STATUTORY INSTRUMENTS

1977 No. 580

POLICE

The Police (Discipline) Regulations 1977

Made - - -	*28th March* 1977
Laid before Parliament	*6th April* 1977
Coming into Operation	*1st June* 1977

ARRANGEMENT OF REGULATIONS

1. Citation and commencement.
2. Revocations and transitional provisions.
3. Regulations not to apply in the case of a senior officer.
4. Interpretation.
5. Disciplinary offences.
6. Investigation of charges.
7. Personal explanation.
8. Formulation of charges.
9. Withdrawal of charges.
10. Delegation of functions by chief officer.
11. Documents to be supplied to accused.
12. Questions in the discipline form to be answered by accused.
13. Hearing.
14. Remission of cases.
15. Disciplinary tribunal cases.
16. Procedure at hearing.
17. Statements in lieu of oral evidence.
18. Adjournment of hearing.
19. Hearing in absence of accused.
20. Attendance of complainant at hearing.
21. Finding.
22. Punishment.
23. Limitations on punishments.
24. Suspension.
25. Discipline book.

SCHEDULE 1: Regulations revoked with savings.
SCHEDULE 2: Discipline code.
SCHEDULE 3: Discipline form
SCHEDULE 4: Disciplinary hearings in the Metropolitan Police Force.

In exercise of the powers conferred on me by section 33 of the Police Act 1964(**a**) and sections 6 and 10 of the Police Act 1976(**b**) (excluding section 6(1)(g) thereof), and after consulting the Police Advisory Board for England and Wales

(**a**) 1964 c. 48. (**b**) 1976 c. 46.

in accordance with section 46(3) of the said Act of 1964 (as amended by section 4(6) of the Police Act 1969(**a**) and extended by section 6(3) of the said Act of 1976), and the Police Council for the United Kingdom in accordance with section 4(4) of the said Act of 1969, I hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Police (Discipline) Regulations 1977 and shall come into operation on 1st June 1977.

Revocations and transitional provisions

2.—(1) Subject to paragraph (2), the Regulations set out in Schedule 1 are hereby revoked.

(2) In relation to a charge preferred before 1st June 1977 against a member of the police force—

(*a*) nothing in these Regulations shall apply, and

(*b*) the Regulations revoked by paragraph (1) shall, so far as applicable, continue to have effect.

(3) Where the facts alleged in a charge were alleged in a complaint received by the chief officer of police from a member of the public in respect of the accused's conduct before 1st June 1977, Regulation 20 shall apply in relation to the hearing of the charge notwithstanding that it was not in respect of a complaints matter as defined in Regulation 4(1).

Regulations not to apply in the case of a senior officer

3. These Regulations shall not apply in relation to an offence committed, or alleged to have been committed, by a chief constable or other senior officer within the meaning of the Police (Discipline) (Senior Officers) Regulations 1977(**b**)

Interpretation

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

"Act of 1976" means the Police Act 1976;

"chief officer" shall be construed as including a reference to a deputy chief officer acting as chief officer;

"Complaints Board" means the Police Complaints Board established in pursuance of section 1 of the Act of 1976;

"complaints matter" means a matter or matters referred to in subsection (1) of section 3 of the Act of 1976 in respect whereof the provisions of that section have effect;

"conclusion of the hearing" does not include the termination of a hearing on a case being remitted under Regulation 14 or paragraph 7 of Schedule 4;

"deputy chief officer" shall be construed, in relation to the City of London or the metropolitan police force, as including a reference to an assistant commissioner of police;

(**a**) 1969 c. 63. (**b**) S.I. 1977/581 (1977 I, p. 1862).

"discipline code" means the code of offences contained in Schedule 2;

"discipline form" means such a form as is mentioned in Regulation 8(3);

"member subject to investigation" has the meaning assigned thereto by Regulation 6(1);

"offence" or "disciplinary offence" means an offence against discipline within the meaning of Regulation 5;

"officer", in relation to the metropolitan police force, includes both a member thereof and an assistant commissioner of police;

"officer conducting the hearing" has the meaning assigned thereto by Regulation 13;

"police force concerned" means, in relation to a person who may have committed, or has been accused of, an offence, the police force of which he is a member; and, in relation to him, any reference to the chief officer concerned is a reference to the chief officer of that force;

"Police Regulations" means the regulations from time to time in force under section 33 of the Police Act 1964 other than these Regulations or the Police (Discipline) (Senior Officers) Regulations 1977;

"representative" means, in relation to an accused person, the member of a police force conducting his case or appeal in pursuance of Regulation 16(6) or paragraph 9(5) of Schedule 4.

(2) 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, a reference to a Schedule shall be construed as a reference to a Schedule to these Regulations and a reference to a paragraph shall be construed as a reference to a paragraph in the same Regulation or, as the case may be, the same Schedule.

(3) The Interpretation Act 1889(a) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Disciplinary offences

5. A member of a police force commits an offence against discipline if he commits an offence set out in the discipline code contained in Schedule 2.

