. 428

POLICE

MINISTRY OF DEFENCE POLICE

The Ministry of Defence Police (Vetting) Regulations 2026

Made - - - -	*16th April 2026*
Laid before Parliament	*22nd April 2026*
Coming into force - -	*18th May 2026*

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The Secretary of State makes these Regulations in exercise of the powers conferred by sections 3A(1), (1A) and (3), 4A and 6A of the Ministry of Defence Police Act 1987(**a**).

PART 1
Preliminary

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Ministry of Defence Police (Vetting) Regulations 2026 and come into force on 18th May 2026.

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

Interpretation

2. In these Regulations—

"the 1987 Act" means the Ministry of Defence Police Act 1987;

"the 1996 Act" means the Police Act 1996(**b**);

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

"appeal meeting" means a meeting held in accordance with regulation 29;

"assessor" means a person appointed under regulation 16;

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

(**a**) 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 inserted by section 79(2) of the 2002 Act, 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.
(**b**) 1996 c. 16.
(**c**) S.I. 2020/1087, amended by S.I. 2024/603, 2025/1263, 2025/1360.

"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(**a**);

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

"criminal proceedings" means—

(a) any prospective criminal proceedings, or

(b) all criminal proceedings brought which have not been brought to a conclusion (apart from the bringing and determination of any appeal other than an appeal against conviction);

"document" means anything in which information of any description is recorded;

"external procedures" means—

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

(b) in the case of external procedures established for Northern Ireland, procedures established with the Police Ombudsman for Northern Ireland 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 made under article 4(3) 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 made 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**);

"harm test" has the meaning given to it in regulation 8;

"interested party" means a person whose appointment could reasonably give rise to a concern as to whether the person could act impartially under these Regulations;

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

(**a**) 2006 asp 10. Section 33 was amended by section 61(2) of the Police and Fire Reform (Scotland) Act 2012 (asp 8).

(**b**) 2002 c. 30. The Director General of the Independent Office for Police Conduct was established under section 9, as amended by section 33 of the Policing and Crime Act 2017 (c. 3) ("the 2017 Act"). Section 26(1) was amended by paragraph 290(3) of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13) and paragraph 33 of Schedule 9 to the 2017 Act.

(**c**) 1998 c. 32. The Police Ombudsman for Northern Ireland was established under section 51. Section 60(1) was amended by paragraph 23(5)(a) of Schedule 6 to the Police (Northern Ireland) Act 2000 (c. 32) and S.I. 2010/976.

(**d**) S.I. 2007/1098, to which there are amendments not relevant to these Regulations.

(**e**) S.I. 2013/602, to which there are amendments not relevant to these Regulations.

(**f**) 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.

"MDP" means the Ministry of Defence Police;

"MDP officer" means a member of the MDP;

"officer concerned" means the MDP officer in relation to whom Parts 3 and 4 of these Regulations apply;

"panel" means a panel constituted in accordance with regulation 27, subject to any change to the membership of that panel in accordance with regulation 28;

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

"police friend" means a person chosen by the officer concerned in accordance with regulation 9;

"relevant force" has the meaning given to it in section 2B(3) of the 1987 Act(**a**);

"relevant lawyer" has the meaning given to it in section 4(4) of the 1987 Act(**b**);

"senior officer" means an MDP officer holding a rank above that of chief superintendent;

"staff association" means—

(a) in relation to an MDP officer other than a senior officer, the Defence Police Federation, and

(b) in relation to a senior officer or the chief constable, the Chief Police Officers' Staff Association;

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

"vetting authority" means—

(a) where the officer concerned is the chief constable, the Secretary of State, or

(b) in any other case, the chief constable;

"vetting clearance" means the level of police vetting clearance that an MDP officer requires to perform the duties of their particular role;

"vetting severity assessment" has the meaning given to it in regulation 15;

"withdrawal assessment" means a withdrawal assessment under Part 4 of these Regulations, including any appeal;

"working day" means any day other than—

(a) a Saturday or Sunday,

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

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

(**a**) Section 2B was inserted by section 78 of the Police Reform Act 2002 (c. 30) and the definition of "relevant force" was amended by paragraph 5 of Schedule 14 and paragraph 1 of Schedule 23 to the Energy Act 2004 (c. 20) and S.I. 2013/602.

(**b**) Section 4 was substituted by paragraph 15 of Schedule 22 to the Criminal Justice and Immigration Act 2008 (c. 4).

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

Delegation

3.—(1) Where the vetting authority is the chief constable, they may, subject to paragraphs (2) and (3), delegate any function under these Regulations (including a function under this paragraph) to—

(a) an MDP officer of at least the rank of inspector, or

(b) a staff member who, in the opinion of the chief constable, is of at least a similar level of seniority to an inspector.

(2) Where the chief constable delegates their functions under regulation 13 or 24, the following decisions must be authorised by a senior officer—

(a) a decision under regulation 13(1) to suspend an officer or to continue or end such a suspension, or

(b) a decision under regulation 24(2) as to the outcome of a withdrawal assessment.

(3) Where the chief constable is required to chair a panel under regulation 27(2)(a), they may delegate responsibility for chairing the panel to—

(a) a senior officer,

(b) a former senior officer who last served as a senior officer no more than five years before the date on which the responsibility for chairing the appeal is to be delegated to them, or

(c) a staff member who, in the opinion of the chief constable, is of at least a similar level of seniority to a senior officer.

