STATUTORY INSTRUMENTS

1965 No. 544

POLICE

ENGLAND AND WALES

The Police (Discipline) (Deputy Chief Constables, Assistant Chief Constables and Chief Constables) Regulations 1965

Made - - - - 22*nd March* 1965
Coming into Operation 1*st April* 1965

ARRANGEMENT OF REGULATIONS

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SCHEDULE: Discipline form.

In exercise of the powers conferred on me by section 4 of the Police Act 1919(a), I hereby make the following Regulations :—

Personal explanation

1. Where, following the investigation of a report, allegation or complaint, it appears that a senior officer may have committed an offence, the police authority shall, unless they decide that no disciplinary proceedings need

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

be taken, inform him in writing of the report, allegation or complaint and give him a written notice—

(*a*) asking him whether or not he admits that he has committed an offence;

(*b*) informing him that he is not obliged to say anything concerning the matter but that he may, if he so desires, make a written or oral statement concerning the matter to the police authority, and

(*c*) warning him that if he makes such a statement it may be used in any subsequent disciplinary proceedings.

Punishment without a hearing

2. If the senior officer admits that he has committed an offence, the police authority may impose a punishment in accordance with Regulation 12 without the case being heard in accordance with the following provisions of these Regulations.

Procedure for formulating charges

3.—(1) If the senior officer admits that he has committed an offence and the police authority do not proceed under Regulation 2, or if he does not admit that he has committed an offence and any statement he may have made to the police authority under Regulation 1 does not satisfy them that he has not committed an offence, the police authority shall instruct a solicitor, not being a member, officer or servant of the police authority or of any local authority which appoints any member of the police authority, to enter on a discipline form the offence with which the senior officer is charged and such particulars as will leave him in no doubt as to the precise nature of the alleged offence.

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

Documents to be supplied to accused

4.—(1) Where a senior officer is charged with an offence, he shall, as soon as possible, be supplied with copies—

(*a*) of any written statement he may have made under Regulation 1 or of an account of any oral statement so made;

(*b*) of the report, allegation or complaint on which the charge is founded (or so much thereof as relates to the accused) and of any reports thereon (other than the report arising out of the investigation referred to in Regulation 1) notwithstanding that they may be confidential;

(*c*) 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, and

(*d*) of any statement relating to the charge made by any person, other other than a witness to be called in support of the charge, in the course of the investigation referred to in Regulation 1, to the police authority or to anybody on their behalf, together with the person's name and address.

(2) Where the charge is founded on a report, allegation or complaint and a statement arising therefrom made by the same person, the reference in paragraph (1)(*b*) to the report, allegation or complaint shall, without prejudice to paragraph (1)(*c*) or (*d*), be construed as including a reference to that statement.

Tribunal

5.—(1) The case shall be heard by a tribunal consisting of a single person selected and appointed by the police authority from a list of persons nominated by the Lord Chancellor.

(2) To assist the tribunal on matters pertaining to the police there shall also be appointed by the police authority one or more assessors selected by that authority with the approval of the tribunal, one of whom is or has been a chief officer of police, so however that there shall not be so appointed—

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

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

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

Procedure at hearing

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

(2) If the accused does not admit the charge, the hearing shall proceed as though he denied the charge.

(3) Before the case against the accused is presented, the accused 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 determine that the charge to which the submission relates should be dismissed.

(4) The accused 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 is represented by a member of a police force the accused, as well as his representative, may cross-examine the witnesses called in support of the case against him.

(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 and sent to the police authority and, if a punishment is imposed by that authority and the accused contemplates an appeal to the Secretary of State, at his request made within the period during which notice of appeal may be given, a copy thereof shall be supplied to him.

Adjournment of hearing

7. The hearing of a case may be adjourned from time to time as may appear necessary for due hearing of the case.

Hearing in absence of accused

8.—(1) It shall be within the discretion of the tribunal to proceed with the hearing of the case in the absence of the accused if it appears just and proper so to do.

(2) Where, owing to the absence of the accused, it is impossible to comply with the procedure described in Regulations 1 and 4, that procedure shall be dispensed with.

Hearing to be in private

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

Attendance of complainant at hearing

10.—(1) This Regulation shall apply in relation to the hearing of a charge against a senior officer where the facts alleged in the charge were alleged in a complaint received from a member of the public.