Investigation of charges

6.—(1) Where a report, allegation or complaint is received from which it appears that an offence may have been committed by a member of a police force (hereinafter referred to as "the member subject to investigation"), the matter shall be referred to an investigating officer who shall cause it to be investigated:

Provided that the matter shall not be so referred where it arises—

(*a*) otherwise than from a complaint received from a member of the public, or

(*b*) from such a complaint but the requirements of section 49 of the Police Act 1964 are dispensed with by or under Regulation 3 or 4 of the Police (Withdrawn, Anonymous Etc. Complaints) Regulations 1977(b),

and the chief officer concerned decides that no disciplinary proceedings need to be taken.

(a) 1889 c. 63. (b) S.I. 1977/577 (1977 I, p. 1828).

(2) The investigating officer shall be—

(*a*) a member of the police force concerned other than the chief officer or deputy chief officer thereof or a member serving in the same division or branch (or, in the case of the metropolitan police force, in the same sub-division or branch) as the member subject to investigation, except that, if the chief officer of some other force is requested and agrees to provide an investigating officer, he shall be a member of that other force, and

(*b*) of or above the rank of superintendent (or, if a member of the metropolitan police force, of or above the rank of chief inspector), without prejudice, however, to paragraph (3).

(3) Where the investigating officer appropriate to a particular case under the general arrangements for the purpose applicable in the police force of which he is a member ("the appropriate officer") is absent for any reason but another member of, or above, the rank of inspector is acting in his place, that other member may be the investigating officer.

Personal explanation

7. The investigating officer shall, as soon as is practicable (without prejudicing his or any other investigation of the matter), in writing inform the member subject to investigation of the report, allegation or complaint and give him a written notice—

(*a*) 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 investigating officer or to the chief officer concerned, and

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

Formulation of charges

8.—(1) The decision whether or not the member subject to investigation should be charged with an offence shall (subject, as respects a complaints matter, to section 3(2) of the Act of 1976) be taken by the chief officer concerned after considering the report of the investigating officer and any statement made under Regulation 7.

(2) Where the chief officer concerned decides (or, as respects a complaints matter, the Complaints Board directs under section 3(2) of the Act of 1976) that a charge be preferred, the chief officer shall, as soon as possible, cause—

(*a*) to be entered on a discipline form the offence in question together with such particulars as will leave the member subject to investigation in no doubt as to the precise offence alleged, and

(*b*) the member to be charged by being served with a copy of the discipline form.

(3) A discipline form shall be in the form set out in Schedule 3 or a form to the like effect with, where the accused is a member of the metropolitan police force, such modifications as the case may require.

Withdrawal of charges

9.—(1) At any time before the beginning of the hearing of a charge, the chief officer concerned may (subject, as respects a complaints matter, to the leave of

the Complaints Board required by section 3(4) of the Act of 1976) direct that the charge be withdrawn.

(2) Where the chief officer concerned so directs he shall, as soon as possible, cause—

(*a*) his direction to be noted on the discipline form, and

(*b*) the member subject to investigation to be served with written notice of his direction.

Delegation of functions by chief officer

10.—(1) Subject to paragraph (3), the chief officer concerned may delegate to such officer as is mentioned in paragraph (2) the duty of deciding under Regulation 8 whether a member of the police force should be charged with an offence and, where he does so delegate that duty, any reference in Regulation 6(1), 7, 8 or 9 to that chief officer shall be taken as a reference to the officer to whom that duty is delegated.

(2) The said duty may be delegated—

(*a*) in the City of London police force, to an assistant commissioner thereof or to a commander thereof acting in the place of an assistant commissioner who is himself either acting in the place of the commissioner or for any reason absent;

(*b*) in the metropolitan police force, in a case arising out of a complaint by a member of the public, to an officer thereof of, or above, the rank of commander and, in any other case, to an officer thereof of, or above, the rank of chief superintendent;

(*c*) in any other police force, to the deputy chief constable or to an assistant chief constable thereof acting in the place of the deputy chief constable who is himself either acting in the place of the chief officer under section 6(1) of the Police Act 1964 or for any reason absent.

(3) A member of a police force who has acted as investigating officer in a case shall not, as respects that case, exercise any duty or function in pursuance of a delegation under paragraph (1).

Documents to be supplied to accused

11.—(1) Where a member of a police force is charged with an offence, he shall, as soon as possible, be supplied with copies—

(*a*) of any statement he may have made under Regulation 7;

(*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 of the investigation officer) 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 than a witness to be called in support of the charge, to the investigating officer or to anybody on his 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.

(3) In this Regulation any reference to a copy of a statement, report, allegation or complaint shall, where it was not made in writing, be construed as a reference to a copy of an account thereof.

Questions in the discipline form to be answered by accused

12.—(1) The accused shall be invited to state in writing on the discipline form whether he admits or denies the charge.

(2) The accused shall be invited to state in writing on the discipline form the names and addresses of any witnesses to relevant facts whose attendance at the hearing of the case he wishes the chief officer concerned to take steps to secure.

(3) Any such witness who is a member of a police force shall be ordered to attend at the hearing of the case and the chief officer concerned shall cause any other such witness to be given due notice that his attendance is desired and of the time and place of the hearing.