(4) For the purposes of paragraph (3)—

(a) "senior officer" includes—

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

(ii) an MDP officer or member of a relevant force who is required to perform the duties normally performed by an MDP officer or member of a relevant force, as the case may be, holding a rank above that of chief superintendent;

(b) "former senior officer" includes a person who, at the time they ceased to be a member of the MDP or a relevant force, was required to perform the duties normally performed by an MDP officer or a member of a relevant force, as the case may be, holding a rank above that of chief superintendent.

Application

4.—(1) Parts 3 and 4 of these Regulations apply where information which indicates that an MDP officer may no longer be suitable to hold vetting clearance ("a matter") comes to the attention of a vetting authority.

(2) A vetting authority is not prevented from considering a matter under Part 3 or 4 of these Regulations by virtue of the fact that the matter has been considered or determined under the Conduct Regulations, the Performance Regulations or external procedures.

(3) Where a vetting authority is considering more than one matter in relation to the same MDP officer, the matters may be taken together and treated as a single matter for the purposes of any provision of Part 3 or 4 of these Regulations that requires a person to make an assessment, finding, determination or decision in connection with a matter.

PART 2

Vetting clearance

Duty to hold and maintain vetting clearance

5. An MDP officer must—

(a) hold and maintain vetting clearance, and

(b) promptly notify the vetting authority of any change in their personal circumstance or any other matter which may reasonably affect their suitability to hold vetting clearance.

Termination of vetting clearance

6. An MDP officer's vetting clearance must be terminated if they cease to be an MDP officer.

Record of vetting clearance

7. A vetting authority must keep a record of each application for vetting clearance that it receives from an MDP officer, including the decision on the outcome.

PART 3

Withdrawal assessments: general

The harm test

8.—(1) This regulation applies to information in documents which are stated to be subject to the harm test under these Regulations.

(2) The information must not be supplied to the officer concerned in so far as the vetting authority considers that preventing disclosure to the officer is—

(a) necessary for the purpose of preventing the premature or inappropriate disclosure of information that is relevant to, or may be used in, any—

(i) criminal proceedings,

(ii) misconduct proceedings, or

(iii) accelerated misconduct hearing,

(b) necessary in the interests of national security,

(c) necessary for the purpose of the prevention or detection of crime, or the apprehension or prosecution of offenders,

(d) necessary for the purpose of the prevention or detection of misconduct by—

(i) other MDP officers,

(ii) staff members who are under the direction and control of the chief constable,

(iii) persons under the direction and control of a chief officer of a relevant force,

or their apprehension for such matters,

(e) justified on the grounds that providing the information would involve disproportionate effort in comparison to the seriousness of the matter concerned,

(f) necessary and proportionate for the protection of the welfare and safety of any informant or witness, or

(g) otherwise in the public interest.

(3) In this regulation—

"accelerated misconduct hearing", "misconduct" and "misconduct proceedings" have the meanings given to them in regulation 2(1) of the Conduct Regulations;

"chief officer" has the meaning given to it in section 2B(3) of the 1987 Act(**a**);

"informant" means a person who provides information to a withdrawal assessment on the basis that the person's identity is not disclosed.

Police friend

9.—(1) The officer concerned may choose—

(a) an MDP officer,

(b) a staff member, or

(c) a person nominated by the officer's staff association,

who is not otherwise involved in the withdrawal assessment, to act as a police friend.

(2) The police friend may—

(a) advise the officer throughout the withdrawal assessment,

(b) make representations to the vetting authority concerning any aspect of the withdrawal assessment, and

(c) accompany the officer to any interview or appeal meeting which forms part of the withdrawal assessment.

Legal and other representation

10.—(1) Subject to paragraph (2), the officer concerned has the right to be represented by a relevant lawyer of the officer's choice ("a preferred lawyer") at an interview or an appeal meeting.

(2) The unavailability of one or more preferred lawyers is not a valid ground for delaying an interview or an appeal meeting where an alternative relevant lawyer can be found.

(3) If the officer concerned chooses not to be legally represented, the officer may have their vetting clearance withdrawn or receive any other outcome under regulation 24 without being so represented.

(4) The vetting authority may be represented at an interview or an appeal meeting by—

(a) an MDP officer or staff member, and

(b) a relevant lawyer (whether or not the officer concerned chooses to be legally represented).

(5) Subject to paragraph (6), the vetting authority may appoint a person to advise a panel chair.

(6) A person appointed under paragraph (5) must not be an interested party.

Provision of notices or documents

11.—(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,

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(**a**) The definition of "chief officer" was amended by paragraph 1 of Schedule 17 to the Serious Organised Crime and Police Act 2005 (c. 15), paragraph 5(2)(a) of Schedule 14 to the Energy Act 2004 (c. 20) and S.I. 2013/602.

(c) given to the officer in person by the officer's police friend where the police friend has agreed with the vetting 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 by recorded delivery or other service which provides for delivery on the next working day ("by post").

(3) 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 transmission 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 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 day after the day on which it was—

(a) posted, or

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

Criminal and other proceedings

12.—(1) Subject to the provisions of this regulation, a withdrawal assessment must proceed without delay.

