1952 No. 1706

The Police (Discipline) (Deputy Chief Constables, Assistant Chief Constables and Chief Constables) Regulations, 1952

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SCHEDULE: Discipline form.

I, the Right Honourable Sir David Maxwell Fyfe, one of Her Majesty's Principal Secretaries of State, in pursuance of the powers conferred on me by section four of the Police Act, 1919(a), hereby make the following Regulations:—

Right of accused to be informed of, and to make a personal explanation concerning, allegations

1. Where a report or allegation is received from which it appears that a deputy chief constable or assistant chief constable of a borough police force may have committed an offence, the police authority shall, unless they are satisfied that he has not committed an offence, inform him in writing of the report or allegation and ask him whether or not he admits that he has committed an offence and give him an opportunity, if he so desires, of making to the police authority any oral or written statement he may wish to make concerning the matter.

Punishment without a hearing

2. If the deputy chief constable or assistant chief constable admits that he has committed an offence, the police authority may impose a punishment in accordance with Regulation 11 of these Regulations without the case being heard in accordance with the following provisions of these Regulations.

Procedure for formulating charges

3.—(1) If the deputy chief constable or assistant chief constable admits that he has committed an offence and the police authority do not proceed under the last foregoing Regulation or if the deputy chief constable or assistant chief constable does not admit that he has committed an offence and any statement he may have made to the police authority under Regulation 1 of these Regulations does not satisfy them that he has not committed an offence, the police authority shall instruct a solicitor, not being a member or officer of the police authority or of any local authority which appoints or elects any member of the police authority, to enter on a discipline form the offence with which the deputy chief constable or assistant chief constable is charged and such particulars as will leave the deputy chief constable or assistant chief constable in no doubt as to the precise nature of the alleged offence.

(2) Before a solicitor is instructed in accordance with paragraph (1) of this Regulation, any written statement the deputy chief constable or assistant chief constable may have made to the police authority under Regulation 1 of these Regulations and any written copy or account of any statement made by him under that Regulation shall be given to him.

Documents to be supplied to accused

4. Where the deputy chief constable or assistant chief constable is charged with an offence, he shall be supplied with—

(*a*) a copy of the discipline form;

(*b*) a copy of the report or allegation on which the charge is founded and any reports thereon notwithstanding that they may be confidential;

(*c*) a copy of any statement relating to the charge made by any witness to be called in support of the charge, together with the witness's name and address;

(a) 9 & 10 Geo. 5. c. 46.

(*d*) a copy of any statement relating to the charge made by any person, other than a witness to be called in support of the charge, to the police authority or to anybody on their behalf, together with the person's name and address.

Tribunal

5.—(1) The case shall be heard by a tribunal appointed by the police authority which shall consist, in accordance with the determination of the police authority, of either—

(*a*) such one person as the police authority shall select from a list of persons nominated by the Lord Chief Justice, or

(*b*) not more than five members of the police authority appointed by the police authority.

(2) To assist the tribunal appointed under sub-paragraph (*a*) of paragraph (1) of this Regulation on matters pertaining to the police there shall also be appointed by the police authority an assessor who shall be such person as the police authority with the approval of the tribunal shall select, being a person who is or has been a chief constable or a commissioner of police other than—

(*a*) a person who is one of Her Majesty's inspectors of constabulary,

(*b*) the chief constable of the force of which the accused deputy chief constable or assistant chief constable is a member, or

(*c*) a member or officer of the police authority or of any local authority which appoints or elects any member of the police authority.

Procedure at hearing

6.—(1) The case against the accused deputy chief constable or assistant chief constable shall be presented by counsel or a solicitor, not being a member or officer of the police authority or of any local authority which appoints or elects any member of the police authority.

(2) Before the case against the accused deputy chief constable or assistant chief constable is presented, the accused deputy chief constable or assistant chief constable may submit that the facts alleged in the charge are not such as to constitute the offence with which he is charged and the tribunal if it upholds that submission shall dismiss the charge to which that submission relates.

(3) The accused deputy chief constable or assistant chief constable may conduct his defence either in person or by counsel, a solicitor or a member of a police force selected by himself on his behalf:

Provided that if the accused deputy chief constable or assistant chief constable is represented by a member of a police force, the accused deputy chief constable or assistant chief constable desires to appeal to the Secretary of State.

(4) If the accused deputy chief constable or assistant chief constable does not admit the charge, the hearing of the case shall proceed as though he denied the charge.

(5) A verbatim record of the proceedings at the hearing of the case shall be taken and a transcription of the record shall be made if the accused deputy chief constable or assistant chief constable, as well as his representative, may cross-examine witnesses called in support of the case against him.