Hearing

13.—(1) Subject to paragraph (2), a charge against a member of a police force shall be heard—

(*a*) unless the accused is a member of the metropolitan police force, by the chief officer concerned;

(*b*) if the accused is such a member, as provided in paragraph 3, 4, 5 or 7 of Schedule 4 by such an officer as is mentioned in the paragraph in question or, as the case may be, by such a disciplinary board as is mentioned in paragraph 2 of that Schedule, the provisions whereof shall apply in the case of such a member;

except that where a case has been remitted under Regulation 14 the charge shall be heard by the chief officer to whom it is remitted and, in the case of a member of the metropolitan police force, the provisions of Schedule 4 shall not apply; and any reference in these Regulations to the officer conducting the hearing shall be construed as a reference to the chief officer in question or to the officer or board referred to in sub-paragraph (*b*), above.

(2) Paragraph (1) shall not apply where section 4 of the Act of 1976 (disciplinary tribunals) applies to the hearing and, in such case, any reference in these Regulations to the officer conducting the hearing shall be construed as a reference to the tribunal mentioned in section 4 of the Act of 1976.

Remission of cases

14.—(1) The case of a member of a police force charged with an offence—

(*a*) shall, in the circumstances mentioned in paragraph (2), or

(*b*) may, in the circumstances mentioned in paragraph (3),

be remitted by the chief officer concerned to another chief officer who, at his request, has agreed to act in the matter.

(2) A case shall be so remitted if the chief officer concerned—

(*a*) is interested in the case otherwise than in his capacity as such; or

(*b*) is a material witness,

except that this paragraph shall not apply where the chief officer concerned is the commissioner of police of the metropolis and (as mentioned in Regulation 13(1)(*b*)) would not be the officer conducting the hearing of the charge or, where section 4 of the Act of 1976 applies thereto (as mentioned in Regulation 15(3)) would not be the chairman of the tribunal.

(3) A case not falling within paragraph (2) may be so remitted if, either before or during the hearing, the chief officer concerned considers remission appropriate and directs that the function of determining whether the accused has committed an offence against discipline should be discharged by another chief officer.

Disciplinary tribunal cases

15.—(1) This Regulation shall apply where section 4 of the Act of 1976 (disciplinary tribunals) applies to the hearing of a case.

(2) Where this Regulation applies and the chief officer concerned remits the case to another chief officer under Regulation 14, he shall inform the Complaints Board that he has done so and that the other chief officer will, in pursuance of section 4(1) of the Act of 1976, be the chairman of the tribunal.

(3) Where this Regulation applies and the chief officer concerned is the commissioner of police of the metropolis, he may, in pursuance of section 4(2) of the Act of 1976, nominate an assistant commissioner or a member of the metropolitan police force of the rank of deputy assistant commissioner to be the chairman of the tribunal and, in such case he shall inform the Complaints Board of his nomination.

(4) Where this Regulation applies and the Complaints Board, in pursuance of section 4(1) of the Act of 1976, nominate two members of the Board to be members of the tribunal, they shall inform the chief officer concerned of their nominations and, if that chief officer will not be the chairman of the tribunal, shall similarly inform the officer who will be the chairman.

Procedure at hearing

16.—(1) The accused shall be ordered to attend at the hearing of the case.

(2) The hearing shall be in private:

Provided that it shall be within the discretion of the officer conducting the hearing to allow such member or members of a police force as he considers desirable to attend the whole or such part of the hearing as he may think fit, subject to the accused or his representative not objecting to the attendance of the member or members in question.

(3) The case against the accused shall be presented by a member of a police force not being the chief officer concerned nor the officer on whom, by virtue of Regulation 10, fell the duty of deciding whether the member in question should be charged with an offence.

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

(5) 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 officer conducting the hearing, if he upholds that submission, shall dismiss the charge to which the submission relates.

(6) The accused may conduct his case either in person or by a member of a police force selected by him:

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.

(7) Any question as to whether any evidence is admissible, or whether any question should or should not be put to a witness, shall be determined by the officer conducting the hearing.

(8) Where any decision falls to be taken by the officer conducting a hearing, under these Regulations or otherwise for the purposes of the hearing, then, if the hearing is conducted by such a tribunal as is mentioned in section 4 of the Act of 1976 or such a disciplinary board as is mentioned in paragraph 2 of Schedule 4, the decision may be a majority decision but it shall not be indicated whether it was taken unanimously or by a majority.

(9) A verbatim record of the proceedings at the hearing of the case shall be taken and, if the charge is found proved and the accused contemplates an appeal to the Secretary of State, or in the case of a member of the metropolitan police force an internal appeal within the meaning of Schedule 4, then, at his request made within the period during which notice of appeal may be given, a transcription of the record shall be made and a copy thereof supplied to him.

Statements in lieu of oral evidence

17.—(1) Subject to the provisions of this Regulation, the officer conducting a hearing may admit evidence by way of a written statement made by a person, notwithstanding that he may not be called as a witness, so, however, that evidence shall not be admissible hereunder if it would not have been admissible had it been given orally.

(2) For the purposes hereof, a written statement purporting to be made and signed by a person and witnessed by another person shall be presumed to have been made by that person unless the contrary be shown.