(2) Before a matter may be subject to a withdrawal assessment, the vetting authority must decide whether paragraph (4) applies.

(3) For any period during which the vetting authority considers paragraph (4) applies, no such withdrawal assessment may take place.

(4) This paragraph applies if a withdrawal assessment would—

(a) prejudice any criminal proceedings, or

(b) relate to a matter which is to be or may be dealt with under—

(i) the Conduct Regulations,

(ii) the Performance Regulations, or

(iii) external procedures.

(5) Before making a decision under paragraph (2), the vetting authority must consult—

(a) where the vetting authority is the chief constable—

(i) any person to whom functions under regulation 13 (severity assessment) of the Conduct Regulations have been delegated, and

(ii) the line manager of the officer concerned,

(b) where a person who is or may be a witness in any criminal proceedings is to be or may be asked to attend an interview under regulation 17(2) or an appeal meeting under regulation 29(10), the relevant prosecutor (and when doing so must inform the prosecutor of the names and addresses of all such witnesses).

(6) Where the vetting authority is considering more than one matter in relation to the same MDP officer, paragraph (3) does not prevent a withdrawal assessment from taking place to the extent that the vetting authority considers paragraph (4) does not apply.

(7) For the purposes of this regulation, "relevant prosecutor" means—

(a) in relation to England and Wales, the Director of Public Prosecutions or any other person who has or is likely to have responsibility for the criminal proceedings,

(b) in relation to Scotland, the Lord Advocate or any other person who has or is likely to have responsibility for the criminal proceedings, or

(c) in relation to Northern Ireland, the Director of Public Prosecutions for Northern Ireland or any other person who has or is likely to have responsibility for the criminal proceedings.

Suspension

13.—(1) The vetting authority may, subject to the provisions of this regulation, suspend the officer concerned from membership of the MDP.

(2) An MDP officer who is suspended under this regulation remains an MDP officer for the purposes of these Regulations.

(3) A suspension under this regulation must be with pay.

(4) The vetting authority may not suspend an MDP officer under this regulation unless the following conditions ("the suspension conditions") are satisfied—

(a) having considered temporary redeployment to alternative duties or an alternative location as an alternative to suspension, the vetting authority has determined that such redeployment is not appropriate in all the circumstances of the case, and

(b) it appears to the vetting authority that either—

(i) the withdrawal assessment may be prejudiced unless the officer concerned is so suspended, or

(ii) having regard to the nature of the matter and any other relevant considerations, the public interest requires that the officer should be so suspended.

(5) The vetting authority may exercise the power to suspend the officer concerned under this regulation at any time beginning with the day on which these Regulations first apply in respect of the officer in accordance with regulation 4 and ending with the date on which—

(a) it is decided that the matter should not be subject to a withdrawal assessment, or

(b) such a withdrawal assessment has concluded.

(6) The vetting authority may suspend the officer concerned with effect from the date and time of notification which must be given either—

(a) in writing with a summary of the reasons, or

(b) orally, in which case the vetting authority must confirm the suspension in writing with a summary of the reasons before the end of 3 working days beginning with the first working day after the suspension.

(7) The officer concerned (or the officer's police friend or legal representative) may make representations against suspension to the vetting authority—

(a) before the end of 7 working days beginning with the first working day after being suspended, or

(b) at any time during the suspension if the officer reasonably believes that circumstances relevant to the suspension conditions have changed.

(8) The vetting authority must review the suspension conditions—

(a) on receipt of any representations under paragraph (7),

(b) if there has been no previous review, before the end of 4 weeks beginning with the first working day after the suspension, or

(c) in any other case—

(i) when it becomes aware that circumstances relevant to the suspension conditions may have changed, or

(ii) before the end of 4 weeks beginning with the first working day after the previous review.

(9) Where, following a review under paragraph (8), the suspension conditions remain satisfied and the vetting authority decides the suspension should continue, it must, before the end of 3 working days beginning with the day after the review, so notify the officer concerned in writing with a summary of the reasons.

(10) Where the officer concerned is suspended under this regulation, the officer must remain so suspended until whichever of the following occurs first—

(a) the vetting authority decides, following a review, that the suspension conditions are no longer satisfied, or

(b) either of the events mentioned in paragraph (5)(a) and (b).

Record of withdrawal assessment

14.—(1) The vetting authority must keep a record of each withdrawal assessment, including the decision on the outcome and the finding in any appeal by the officer concerned.

(2) The vetting authority must also keep a record where the officer concerned ceases to be an MDP officer by resigning or retiring before the vetting authority makes its vetting severity assessment or, where there must be a withdrawal assessment, before that assessment is concluded.

(3) The Secretary of State may require the chief constable to publish, in such manner as appears to the Secretary of State to be appropriate, statistical data connected with any information recorded in accordance with paragraph (1) or (2).

PART 4

Withdrawal assessments: procedure

Vetting severity assessment

15.—(1) The vetting authority must assess whether the matter could reasonably lead to vetting clearance being withdrawn ("the vetting severity assessment").

(2) Where the vetting authority assesses that the matter could not reasonably lead to vetting clearance being withdrawn, it must assess whether—

(a) the matter should be referred to be dealt with under—

(i) the Conduct Regulations,

(ii) the Performance Regulations, or

(iii) external procedures, or

(b) it should take no further action.