(2) Notwithstanding anything in Regulation 9 but subject to paragraph (4), the tribunal shall allow the complainant to attend the hearing while witnesses are being examined, or cross-examined, on the facts alleged in the charge and, if the tribunal considers it appropriate so to do on account of the age of the complainant, or otherwise, shall allow him to be accompanied by a personal friend or relative who is not to be called as a witness at the hearing:

Provided that—

(*a*) where the complainant is to be called as a witness at the hearing, he and any person allowed to accompany him shall not be allowed to attend before he gives his evidence, and

(*b*) where it appears to the tribunal that a witness may, in giving evidence, disclose information which, in the public interest, ought not to be disclosed to a member of the public, it shall require the complainant and any person allowed to accompany him to withdraw while that evidence is given.

(3) Where the accused gives evidence, then, after the person presenting the case against him has had an opportunity of cross-examining him, the tribunal shall put to him any questions which the complainant requests should be so put and might have been properly so put by way of cross-examination and, at its discretion, may allow the complainant himself to put such questions to the accused.

(4) Subject as aforesaid, the complainant and any person allowed to accompany him shall neither intervene in, nor interrupt, the hearing; and if he or such a person should behave in a disorderly or abusive manner, or otherwise misconduct himself, the tribunal may exclude him from the remainder of the hearing.

(5) In this Regulation a reference to the complainant is a reference to the originator of the complaint notwithstanding that it was received from or through some other person or body.

Tribunal's report

11.—(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 senior officer should pay any, and if so what, part or 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 a copy of the report.

Decision of police authority

12.—(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 from the force;

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

(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 or a chief constable, one of the following punishments, namely:—

(i) dismissal from the force;

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

(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 in writing to the accused.

Reference to accused's record in considering punishment

13. 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.

Limitations on punishments

14.—(1) This Regulation shall apply in the case of a deputy chief constable who is not an assistant chief constable.

(2) The punishment of a reduction in the accused's rate of pay or of a fine shall not be imposed for the offence sent out in paragraph 17 of the discipline code contained in Schedule 1 to the Police (Discipline) Regulations 1965(a).

(3) The punishment of a reduction in the accused's rate of pay shall not be such as to reduce the accused's rate of pay below the minimum of the scale of pay for his rank in the police force.

(4) A fine imposed in respect of any one offence shall, without prejudice to any other method of recovery, be recoverable by way of deductions from the accused's pay during the period of thirteen weeks following the imposition of the punishment and shall be such that the aggregate sum which may be so deducted in respect of any one week (whether on account of one or more offences) does not exceed a seventh of his weekly pay:

Provided that in the event of the accused leaving the police force, the whole amount of any fine unpaid may be deducted from any pay then due.

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

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

Suspension

16.—(1) When a report, allegation or complaint is received from which it appears that a senior officer may have committed a disciplinary or criminal offence, the police authority may suspend that officer from membership of the force and from his office as constable, whether or not the matter has been investigated, and in such case he shall be suspended until—

(*a*) the police authority decides otherwise;

(a) S.I. 1965/543 (1965 I, p. 1678).

(*b*) it is decided that the officer shall not be charged with a disciplinary offence, or

(*c*) the officer has been so charged and either all the charges have been dismissed or a punishment has been imposed,

whichever first occurs.

(2) In case of urgency, the power of suspension conferred on the police authority by paragraph (1) may, in relation to a deputy chief constable or an assistant chief constable, be exercised by the chief constable, and, in such case, the police authority shall as soon as possible decide whether to continue the period of suspension or terminate it under paragraph (1)(*a*).

(3) Subject to paragraphs (4) and (5), a senior officer suspended under this Regulation shall not, by virtue of the Police Regulations, be entitled to pay or to any allowance, other than a rent allowance, supplementary rent allowance, or compensatory grant, in respect of the period of suspension.

(4) A senior officer suspended under this Regulation shall, in respect of the period of suspension, be paid a suspension allowance at a rate equal to two-thirds of his rate of pay:

Provided that in the case of an officer who—

(*a*) is detained in pursuance of the sentence of a court in a prison or other institution to which the Prison Act 1952(a) applies, or is in custody (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;

(*b*) has absented himself from duty and whose whereabouts are unknown to the police authority, no suspension allowance shall be payable in respect of the period during which his whereabouts are unknown to that authority unless they so direct.

(5) Where a senior officer returns to duty when the period of his suspension comes to an end and—

(*a*) it has been decided that he shall not be charged with a disciplinary offence, or

(*b*) he has been so charged and all the charges have been dismissed, or

(*c*) he has been so charged and has been punished by a reduction in his rate of pay, fine, reprimand or caution,

he shall receive, as from the date of his suspension, the pay and allowances to which, but for paragraph (3), he would have been entitled by virtue of the Police Regulations, except that from the said pay and allowances there shall be deducted the amount of any suspension allowance paid to him under paragraph (4).