(3) If either the accused or the presenting officer (in this Regulation referred to as "the parties") proposes to adduce written evidence, in pursuance of this Regulation, at a hearing, he shall give the other party a copy of the statement at least 21 days before the date of that hearing and invite that party to agree or object, in writing, to the admission of the statement in evidence without the maker thereof being called as a witness and being available for cross-examination and, if that party within 14 days from the receipt by him of the copy of the statement has so objected, the statement shall only be admitted in evidence if the maker thereof is called and is available as aforesaid:

Provided that if the parties in writing so agree in the case of a particular statement, this paragraph shall have effect in relation to that statement as though—

(*a*) the reference to a period of 21 days was a reference to such shorter period as they may agree;

(*b*) the reference to a period of 14 days were a reference to such shorter period, expiring before the date of the hearing, as they may agree.

(4) Where, notwithstanding that the other party has not so objected and a written statement has been admitted in evidence without the maker thereof being called and being available as aforesaid, the officer conducting the hearing is of the opinion that oral evidence should be given, he may request that the maker be called as a witness and, in such case, unless the maker gives oral evidence, the officer conducting the hearing shall be entitled to disregard the written evidence.

(5) Nothing in this Regulation shall prejudice the admission of written evidence which would be admissible apart from the provisions thereof.

Adjournment of hearing

18. The officer conducting the hearing of a case may from time to time adjourn the hearing if it appears to him necessary or expedient so to do for the due hearing of the case.

Hearing in absence of accused

19.—(1) If the accused does not attend the hearing of the case, the hearing may be proceeded with and concluded in his absence:

Provided that—

(*a*) if the accused is detained in pursuance of the sentence of a court in a prison or other institution to which the Prison Act 1952(**a**) applies, and desires to make representations in person at the hearing, the hearing shall not be concluded until the accused has been enabled to make such representations;

(*b*) if good reason is given to the officer conducting the hearing by, or on behalf of, the accused why the accused is unable to attend the hearing, other than that the accused is detained as aforesaid, the hearing shall be postponed or adjourned, as the case may be.

(2) Where, owing to the absence of the accused, it is impossible to comply with any of the procedure described in Regulations 7, 8, 11, 12 and 16(1), that procedure shall be dispensed with.

Attendance of complainant at hearing

20.—(1) This Regulation shall apply in relation to the hearing of a charge against a member of a police force where the charge is in respect of a complaints matter.

(2) Notwithstanding anything in Regulation 16(2) but subject to paragraph (4), the officer conducting the hearing 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 he 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

(**a**) 1952 c. 52.

(*b*) where it appears to the officer conducting the hearing 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, he 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 presenting officer has had an opportunity of cross-examining him, the officer conducting the hearing shall put to him any questions which the complainant requests should be so put and might have been properly so put by the presenting officer or, at his 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 officer conducting the hearing 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 transmitted to the chief officer of the police force concerned by some other person or by the Complaints Board or some other body.

Finding

21.—(1) The officer conducting the hearing of a charge shall, at its conclusion, dismiss the charge or find it proved.

(2) The said decision shall, as soon as possible, be recorded on the discipline form and notified in writing to the accused.

Punishment

22.—(1) Subject to Regulation 23, where a charge is found to be proved one of the following punishments shall be imposed, namely:—

(*a*) dismissal from the force;

(*b*) requirement to resign from the force as an alternative to dismissal, taking effect (subject, where the accused is a member of the metropolitan police force, to paragraph 8 of Schedule 4) either forthwith or on such date as may be specified in the decision;

(*c*) reduction in rank;

(*d*) reduction in the accused's rate of pay for such period, not exceeding 12 months, as shall be specified in the decision;

(*e*) fine;

(*f*) reprimand;

(*g*) caution;

and separate punishments shall be imposed for separate offences.

(2) Subject to paragraphs (3) and (4), the punishment shall be imposed by the officer conducting the hearing.

(3) Paragraph (2) shall not apply where—

(*a*) the case has been remitted under Regulation 14, and

(*b*) the chief officer concerned is neither interested in the case otherwise than in his capacity as such nor is a material witness

but, subject to paragraph (4), the officer conducting the hearing shall recommend to the chief officer concerned the punishment which, in his opinion, should be imposed.

(4) Paragraphs (2) and (3) shall not apply where section 4 of the Act of 1976 (disciplinary tribunals) applies to the hearing and, in pursuance thereof, it falls to the chief officer who is the chairman of the tribunal, after consulting the other members thereof, to impose the punishment or, in the circumstances mentioned in paragraph (3), it falls to the chairman, after so consulting, to recommend the punishment.

(5) Where a chief officer to whom a case has been remitted under Regulation 14, or the chairman of a tribunal not being the chief officer concerned, recommends a punishment in pursuance of paragraph (3), or of section 4(4) of the Act of 1976, he shall send a report to the chief officer concerned, and a copy thereof to the accused, which report shall in addition to the recommendation include—

(*a*) a statement as to the charge found proved;

(*b*) a statement of the facts admitted or found to be proved, so far as they appear to him material to the question of punishment, and

(*c*) any other matter arising out of the hearing which appears to him so material;

and, after considering the report, the chief officer concerned shall impose a punishment.