(3) Where the vetting authority is the chief constable, they must consult—

(a) any person to whom functions under regulation 13 (severity assessment) of the Conduct Regulations have been delegated before making an assessment in terms of paragraph (2)(a)(i) or (iii), and

(b) the line manager of the officer concerned before making an assessment in terms of paragraph (2)(a)(ii).

(4) Subject to regulation 12, where the vetting authority assesses that the matter could reasonably lead to vetting clearance being withdrawn, there must be a withdrawal assessment.

(5) At any time prior to receiving a written report under regulation 23(1), the vetting authority may revise its vetting severity assessment under this regulation if it considers it appropriate to do so.

(6) Where the vetting authority decides under this regulation to take no further action or to refer the matter to be dealt with under the Conduct Regulations, the Performance Regulations or external procedures, it must so notify the officer concerned in writing as soon as practicable.

Appointment of assessor

16.—(1) This regulation applies where there must be a withdrawal assessment in accordance with regulation 15.

(2) The vetting authority must appoint a person to carry out the withdrawal assessment.

(3) No person may be appointed to carry out a withdrawal assessment under this regulation—

(a) unless they have an appropriate level of knowledge, skills and experience to plan and manage the withdrawal assessment,

(b) if they are an interested party,

(c) if they work, directly or indirectly, under the management of the officer concerned, or

(d) in a case where the officer concerned is a senior officer, if they are a member of the MDP.

Withdrawal assessment

17.—(1) The purpose of the withdrawal assessment is to—

(a) gather evidence to establish the facts and circumstances of the matter, and

(b) help the vetting authority decide whether the vetting clearance of the officer concerned should be withdrawn or whether it should not be withdrawn.

(2) Subject to regulation 20, the assessor may interview witnesses as part of the withdrawal assessment.

Notice of withdrawal assessment

18.—(1) Subject to paragraph (3), the assessor must, as soon as reasonably practicable after being appointed, give the officer concerned a written notice stating—

(a) the matter that is being considered and how that matter indicates that the officer may no longer be suitable to hold vetting clearance,

(b) the result of the vetting severity assessment conducted under regulation 15,

(c) that there is to be a withdrawal assessment and the identity of the assessor,

(d) the potential outcomes of the withdrawal assessment,

(e) that the officer has the right to seek advice from the officer's staff association,

(f) the effect of regulations 9, 10(1) to (3) and 19,

(g) that the officer has a duty to give appropriate cooperation during the withdrawal assessment, and

(h) that whilst the officer may take advice on whether and how to respond when interviewed or when providing any information under regulation 19(1), it may harm the officer's case if the officer does not mention something on which they later seek to rely.

(2) Subject to paragraph (3), where a written notice is given under paragraph (1) and the vetting authority revises its vetting severity assessment under regulation 15(5), the vetting authority must as soon as practicable give the officer concerned a revised written notice in light of the revised vetting severity assessment.

(3) The assessor must not give a written notice under paragraph (1) or (2) for so long as the assessor considers that it might prejudice the withdrawal assessment or any other investigation.

(4) Any written notice given under paragraph (1) or (2) is subject to the harm test.

Representations to the assessor

19.—(1) Before the end of the period of 10 working days beginning with the first working day after a written notice is given under regulation 18(1) or (2)—

(a) the officer concerned may provide a written or oral statement relating to the matter to the assessor, including any mitigating circumstances relevant to the matter, and

(b) the officer concerned or the officer's police friend may provide to the assessor any document relating to any matter subject to the withdrawal assessment, including a document containing suggestions as to lines of inquiry to be pursued or witnesses to be interviewed.

(2) The assessor must, as part of the withdrawal assessment, consider any such statement or document and must make a record of having received it.

(3) The period referred to in paragraph (1) may be extended by the assessor.

Interview with the officer concerned during withdrawal assessment

20.—(1) This regulation applies where, as part of the withdrawal assessment—

(a) the assessor wishes to interview the officer concerned, or

(b) the officer concerned wishes to be interviewed.

(2) The assessor must, so far as reasonably practicable, agree a date and time for the interview with the officer concerned.

(3) Where no date and time is agreed under paragraph (2), the assessor must specify a date and time for the interview.

(4) No interview may take place until the officer concerned is given a written notice under regulation 18(1).

(5) Paragraph (6) applies where—

(a) a date and time is specified under paragraph (3),

(b) the officer concerned or the officer's police friend will not be available, and

(c) the officer concerned proposes an alternative date or time.

(6) Where this paragraph applies, the interview must be postponed to the alternative date or time, provided that such alternative date or time is reasonable and falls before the end of the period of 5 working days beginning with the first working day after the date specified under paragraph (3).

(7) The assessor must give the officer concerned written notice of the date, time and place of the interview.

(8) The assessor must, in advance of the interview, provide the officer concerned with such information as the assessor considers appropriate in the circumstances of the case to enable the officer to prepare for the interview.

(9) The officer concerned must attend the interview.

(10) A police friend or a relevant lawyer must not answer any question asked of the officer concerned during the interview.