Expenses of hearing

17.—(1) All the expenses of a hearing under these Regulations, including the costs of the accused, shall, unless the police authority in consequence of a recommendation of the tribunal under Regulation 11 otherwise directs, be defrayed out of the police fund.

(2) Any costs payable under this Regulation shall be subject to taxation in such manner as the Secretary of State may direct.

Interpretation

18.—(1) In these Regulations any reference to a senior officer is a reference to a member of a police force holding the office of chief constable or deputy

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 52.

chief constable or the rank of assistant chief constable and, in relation to such a member of a police force, any reference to the police authority or the chief constable is a reference to the police authority maintaining, or the chief constable of, that force.

(2) In these Regulations, except where the context otherwise requires, the expression "offence" or "disciplinary offence" means an offence against discipline within the meaning of Regulation 1 of the Police (Discipline) Regulations 1965 and the expression "Police Regulations" means the regulations from time to time in force under section 33 of the Police Act 1964(a), other than these Regulations.

(3) In these Regulations, unless the context otherwise requires, any reference to a Regulation shall be construed as a reference to a Regulation contained in these Regulations and any reference in a Regulation to a paragraph shall be construed as a reference to a paragraph of that Regulation.

(4) 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 and transitional provisions

19.—(1) The Police (Discipline) (Deputy Chief Constables, Assistant Chief Constables and Chief Constables) Regulations 1952(c) and the Police (Discipline) (Deputy Chief Constables, Assistant Chief Constables and Chief Constables) Regulations 1954(d) are hereby revoked.

(2) Anything done before the coming into operation of these Regulations, for the purposes of the Regulations revoked by paragraph (1), by, to or before any person or authority, shall have effect as if it had been done for the purposes of these Regulations notwithstanding that it might, under these Regulations, have fallen to be done by, to or before a person other than that person or authority.

(3) Without prejudice to the generality of paragraph (2), any punishment imposed under the Regulations revoked by paragraph (1) shall be deemed to have been imposed under these Regulations.

(4) Without prejudice to the generality of paragraph (2), where immediately before the coming into operation of these Regulations a senior officer—

(*a*) was suspended from duty under the Regulations revoked by paragraph (1), or

(*b*) was suspended under section 26 of the County and Borough Police Act 1859(e) or section 191(4) of the Municipal Corporations Act 1882(f),

he shall be treated as if he had been suspended under Regulation 16.

Citation and commencement

20.—(1) These Regulations may be cited as the Police (Discipline) (Deputy Chief Constables, Assistant Chief Constables and Chief Constables) Regulations 1965.

(2) These Regulations shall come into operation on 1st April 1965.

Frank Soskice,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
22nd March 1965.

(a) 1964 c. 48. (b) 52 & 53 Vict. c. 63. (c) S.I. 1952/1706 (1952 II, p. 2525).
(d) S.I. 1954/1688 (1954 II, p. 1785). (e) 22 & 23 Vict. c. 32. (f) 45 & 46 Vict. c. 50.

Regulation 3

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. ....

Police authority's decision

The police authority has found the accused guilty/not guilty of the disciplinary offence with which he has been charged and has referred to and taken note of the personal record of the accused.

Punishment imposed .....

Date..... Signature.....

Police authority's decision notified to accused

I have been notified of the police authority's decision.

Date..... Signature of accused.....

For office use only

1. Copy of discipline form supplied to accused. Initials.....
   Date.....
2. Decision of police authority notified in writing to accused. Initials.....
   Date.....

Particulars of any appeal to the Secretary of State

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EXPLANATORY NOTE

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

These Regulations consolidate, with amendments, the Regulations set out in Regulation 19(1), namely the Police (Discipline) (Deputy Chief Constables, Assistant Chief Constables and Chief Constables) Regulations 1952 and the Regulations amending those Regulations.

The principal changes are described below.

Regulation 10 provides that the hearing of a disciplinary charge, arising out of a complaint made by a member of the public, may be attended by the complainant.

Under the 1952 Regulations the chief constable of a police force other than a borough force was the disciplinary authority in relation to the deputy chief constable or an assistant chief constable; under the present Regulations the disciplinary authority in every police force, in relation to a deputy chief constable, assistant chief constable or chief constable, is the police authority.