(6) Where the question of the punishment to be imposed or recommended is being considered by the officer conducting a hearing or by the chief officer concerned—

(*a*) he shall have regard to the accused's record of police service as shown on his personal record and may receive evidence from any witness whose evidence would, in his opinion, assist him in determining the question, and

(*b*) the accused, or his representative, shall be afforded an opportunity to make oral or, if he thinks fit, written representations as respects the question or to adduce evidence relevant thereto.

(7) Any proceedings at which such evidence as is referred to in paragraph (6)(*a*) or (*b*) or such oral representations as are referred to in paragraph (6)(*b*) is given or are made shall be treated for the purposes of Regulation 16(9) as proceedings at the hearing.

(8) As soon as possible after a decision to impose a punishment has been taken that decision shall be recorded on the discipline form and notified in writing to the accused.

Limitations on punishments

23.—(1) The punishment of a reduction in the accused's rate of pay or of a fine shall not be imposed for the offence set out in paragraph 15 of the discipline code.

(2) 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.

(3) A fine imposed in respect of any one offence shall be such that, if it were recovered by way of deductions from the accused's pay during the period of thirteen weeks following the imposition of the punishment, in pursuance of the Police Regulations, the aggregate sum which might be so deducted in respect of any one week (whether on account of one or more fines) would not exceed a seventh of his weekly pay.

(4) Where a charge against a member of the metropolitan police force is heard by such an officer as is mentioned in paragraph 4(*a*) or 5(*a*) of Schedule 4 that officer's powers of punishment shall be restricted as mentioned in paragraph 6 thereof.

Suspension

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

(*a*) the chief officer decides otherwise;

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

(*c*) the member has been so charged and either all the charges have been dismissed or, subject to paragraph (2), punishments have been imposed,

whichever first occurs.

(2) Where a punishment is imposed by such an officer or officers as is mentioned in paragraph 4(*a*) or 5(*a*) of Schedule 4, or by such a disciplinary board as is mentioned in paragraph 2 of that Schedule, on a member of the metropolitan police force suspended under this Regulation, his period of suspension shall not terminate under paragraph (1)(*c*) unless and until the period for giving notice of an internal appeal under paragraph 9(3) of that Schedule has expired or, where such notice is given, the appeal has been determined.

(3) The chief officer concerned may delegate his powers under paragraph (1) to any officer to whom he has or could, under Regulation 10, delegate the duty there mentioned; and, where he does so, any reference in paragraph (1) to the chief officer concerned shall be taken as a reference to the officer to whom the powers are delegated.

Discipline book

25. The chief officer concerned shall cause a discipline book to be kept in which shall be entered every charge made against a member of the police force, together with the decision thereon and a record of the decision in any further disciplinary proceedings in connection therewith.

Merlyn Rees,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
28th March 1977.

Regulation 2(1)

SCHEDULE 1

REGULATIONS REVOKED WITH SAVINGS

Regulations	References
The Police (Discipline) Regulations 1965	S.I. 1965/543 (1965 I, p. 1678).
The Police (Discipline) (Amendment) Regulations 1967	S.I. 1967/185 (1967 I, p. 333).
The Police (Discipline) (Amendment) Regulations 1971	S.I. 1971/133 (1971 I, p. 311).
The Police (Discipline) (Amendment) Regulations 1974	S.I. 1974/1974 (1974 III, p. 6798).

Regulation 5

SCHEDULE 2

DISCIPLINE CODE

1. *Discreditable conduct*, which offence is committed where a member of a police force acts in a disorderly manner or any manner prejudicial to discipline or reasonably likely to bring discredit on the reputation of the force or of the police service.

2. *Misconduct towards a member of a police force*, which offence is committed where—

(*a*) the conduct of a member of a police force towards another such member is oppressive or abusive, or

(*b*) a member of a police force assaults another such member.

3. *Disobedience to orders*, which offence is committed where a member of a police force, without good and sufficient cause, disobeys or omits or neglects to carry out any lawful order, written or otherwise, or contravenes any provision of the Police Regulations containing restrictions on the private lives of members of police forces, or requiring him to notify the chief officer of police that he, or a relation included in his family, has a business interest, within the meaning of those Regulations.

4. *Neglect of duty*, which offence is committed where a member of a police force, without good and sufficient cause—

(*a*) neglects or omits to attend to or carry out with due promptitude and diligence anything which it is his duty as a member of a police force to attend to or carry out, or

(*b*) fails to work his beat in accordance with orders, or leaves the place of duty to which he has been ordered, or having left his place of duty for an authorised purpose fails to return thereto without undue delay, or

(*c*) is absent without leave from, or is late for, any duty, or

(*d*) fails properly to account for, or to make a prompt and true return of, any money or property received by him in the course of his duty.

5. *Falsehood or prevarication*, which offence is committed where a member of a police force—

(*a*) knowingly or through neglect makes any false, misleading or inaccurate oral or written statement or entry in any record or document made, kept or required for police purposes, or

(*b*) either wilfully and without proper authority or through lack of due care destroys or mutilates any record or document made, kept or required for police purposes, or

(*c*) without good and sufficient cause alters or erases or adds to any entry in such a record or document, or

(*d*) has knowingly or through neglect made any false, misleading or inaccurate statement in connection with his appointment to the police force.