Timeliness of withdrawal assessment

21.—(1) Subject to paragraph (3), where a withdrawal assessment is not completed within a relevant period, the assessor must provide as soon as practicable the following information in writing to the officer concerned—

(a) the progress of the withdrawal assessment,

(b) an estimate of when—

(i) the withdrawal assessment will be concluded, and

(ii) a report will be submitted under regulation 23,

(c) the reason for the length of time taken by the withdrawal assessment, and

(d) a summary of planned steps to progress the withdrawal assessment and bring it to a conclusion.

(2) For the purposes of this regulation, each of the following is a "relevant period"—

(a) the first relevant period is the period of 15 working days beginning with the first working day after the written notice was given under regulation 18(1), and

(b) each subsequent relevant period is the period of 15 working days beginning with the day after the end of the previous relevant period.

(3) The assessor must not provide information under paragraph (1) for so long as the assessor considers that it might prejudice the withdrawal assessment or any other investigation.

(4) Any information provided under paragraph (1) is subject to the harm test.

Discontinuation of withdrawal assessment

22.—(1) This regulation applies if at any time during the withdrawal assessment—

(a) there is evidence made available to the assessor that was not available to the vetting authority when it made its vetting severity assessment or any revised vetting severity assessment under regulation 15, and

(b) the assessor believes that the vetting authority would on further consideration be likely to determine that the matter could not reasonably lead to vetting clearance being withdrawn.

(2) The assessor must, whether or not the withdrawal assessment is complete, submit to the vetting authority—

(a) a statement of the assessor's belief and the grounds for it,

(b) a written report on the withdrawal assessment to that point, and

(c) a statement of the assessor's judgment as to how the matter should be dealt with in accordance with regulation 15(2).

(3) Where a report is submitted to the vetting authority under paragraph (2), the vetting authority must make a further vetting severity assessment under regulation 15.

(4) If the vetting authority assesses that the matter concerned could reasonably lead to vetting clearance being withdrawn, the assessor must continue to proceed with the withdrawal assessment that has been commenced.

(5) If the vetting authority assesses that the matter concerned could not reasonably lead to vetting clearance being withdrawn—

(a) the case must be dealt with in accordance with regulation 15(2),

(b) the withdrawal assessment must be discontinued, and

(c) the vetting authority must as soon as practicable, and in addition to any notice required under regulation 15(6), give the officer concerned notice in writing that—

(i) the notice given to the officer under regulation 18(1) has been withdrawn and no further action will be taken pursuant to that notice, and

(ii) the withdrawal assessment has been discontinued.

Report of withdrawal assessment

23.—(1) On completion of the withdrawal assessment, the assessor must as soon as practicable submit a written report on the withdrawal assessment to the vetting authority.

(2) The written report must—

(a) provide an accurate summary of the evidence,

(b) attach or refer to any documents that the assessor considers relevant,

(c) indicate the assessor's judgment as to whether the vetting clearance of the officer concerned should be withdrawn or whether it should not be withdrawn, and

(d) where the assessor's judgment under sub-paragraph (c) is that vetting clearance should not be withdrawn, indicate the assessor's judgment as to how the matter should be dealt with in accordance with regulation 15(2).

Outcome of withdrawal assessment

24.—(1) The vetting authority must, after receiving a written report under regulation 23(1)—

(a) take one of the actions mentioned in paragraph (2), or

(b) direct that the matter should be dealt with in accordance with regulation 15(2).

(2) The actions, in relation to the vetting clearance of the officer concerned, are to—

(a) impose conditions on it,

(b) downgrade it with or without conditions, or

(c) withdraw it.

(3) An officer who has had their vetting clearance withdrawn must be dismissed without notice.

(4) An action referred to in paragraph (2), and any dismissal under paragraph (3), has effect from the date on which it is notified to the officer concerned.

Notification of outcome

25. The vetting authority must, as soon as practicable after making a decision under regulation 24(1)—

(a) notify the officer concerned of the outcome,

(b) subject to the harm test, send the officer concerned a copy of—

(i) the written report submitted under regulation 23(1), or such parts of that report as relate to the officer, together with any document attached to or referred to in that report which relates to the officer, and

(ii) any other document which might reasonably be considered to support or undermine the outcome of the withdrawal assessment, and

(c) where the officer concerned has had their vetting clearance withdrawn, send the officer a written notice of their dismissal and the right of appeal under regulation 26, including the name of the person to whom an appeal should be sent.

Appeal from withdrawal of vetting clearance

26.—(1) Subject to the provisions of this regulation, the officer concerned may appeal against any decision to withdraw their vetting clearance under regulation 24.

(2) The only grounds of appeal under this regulation are that—

(a) the decision was unreasonable,

(b) there is evidence that could not reasonably have been considered as part of the withdrawal assessment which could have materially affected the decision, or

(c) there was a breach of the procedures set out in these Regulations or unfairness which could have materially affected the decision.

(3) An appeal under this regulation must be commenced by the officer concerned giving written notice of appeal to the vetting authority—

(a) before the end of the period of 15 working days beginning with the first working day after the outcome is notified to the officer under regulation 25, and

(b) stating the grounds of appeal and whether an appeal meeting is requested.

(4) The vetting authority may extend the period referred to in paragraph (3)(a) for exceptional circumstances.

(5) An appeal under this regulation must be determined by a panel constituted in accordance with regulation 27.