Hearing to be in private

7. The hearing of the case shall be held in public only if the tribunal so directs.

Hearing in absence of accused

8. It shall be within the discretion of the tribunal to proceed with the hearing of the case in the absence of the accused deputy chief constable or assistant chief constable, if it appears just and proper so to do and to adjourn the hearing from time to time as may appear necessary for due hearing of the case.

Inadmissibility of personal explanation at hearing

9. A statement by the accused deputy chief constable or assistant chief constable under Regulation 1 of these Regulations and any oral or written account or copy of any such statement shall not be admissible at the hearing unless the statement or account or copy thereof is put in evidence at the hearing by the accused

Tribunal's report

10.—(1) The tribunal shall, as soon as possible after the hearing, submit a report to the police authority setting out—

(*a*) a statement of the facts admitted or found to be proved so far as they are material to the case;

(*b*) a statement as to the charges found to be proved;

(*c*) if any charges are found to be proved, a recommendation as to the proper punishment which in its opinion should be imposed therefor;

(*d*) a recommendation as to whether the accused deputy chief constable or assistant chief constable should pay any, and if so what, part of the whole of his own costs of the hearing;

(*e*) any other matter arising out of the hearing which it desires to bring to the notice of the police authority.

(2) The tribunal shall send to the accused deputy chief constable or assistant chief constable a copy of the report.

Decision of police authority

11.—(1) The decision of the police authority on receipt of the report of the tribunal shall be either to dismiss the case or to impose—

(*a*) in the case of a deputy chief constable who is not an assistant chief constable one of the following punishments, namely:—

(i) dismissal;

(ii) requirement to resign either forthwith or on such date as may be specified in the decision as an alternative to dismissal;

(iii) reduction in rank;

(iv) reduction in his rate of pay for such period, not exceeding twelve months, as shall be specified in the decision:

(v) fine;

(vi) reprimand;

(vii) caution;

(*b*) in the case of an assistant chief constable one of the following punishments, namely:—

(i) dismissal;

(ii) requirement to resign either forthwith or on such date as may be specified in the decision as an alternative to dismissal;

(iii) reprimand.

(2) As soon as possible after receipt of the report of the tribunal, the decision of the police authority shall be recorded on the discipline form and notified to the accused deputy chief constable or assistant chief constable.

Reference to accused's record in considering punishment

12. In considering which punishment should be imposed, if any charge is found to be proved, regard shall be had to the record of police service of the accused deputy chief constable or assistant chief constable.

Limitations on punishments

13.—(1) The punishment of a reduction in the rate of pay of the accused deputy chief constable or of a fine shall not be imposed for the offence set out in paragraph 17 of the First Schedule to the Police (Discipline) Regulations, 1952(**a**).

(2) The punishment of a reduction in the rate of pay of the accused deputy chief constable shall not be such as to reduce his rate of pay below the minimum of his scale of pay.

(3) A fine imposed in respect of any one offence shall not continue after the expiration of thirteen weeks from the date on which the imposition of the punishment takes effect and the amount of any fines (whether in respect of one or more offences) shall not exceed in the aggregate in any week one-seventh of the weekly pay of the accused deputy chief constable except in the event of his leaving the police force when the whole amount of any fine then unpaid may be deducted from any pay then due.

Copy of report and decision to be transmitted to Secretary of State

14. A copy of the report of the tribunal together with the decision of the police authority shall be transmitted by the police authority to the Secretary of State.

Suspension from duty

15.—(1) Where a report or allegation is received from which it appears that a deputy chief constable or assistant chief constable of a borough police force may have committed an offence, the police authority may suspend him from duty until the conclusion of the disciplinary proceedings referred to in these Regulations:

Provided that in a case of urgency the chief constable may suspend the deputy chief constable or assistant chief constable from duty until the police authority has considered whether or not to suspend him from duty.

(2) A deputy chief constable or assistant chief constable of a borough police force suspended from duty shall, in respect of the period of suspension, be paid a suspension allowance at such rate not less than half and not exceeding two-thirds of his pay as the police authority may determine:

Provided that in the case of a deputy chief constable or assistant chief constable who is detained in pursuance of the sentence of a court in a prison or other institution to which the Prison Act, 1952(**b**), applies, or is in custody

(**a**) S.I. 1952/1705, p. 2511 above. (**b**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 52.

(whether in prison or elsewhere) between conviction by a court and sentence, no suspension allowance shall be payable in respect of any such period in detention or custody.

(3) A deputy chief constable or assistant chief constable of a borough police force suspended from duty shall not, in respect of the period of suspension from duty, be entitled to pay or to any allowance by virtue of Regulations made under section four of the Police Act, 1919, and then in force, except a rent allowance, supplementary rent allowance or compensatory grant.