6. *Improper disclosure of information*, which offence is committed where a member of a police force—

(*a*) without proper authority communicates to any person, any information which he has in his possession as a member of a police force, or

(*b*) makes any anonymous communication to any police authority, or any member of a police force, or

(*c*) without proper authority, makes representations to the police authority or the council of any county comprised in the police area with regard to any matter concerning the force, or

(*d*) canvasses any member of that authority or of such a council with regard to any such matter.

For the purposes of this paragraph the Isles of Scilly shall be treated as if they were a county.

7. *Corrupt or improper practice*, which offence is committed where a member of a police force—

(*a*) in his capacity as a member of the force and without the consent of the chief officer of police or the police authority, directly or indirectly solicits or accepts any gratuity, present or subscription, or

(*b*) places himself under a pecuniary obligation to any person in such a manner as might affect his properly carrying out his duties as a member of the force, or

(*c*) improperly uses, or attempts so to use, his position as a member of the force for his private advantage, or

(*d*) in his capacity as a member of the force and without the consent of the chief officer of police, writes, signs or gives a testimonial of character or other recommendation with the object of obtaining employment for any person or of supporting an application for the grant of a licence of any kind.

8. *Abuse of authority*, which offence is committed where a member of a police force—

(*a*) without good and sufficient cause makes an arrest, or

(*b*) uses any unnecessary violence towards any prisoner or other person with whom he may be brought into contact in the execution of his duty, or

(*c*) is uncivil to any member of the public.

9. *Neglect of health*, which offence is committed where a member of a police force, without good and sufficient cause, neglects to carry out any instructions of a medical officer appointed by the police authority or, while absent from duty on account of sickness, commits any act or adopts any conduct calculated to retard his return to duty.

10. *Improper dress or untidiness*, which offence is committed where without good and sufficient cause a member of a police force while on duty, or while off duty but wearing uniform in a public place, is improperly dressed or is untidy in his appearance.

11. *Damage to police property*, which offence is committed where a member of a police force—

(*a*) wilfully or through lack of due care causes any waste, loss or damage to any police property, or

(*b*) fails to report as soon as is reasonably practicable any loss of or damage to any such property issued to, or used by him, or entrusted to his care.

12. *Drunkenness*, which offence is committed where a member of a police force renders himself unfit through drink for duties which he is or will be required to perform or which he may reasonably foresee having to perform.

13. *Drinking on duty or soliciting drink*, which offence is committed where a member of a police force, while on duty—

(*a*) without proper authority, drinks, or receives from any other person, any intoxicating liquor, or

(*b*) demands, or endeavours to persuade any other person to give him, or to purchase or obtain for him, any intoxicating liquor.

14. *Entering licensed premises*, which offence is committed where a member of a police force—

(*a*) while on duty, or

(*b*) while off duty but wearing uniform,

without good and sufficient cause, enters any premises in respect of which a licence or permit has been granted in pursuance of the law relating to liquor licensing or betting and gaming or regulating places of entertainment.

15. *Criminal conduct*, which offence is committed where a member of a police force has been found guilty by a court of law of a criminal offence.

16. *Being an accessory to a disciplinary offence*, which offence is committed where a member of a police force connives at or is knowingly an accessory to any offence against discipline.

SCHEDULE 3

Regulation 8(3)

DISCIPLINE FORM

CHARGE[S] AGAINST Name.....

No..... Rank..... Rate of Pay.....

Particulars of Service.....

Charge[s]

Offence[s] of which member is accused	Particulars of alleged offence[s], including time, date and place	Names and addresses of witnesses in support of charge[s] and whose statements are attached
(1)	(1)	(1)(*a*)..... .... (*b*)..... ....
(2)	(2)	(2)(*a*)..... .... (*b*)..... ....
(3)	(3)	(3)(*a*)..... .... (*b*)..... ....

[*Where applicable.* The charge[s] numbered . . . has/have been brought on the direction of the Police Complaints Board in accordance with section 3(2) of the Police Act 1976.]

QUESTIONS TO BE ANSWERED BY ACCUSED

1. Do you admit or deny the charge[s]? (1) .....
(*give a separate answer as respects each charge.*) (2) .....
(3) .....

2. Do you wish—

(*a*) to select a member of a police force to assist you in presenting your case? If so, give his name, rank and police force or indicate that this information will be given later.

Yes/No.

(*particulars of friend*)

.....

(*b*) the chief constable to take steps with a view to securing the attendance of any witnesses for you at the hearing* of the case? If so, give their names and addresses or indicate that this information will be given later. If not, write "None".

.....

.....

.....

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

HEARING

Date ..... Time ..... Place .....

and by adjournment on

Date ..... Time ..... Place .....

Hearing to be conducted by [the chief constable] [the chief constable of the . . . police force to whom the case has been remitted under Regulation 14(2)/14(3) of the Police (Discipline) Regulations 1977] [a tribunal constituted as provided in section 4 of the Police Act 1976 and comprising . . .].

Above information notified to accused.

..... Initials.

..... Date.

[*Where applicable.* Particulars of any subsequent hearing before the chief constable solely on punishment.