(6) The vetting authority must supply the panel with a copy of—

(a) the written report submitted under regulation 23(1), together with any document attached to or referred to in that report,

(b) any document of a kind referred to in regulation 25(b)(ii),

(c) the notice of appeal given by the officer concerned under paragraph (3), and

(d) any evidence of a kind referred to in paragraph (2)(b) that the officer wishes to submit in support of the appeal.

(7) The panel must determine whether the notice of appeal sets out arguable grounds of appeal and, if they decide that it does not, they must dismiss the appeal.

Constitution of appeal panel

27.—(1) A panel must comprise a chair and two other members.

(2) The panel chair—

(a) where the officer concerned is an officer other than a senior officer, must be the chief constable, or

(b) where the officer concerned is a senior officer, must be His Majesty's Chief Inspector of Constabulary appointed under section 54(1) of the 1996 Act, or an inspector of constabulary nominated by the Chief Inspector.

(3) The second panel member must be appointed by the Secretary of State and—

(a) have qualifications or experience relevant for the purpose of withdrawal assessments,

(b) be selected on a fair and transparent basis from the list of candidates with such qualifications or experience maintained by the Secretary of State for the purpose of this sub-paragraph, and

(c) be a lay person, within the meaning set out in paragraph 10(aa) of Schedule 6 to the 1996 Act (interpretation)(**a**).

(4) The third panel member must be appointed by the vetting authority and be—

(a) a senior officer, or

(b) unless paragraph (5) applies, a staff member who, in the opinion of the vetting authority, is of at least a similar level of seniority to a senior officer.

(5) This paragraph applies if responsibility for chairing the panel has been delegated to a former senior officer or a staff member in accordance with regulation 3(3)(b) or (c).

(6) No panel member may be an interested party.

(7) Where the chief constable is required to chair a panel under paragraph (2) and is an interested party, they must, without delay, delegate responsibility for chairing the panel to another person in accordance with regulation 3(3).

(8) Any decision of the panel must be based on a majority but must not indicate whether it was taken unanimously or by a majority.

Objections to persons conducting appeal

28.—(1) Where a panel is constituted in accordance with regulation 27, the vetting authority must as soon as practicable give the officer concerned written notice of the names of the panel members and the effect of paragraphs (4) to (7) of this regulation.

(2) Where the chief constable delegates responsibility for chairing a panel to another person in accordance with regulation 3(3), they must as soon as practicable give the officer concerned written notice of the name of that person and the effect of paragraphs (4) to (7) of this regulation.

(3) Where a person is appointed to advise a panel chair in accordance with regulation 10(5), the vetting authority must as soon as practicable give the officer concerned written notice of the name of that person and the effect of paragraphs (4) to (7) of this regulation.

(4) The officer concerned may object to any person who is notified to them under the proceeding provisions of this regulation.

(5) Any such objection must—

(a) be made in writing to—

(i) the Secretary of State, where the objection is to a person appointed by them,

(ii) the chief constable, where the objection is to a person to whom responsibility has been delegated under regulation 3(3), or

(iii) the vetting authority in all other cases,

(b) be made before the end of 3 working days beginning with the first working day after the officer concerned is given notice of the person's name, and

(**a**) Paragraph 10(aa) was inserted by section 31(5)(a) of the Policing and Crime Act 2017 (c. 3).

(c) set out the grounds of objection of the officer concerned.

(6) The person to whom the objection is made must as soon as practicable notify the officer concerned in writing whether it upholds or rejects the objection.

(7) If the person to whom the objection is made upholds the objection, the person to whom the officer concerned objects must as soon as practicable be replaced in accordance with paragraph (8) or regulation 10(5) or 27 (as appropriate).

(8) Where the panel chair is the chief constable and an objection is upheld against them, they must delegate responsibility for chairing the panel to another person in accordance with regulation 3(3).

(9) The vetting authority must, as soon as practicable after the person to whom the officer concerned objects is replaced, give the officer concerned written notice of the name of the replacement and the effect of paragraphs (10) and (11) of this regulation.

(10) The officer concerned may object to the replacement.

(11) In relation to an objection under paragraph (10) of this regulation—

(a) paragraph (5) applies except in so far as it specifies the period of time for making an objection,

(b) the objection must be made before the end of the period of 3 working days beginning with the first working day after the officer concerned is given the notice referred to in paragraph (9), and

(c) paragraphs (6) to (9) apply, with the exception of the requirement in paragraph (9) for the vetting authority to give written notice of the effects of paragraphs (10) and (11).

Appeal meeting

29.—(1) This regulation applies where the officer concerned requests an appeal meeting in the written notice of appeal under regulation 26(3).

(2) If the panel determines under regulation 26(7) that the notice of appeal sets out arguable grounds of appeal, the panel must hold an appeal meeting with the officer concerned, subject to paragraphs (3) and (6), before the end of the period of 5 working days beginning with the first working day after that determination.

(3) The panel may extend the period referred to in paragraph (2) where they consider that it would be in the interests of justice to do so.

(4) The panel must specify a date and time for the appeal meeting.

(5) Paragraph (6) applies where—

(a) a date and time is specified under paragraph (4),

(b) the officer concerned or the officer's police friend will not be available, and

(c) the officer concerned proposes an alternative date or time.