(4) (*a*) A deputy chief constable or assistant chief constable of a borough police force who having been suspended from duty returns to duty shall receive, as from the date of his suspension from duty, the pay and allowances to which he would have been entitled by virtue of Regulations made under section four of the Police Act, 1919, and then in force, but for his suspension from duty, if either—

(i) all the charges against him have been dismissed, or

(ii) he has been punished by a reduction in his rate of pay, fine, reprimand or caution unless the police authority direct that he shall not receive the said pay and allowances.

(*b*) From the said pay and allowances there shall be deducted any amount paid to him under this Regulation.

Expenses of hearing

16. All the expenses of a hearing under these Regulations, including the costs of the accused deputy chief constable or assistant chief constable, shall, unless the police authority in consequence of a recommendation of the tribunal under Regulation 10 of these Regulations otherwise directs, be defrayed out of the police fund.

Application to deputy chief constable or assistant chief constable of a police force other than a borough police force

17. Where a report or allegation is received from which it appears that a deputy chief constable or assistant chief constable of a police force other than a borough police force may have committed an offence, these Regulations shall apply with the following modifications, adaptations and exceptions:—

(*a*) for any reference to the police authority except to a member or officer of the police authority in Regulation 3, 5 or 6 of these Regulations there shall be substituted a reference to the chief constable;

(*b*) all references to a borough police force shall be omitted;

(*c*) sub-paragraph (*b*) of paragraph (1) of Regulation 5 and the proviso to paragraph (1) of Regulation 15 of these Regulations shall be omitted.

Application to chief constables

18. Where a report or allegation is received from which it appears that a chief constable may have committed an offence, these Regulations shall apply with the following modifications, adaptations and exceptions:—

(*a*) for any reference to a deputy chief constable or assistant chief constable there shall be substituted a reference to the chief constable;

(*b*) all references to a borough police force shall be omitted;

(*c*) sub-paragraph (*a*) of paragraph (1) of Regulation 11, Regulation 13 and the proviso to paragraph (1) of Regulation 15 of these Regulations shall be omitted.

Discipline form

19. A discipline form shall be in the form set out in the Schedule hereto or in a form to the like effect.

Regulations not to apply to offences committed by commissioners or assistant commissioners of police

20. These Regulations shall not apply to offences committed by a commissioner of police or assistant commissioner of police.

Interpretation

21.—(1) In these Regulations the following expressions, unless the context otherwise requires, have the meanings hereby respectively assigned to them:—

"borough police force" means the police force of a borough having a separate police force, a combined police force constituted by a borough scheme under the Police Act, 1946(**a**), or the River Tyne police force;

"chief constable" includes the officer having the chief command of the River Tyne police force and "deputy chief constable" shall be construed accordingly;

"offence" has the same meaning as it has in the Police (Discipline) Regulations, 1952;

"officer" includes a servant.

(2) The Interpretation Act, 1889(**b**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Revocations

22.—(1) Regulations 12 to 26 of, and the First Schedule to, the Police (Consolidation) Regulations, 1948(**c**), as amended by the Police (Consolidation) (Amendment) Regulations, 1949(**d**), so far as they apply to offences against discipline committed by chief constables, deputy chief constables and assistant chief constables are hereby revoked.

(2) The said Regulations shall, notwithstanding anything in these Regulations, continue to apply in respect of proceedings for an offence against discipline which, before the date on which these Regulations come into operation, have been initiated but not completed, as though these Regulations had not been made.

(3) Any punishment imposed under the Regulations revoked by these Regulations shall be deemed to have been imposed under these Regulations.

Citation and commencement

23.—(1) These Regulations may be cited as the Police (Discipline) (Deputy Chief Constables, Assistant Chief Constables and Chief Constables) Regulations, 1952.

(2) These Regulations shall come into operation on the first day of October, 1952.

David Maxwell Fyfe,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
17th September, 1952.

(a) 9 & 10 Geo. 6. c. 46.
(b) 52 & 53 Vict. c. 63.
(c) S.I. 1948/1216; Rev. XVIII, p. 95; 1948 I, p. 3370.
(d) S.I. 1949/1245; 1949 I, p. 3313.

Regulation 19 SCHEDULE

DISCIPLINE FORM

CHARGE AGAINST Name.....

Rank.....

Particulars of Service.....

CHARGE

Offence of which member is accused	Particulars of alleged offence, including time, date and place	Names and addresses of witnesses in support of charge and whose statements are attached
		1. .... 2. .... 3. .... 4. .... 5. .... 6. ....

Decision of police authority/chief constable

Report or allegation on which the charge is based

(If contained in separate papers, each should be numbered consecutively, and a summary entered here).

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations supersede the provisions dealing with discipline in the Police (Consolidation) Regulations, 1948, in the case of chief constables, deputy chief constables and assistant chief constables.