Date ..... Time ..... Place .....

Subsequent hearing notified to accused.

..... Initials.

..... Date.]

DECISIONS ON FINDING AND PUNISHMENT

Finding

The finding[s] as respects the disciplinary offence[s] specified below, with which the accused has been charged, is/are as specified opposite thereto.

Signature ..... [Chief constable of the ..... police force.]
[Chairman of the tribunal.]

Date .....

*You will be notified as soon as possible of the date and nature of the hearing. It will normally be conducted by your chief officer. However, in accordance with the provisions of Regulation 14 of the Police (Discipline) Regulations 1977 it may be by the chief officer of another force, and if one or more charges denied by you arises out of a complaint made by a member of the public the hearing may, under section 3(5) or 4(5) of the Police Act 1976, be by a tribunal appointed under section 4.

Punishment

I have referred to and taken note of the personal record of the accused.

The punishment[s] imposed as respects the disciplinary offence[s] specified below, with which the accused has been charged and of which he has been found guilty, is/are as specified opposite thereto.

Signature ..... Chief constable of the ..... police force.

Date .....

Decisions referred to above

Offence[s] charged	Finding	Punishment imposed where accused has been found guilty
(1)	Guilty/Not guilty	.....
(2)	Guilty/Not guilty	.....
(3)	Guilty/Not guilty	.....

Decisions on finding and punishment notified to accused

I have been notified of the decisions above.

Signature of accused.....

Date.....

FOR OFFICE USE ONLY

1. Copy of discipline form served on accused. Initials ..... Date .....

[2. Case entered in complaints register. Initials ..... Date .....]

3. Decisions notified in writing to accused. Initials ..... Date .....

4. Case entered in discipline book. Initials ..... Date .....

PARTICULARS OF ANY APPEAL TO THE SECRETARY OF STATE

.....

.....

.....

Regulations 13(1), 16(9), 23(4) and 24(2)

SCHEDULE 4

Disciplinary Hearings in the Metropolitan Police Force

1. The provisions of this Schedule shall have effect in the case of a member of the metropolitan police force accused of an offence except—

(*a*) where section 4 of the Act of 1976 (disciplinary tribunals) applies to the hearing of the charge against him, or

(*b*) where, in the circumstances mentioned in Regulation 14(3), his case has been remitted by the commissioner to the chief officer of another force.

2. In this Schedule the following expressions have the meanings hereby respectively assigned to them, that is to say—

"the commissioner" means the commissioner of police of the metropolis or the deputy commissioner acting in his place;

"disciplinary board" means a board appointed by the commissioner for the purposes of paragraph 3, 4, 5 or 7 consisting of a chairman and 2 other members, being officers of the force of a rank, in the case of the chairman, not lower than that of deputy assistant commissioner or, in the case of the other 2 members, not lower than that of commander;

"inspector" includes chief inspector;

"internal appeal" means such an appeal as mentioned in paragraph 9;

"superintendent" includes chief superintendent.

3. A charge against a superintendent shall be heard by a disciplinary board.

4. A charge against an inspector, station sergeant or first class sergeant (C.I.D.) shall be heard—

(*a*) subject to paragraph 7, by an officer of the force not below the rank of deputy assistant commissioner appointed for the purpose by or on behalf of the commissioner, or

(*b*) if it is so determined by or on behalf of the commissioner, by a disciplinary board.

5. A charge against a sergeant or constable shall be heard—

(*a*) subject to paragraph 7, by an officer of the force not below the rank of commander appointed for the purpose by or on behalf of the commissioner, or

(*b*) if it is so determined by or on behalf of the commissioner, by a disciplinary board.

6.—(1) A deputy assistant commissioner conducting a hearing in pursuance of paragraph 4(*a*) or 5(*a*) shall not, under Regulation 22, impose a punishment specified in paragraph (1)(*a*) or (*b*) thereof.

(2) A commander conducting a hearing in pursuance of paragraph 5(*a*) shall not, under Regulation 22, impose—

(*a*) a punishment specified in paragraph (1)(*a*), (*b*) or (*c*) thereof;

(*b*) a reduction in the accused's rate of pay for a period in excess of 26 weeks, or

(*c*) a fine in excess of 7 days' pay.

7.—(1) An officer by whom a case falls to be heard in pursuance of paragraph 4(*a*) or 5(*a*) may remit the case to a disciplinary board if, either before or during the hearing, he considers that, by reason of paragraph 6, his powers of punishment would be insufficient for the case if he were to find the charge proved.

(2) An officer remitting a case under this paragraph shall not give the disciplinary board any indication of his assessment of the case or of the punishment which might be imposed in the event of the charge being found proved.

(3) Where a case has been remitted to a disciplinary board under this paragraph the board shall proceed by way of a hearing or rehearing of the charge.

8. Where an officer or disciplinary board conducting a hearing in pursuance of this Schedule imposes a punishment specified in Regulation 22(1)(*a*), (*b*) or (*c*) then, without prejudice to the accused giving notice of appeal under paragraph 9, that punishment shall not take effect unless and until the period for giving such notice under paragraph 9(3) has expired or, where such notice is given, the appeal has been determined.