(6) Where this paragraph applies, the appeal meeting must be postponed to the alternative date or time, provided that such alternative date or time is reasonable and falls before the end of the period of 5 working days beginning with the first working day after the date specified by the panel.

(7) The vetting authority must give the officer concerned written notice of the date, time and place of the appeal meeting.

(8) The appeal meeting must not be held until the panel have received a copy of the documents required under regulation 26(6).

(9) The panel must determine the procedure at the appeal meeting and, in so far as it is set out in these Regulations, must determine it in accordance with these Regulations.

(10) No witness may give evidence at an appeal meeting unless the panel reasonably believes that it is necessary for the witness to do so in the interests of justice, in which case the panel must—

(a) where the witness is an MDP officer, cause that person to be ordered to attend the appeal meeting, and

(b) in any other case, cause the witness to be given notice that their attendance is necessary and of the date, time and place of the appeal meeting.

(11) The appeal meeting must be held in private.

Finding of the appeal

30.—(1) The panel may—

(a) confirm or reverse the decision appealed against, and

(b) where the panel reverses the decision appealed against, deal with the officer concerned in any manner in which the vetting authority could have dealt with the officer under regulation 24.

(2) The panel must give a summary of the reasons for its determination.

(3) Where the panel reverses the decision appealed against, the summary required under paragraph (2) must include a statement of the panel's opinion as to how any risks identified as part of the withdrawal assessment should be managed.

(4) Before the end of the period of 3 working days beginning with the first working day after the panel's determination, the vetting authority must give the officer concerned—

(a) written notice of the panel's determination,

(b) a copy of the summary required under paragraph (2), and

(c) where the panel confirms the decision appealed against, written notice of the right of appeal to a police appeals tribunal.

(5) The decision of the panel takes effect by way of substitution for the decision of the vetting authority and as from the date on which the outcome was notified to the officer concerned under regulation 25.

PART 5

Amendment of the 2020 Regulations

Amendment of the 2020 Regulations

31.—(1) The 2020 Regulations are amended in accordance with regulations 32 to 35.

(2) In relation to the Conduct Regulations, the Performance Regulations and the Appeals Tribunals Regulations, any reference in regulations 33 to 35 to a numbered regulation is to the regulation set out in the paragraph so numbered in the relevant Schedule to the 2020 Regulations.

(3) For the purpose of this Part, "the Appeals Tribunals Regulations" means the Regulations set out in Schedule 5 to the 2020 Regulations.

Amendment to regulation 2 (general interpretation)

32. In regulation 2, after the definition of "staff member" insert—

""the Vetting Regulations" means the Ministry of Defence Police (Vetting) Regulations 2026;".

Amendment of the Conduct Regulations

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

(2) In regulation 13 (severity assessment)—

(a) in paragraph (2), after sub-paragraph (a) insert—

"(aa) the matter should be referred to be dealt with under the Vetting Regulations,",

(b) in paragraph (3), after "(2)(a)" insert ", (aa)",

(c) in paragraph (7), after "process" insert ", the Vetting Regulations,".

(3) In regulation 20 (report of investigation)—

(a) in paragraph (2)(d), after "under" in the second place it occurs, insert "the Vetting Regulations,",

(b) in paragraph (4)(c), after "under" insert "the Vetting Regulations,".

(4) In regulation 23(4)(b) (referral of case to misconduct proceedings), after "under" insert "the Vetting Regulations or".

(5) In regulation 26 (withdrawal of misconduct proceedings), in paragraphs (2)(a)(iii) and (3), after "under" insert "the Vetting Regulations or".

Amendment of the Performance Regulations

34.—(1) Regulation 13 (meeting following referral under the Conduct Regulations) of the Performance Regulations is amended as follows.

(2) In the heading, after "Regulations" insert "or the Vetting Regulations".

(3) Before paragraph (1) insert—

"(A1) This regulation applies where neither regulation 23 nor regulation 31 applies and—

(a) 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, or

(b) the vetting authority assesses under regulation 15(2)(a) of the Vetting Regulations that a matter should be referred to be dealt with under these Regulations.".

(4) In paragraph (1)—

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

(b) in sub-paragraph (b)(i)—

(i) for "(1)(b)(ii)" substitute "(1)(b)(iii), (iv) or (v)";

(ii) for "regulation 13(1)" substitute "regulation 13(A1)",

(c) in sub-paragraph (b)(iv) in the substituted sub-paragraph (a) after "Conduct Regulations" insert "or the assessor's report submitted under regulation 23 of the Vetting Regulations".

(5) For paragraph (2) substitute—

"(2) In this regulation—

"assessor" and "vetting authority" have the meanings given to them in regulation 2(1) of the Vetting Regulations;

"investigator" means a person—

(a) appointed under regulation 14 of the Conduct Regulations, or

(b) appointed or, as the case may be, designated as an investigator under external procedures established for England and Wales.".

Amendment of the Appeals Tribunals Regulations

35.—(1) The Appeals Tribunals Regulations are amended as follows.

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

(a) in paragraph (1)—

(i) after the definition of "lay person" insert—

""original appeal" means, in relation to a decision which is being appealed to a tribunal in accordance with regulation 4A, the appeal to the panel which made the relevant decision;",

(ii) in the definition of "original hearing", after "means" insert ", in relation to a decision which is being appealed to a tribunal in accordance with regulation 3, 4 or 5",

(iii) in the definition of "relevant decision", after "4" insert ", 4A", and

(b) in paragraph (2), for "or the Performance Regulations" substitute ", the Performance Regulations or the Vetting Regulations".