9.—(1) Where a charge has been found proved and a punishment imposed the accused may appeal in accordance with this paragraph against—

(*a*) both the finding and punishment, or

(*b*) the punishment only.

(2) The appeal shall be instituted by the appellant giving written notice of appeal to the commissioner specifying whether he is appealing as mentioned in sub-paragraph (1)(*a*) or (1)(*b*) above.

(3) The notice of the appeal shall be given within the 2 days following the day on which the accused was notified of the punishment in accordance with Regulation 22(8) and, within the 21 days following the day on which—

(*a*) he receives the transcription of the record of the proceedings at the hearing at which the charge was found proved ("the original hearing"), where he has requested under Regulation 16(9) to be supplied with such a transcription, or

(*b*) he gave the notice of appeal, where he has not so requested,

he shall furnish the commissioner with a statement setting out the grounds of his appeal:

Provided that where the commissioner is satisfied that by reason of the special circumstances of the case it is just and right so to do, he may extend either or both of the periods mentioned in this sub-paragraph and, in such case, this sub-paragraph shall have effect as if for the period in question there were substituted such extended period as he may specify.

(4) The appeal shall be considered by the commissioner or, if he so directs, by an assistant commissioner appointed by him; and the appellant shall be given reasonable notice of the time and place at which the appeal will be considered ("the appellate proceedings").

(5) The appellant may attend the appellate proceedings and conduct his appeal either in person or by a member of a police force selected by him; but the provisions of Regulation 19(1) relating to a hearing in the absence of the accused shall have effect, subject to any necessary modifications, in relation to appellate proceedings in the absence of the appellant.

(6) The appellant or his representative may make oral or written representations in support of the appeal but may only adduce evidence which could not have been adduced, or which was not adduced for reasons which satisfy the person considering the appeal, at the hearing at which the charge was found proved ("the original hearing"); and where evidence is adduced in support of the appeal the officer who was the presenting officer at the original hearing or an officer acting in his place ("the presenting officer") may adduce evidence in rebuttal.

(7) Notwithstanding anything in sub-paragraph (6) above, where the person considering the appeal is considering the question of punishment, he may receive evidence from any witness whose evidence would, in his opinion, assist him in determining the question.

(8) A witness giving oral evidence may be cross-examined by the presenting officer or, as the case may be, by the appellant and his representative; but the person considering the appeal may, in his discretion, admit written evidence which would not be admissible but for this sub-paragraph but which would have been admissible if given orally.

(9) As soon as possible after the conclusion of the appellate proceedings the decision shall be recorded on the discipline form and notified in writing to the appellant; and a decision to allow an appeal against the finding at the original hearing or vary the punishment imposed shall have effect from the date of the decision appealed against except that, where the punishment as varied is such as is specified in Regulation 22(1)(*b*) or (*c*), that punishment shall have effect from a date not earlier than, or from the date of, the decision in the appellate proceedings.

(10) A verbatim record of the appellate proceedings shall be taken and, if the appellant is dissatisfied with the decision and contemplates an appeal to the Secretary of State, then, at his request made within the period during which notice of appeal may be given, a transcription of the record shall be made and a copy thereof supplied to him.

10. An officer who has, in relation to a case—

(*a*) acted as investigation officer;

(*b*) exercised any duty or function in pursuance of a delegation under Regulation 10(1),

shall not, as respects that case, conduct a hearing under paragraph 4 or 5, be a member of a disciplinary board dealing with the case or conduct appellate proceedings under paragraph 9.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate, with amendments, the Police (Discipline) Regulations 1965 and the instruments amending those Regulations, namely, the Regulations set out in Schedule 1. The principal changes are described below.

The present Regulations do not apply in relation to senior officers to whom the Police (Discipline) (Senior Officers) Regulations 1977 apply; these officers include members of the City of London and metropolitan police forces of, or above, the rank of commander as well as the senior officers in relation to whom the Regulations of 1965 did not apply (Regulation 3).

Provision is made as respects the withdrawal of charges (Regulation 9).

The Regulations of 1965 applied to the metropolitan police subject to modifications etc. approved thereunder by the Secretary of State. The present Regulations contain no such power to modify but make special provision for that force (Regulations 13(1), 16(9), 23(4) and 24(2) and Schedule 4).

The present Regulations take account of the provisions of the Police Act 1976 (c. 46) relating to the functions of the Police Complaints Board and to disciplinary tribunals in complaints cases (Regulations 13(2), 14(2), 15, 16(8) and 22(4) and (5) and Schedule 3).

With the agreement of the other party, either the accused officer or the officer presenting the case against him may adduce evidence by way of a written statement (Regulation 17).

The decision as to whether or not a charge is found proved is not (as under the Regulations of 1965) reserved to the chief officer of the accused's force when he exercises his discretion to remit the case for hearing by another chief officer in the circumstances mentioned in Regulation 14(3) (Regulation 21).

Regulations 23 and 24 make no provision for the recovery of fines from pay nor as respects emoluments payable in respect of a period of suspension (such provision is now made in the Police Regulations 1971 (S.I. 1971/156) as amended by the Police (Amendment) Regulations 1977 (S.I. 1977/582)).

SI 1977/580
ISBN 0-11-070580-7