(3) After regulation 4 (circumstances in which an MDP officer may appeal to a tribunal – Performance Regulations) insert—

"Circumstances in which an MDP officer may appeal to a tribunal – Vetting Regulations

4A.—(1) An MDP officer may appeal to a tribunal in reliance on one or more of the grounds of appeal referred to in paragraph (2) against any decision under regulation 30 of the Vetting Regulations to confirm a decision to withdraw their vetting clearance.

(2) The grounds of appeal under this regulation are—

(a) that the decision was unreasonable,

(b) that there is evidence that could not reasonably have been considered as part of the withdrawal assessment which could have materially affected the decision, or

(c) that there was a breach of the procedures set out in the Vetting Regulations or unfairness which could have materially affected the decision.".

(4) In regulation 7 (notice of appeal), in paragraph (3), at the beginning, for "The" substitute "Where the officer or former officer wishes to appeal to the tribunal in accordance with regulation 3, 4 or 5, the".

(5) In regulation 11 (procedure on notice of appeal)—

(a) in paragraph (2)(a)—

(i) after "original hearing" insert "or original appeal",

(ii) for "Conduct Regulations or" substitute "Conduct Regulations,", and

(iii) at the end, insert "or regulation 30(4) of the Vetting Regulations",

(b) in paragraph (2)(b), at the end, insert "or original appeal",

(c) in paragraph (5)—

(i) in sub-paragraph (a), after "4(6)(b)" insert ", 4A(2)(b)", and

(ii) in sub-paragraph (b), in paragraph (ii), after "original hearing" insert "or as part of the original appeal", and

(d) in paragraph (9), after "4(6)(b)" in both places it occurs insert ", 4A(2)(b)".

(6) In regulation 21 (attendance at hearing)—

(a) after paragraph (2) insert—

"(2A) Subject to paragraph (3), the hearing of an appeal brought in accordance with regulation 4A must be held in private.", and

(b) in paragraph (3), after "regulation 4" insert "or 4A".

(7) In regulation 25 (statement of tribunal's determination)—

(a) in paragraph (2)—

(i) after "regulation 4(6)(b) or (c)" insert ", regulation 4A(2)(b) or (c)", and

(ii) for "or the Performance Regulations" substitute ", the Performance Regulations or the Vetting Regulations",

(b) in paragraph (3), for "or the Performance Regulations" substitute ", the Performance Regulations or the Vetting Regulations", and

(c) in paragraph (15), at the end, insert "or regulation 4A (appeals brought in relation to the Vetting Regulations)".

Vernon Coaker
Minister of State
Ministry of Defence

16th April 2026

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the vetting of Ministry of Defence Police ("MDP") officers. They require every MDP officer to hold and maintain vetting clearance. They also establish a procedure for withdrawing vetting clearance where there is evidence that an MDP officer may no longer be suitable to hold it. The Regulations are connected to the regulations which deal with conduct matters and unsatisfactory performance or attendance set out in Schedules 1 and 4 to the Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) Regulations 2020 (S.I. 2020/1087) ("the 2020 Regulations").

Part 1 contains preliminary provisions, including interpretive provisions. The term "vetting clearance" is defined as the level of police vetting clearance that an MDP officer requires to perform the duties of their particular role.

Part 2 deals with vetting clearance generally. Regulation 5 sets out the duty for every MDP officer to hold and maintain vetting clearance. Regulation 6 provides for the termination of an MDP officer's vetting clearance at the point at which they cease to be an MDP officer. Regulation 7 establishes a duty for the Secretary of State and the chief constable to keep a record of applications for vetting clearance from MDP officers.

Part 3 deals with withdrawal assessments generally, including such matters as legal representation and the provision of notices. Regulation 13 allows a vetting authority to suspend an MDP officer under the Regulations where certain conditions are met.

Part 4 deals with the procedure for withdrawal assessments. Regulation 15 provides for the vetting authority to make a vetting severity assessment in relation to the matter that has come to its attention. Regulation 16 requires the vetting authority to appoint an assessor where the vetting severity assessment indicates that a withdrawal assessment must be carried out. Regulation 19 provides that the officer concerned may make representations to the assessor and regulation 20 provides that the assessor may require the officer concerned to attend an interview. Regulation 24 provides for the vetting authority to decide the outcome of the withdrawal assessment once the assessor has made their final written report and recommendation. If an MDP officer has their vetting clearance withdrawn then they must be dismissed without notice. In those circumstances, regulation 26 provides that the officer may appeal to a panel of three persons with the power to confirm or reverse the decision appealed against.

Part 5 amends the 2020 Regulations. Regulations 33 and 34 make amendments to the Conduct Regulations and the Performance Regulations set out in Schedules 1 and 4 as a consequence of these Regulations. Regulation 35 amends the Appeals Tribunals Regulations set out in Schedule 5 to ensure that an MDP officer who is dismissed under these Regulations has a right of appeal to an appeals tribunal.

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.

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Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

ISBN 978-0-34-828249-8

£8.90

http://www.legislation.gov.uk/id/uksi/2026/428