

SCHEDULES

SCHEDULE 6

Section 85.

APPEALS TO POLICE APPEALS TRIBUNALS

Police appeals tribunals

- 1 (1) In the case of an appeal by a senior officer, the police appeals tribunal shall consist of three members appointed by the Secretary of State, of whom—
- (a) one shall be a person chosen from a list of persons who have a seven year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 and have been nominated by the Lord Chancellor for the purposes of this Schedule,
 - (b) one shall be a member of a police authority, other than the relevant police authority, and
 - (c) one shall be a person who—
 - (i) is (or has within the previous five years been) an Inspector of Constabulary, or
 - (ii) has within the previous five years been (and is no longer) the Commissioner of Police of the Metropolis.
- (2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) applies shall be the chairman.
- 2 (1) In the case of an appeal by a member of a police force who is not a senior officer, the police appeals tribunal shall consist of four members appointed by the relevant police authority, of whom—
- (a) one shall be a person chosen from the list referred to in paragraph 1(1)(a),
 - (b) one shall be a member of the authority or, where the authority is the Secretary of State, a person nominated by him,
 - (c) one shall be a person chosen from a list maintained by the Secretary of State of persons who are (or have within the last five years been) chief officers of police, other than a person who is (or has at any time been) the chief officer of police of the force maintained by the relevant police authority, and
 - (d) one shall be a retired officer of appropriate rank.
- (2) The member of the police appeals tribunal to whom sub-paragraph (1)(a) applies shall be the chairman.

Notice of appeal

- 3 An appeal shall be instituted by giving notice of appeal within the time prescribed by rules made under section 85.

Status: This is the original version (as it was originally enacted).

Respondent

- 4 On any appeal the respondent shall be such person as may be prescribed by rules made under section 85.

Casting vote

- 5 Where there is an equality of voting among the members of a police appeals tribunal, the chairman shall have a second or casting vote.

Hearing

- 6 (1) A police appeals tribunal may determine a case without a hearing but shall not decide to do so unless both the appellant and the respondent have been afforded an opportunity to make written or, if either so requests, oral representations and any such representations have been considered.
- (2) Where a hearing is held, the appellant shall have the right to appear by a serving member of a police force or by counsel or a solicitor; and the respondent shall have the right to appear by an officer of the police force or by the clerk or other officer of the police authority or by counsel or a solicitor.

Effect of orders

- 7 (1) Where an appeal is allowed, the order shall take effect by way of substitution for the decision appealed against, and as from the date of that decision or, where that decision was itself a decision on appeal, the date of the original decision appealed against.
- (2) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force or in his rank, he shall, for the purpose of reckoning service for pension and, to such extent (if any) as may be determined by the order, for the purpose of pay, be deemed to have served in the force or in his rank continuously from the date of the original decision to the date of his reinstatement.
- (3) Where the effect of the order made by the police appeals tribunal is to reinstate the appellant in the force and he was suspended for a period immediately preceding the date of the original decision or any subsequent decision, the order shall deal with the suspension.

Remuneration and expenses

- 8 Members of a police appeals tribunal shall be—
- (a) paid such remuneration, and
- (b) reimbursed for such expenses,
- as the Secretary of State may determine.

Costs

- 9 (1) An appellant shall pay the whole of his own costs unless the police appeals tribunal directs that the whole or any part of his costs are to be defrayed out of the police fund of the relevant police authority.

- (2) Subject to sub-paragraph (1), all the costs and expenses of an appeal under section 85, including the costs of the respondent and any remuneration or expenses paid by virtue of paragraph 8, shall be defrayed out of the police fund of the relevant police authority.

Interpretation

- 10 In this Schedule—
- (a) “senior officer” means a member of a police force holding a rank above that of superintendent,
 - (b) “relevant police authority” means the police authority which maintains the police force of which the appellant is a member, and
 - (c) “retired officer of appropriate rank” means—
 - (i) where the appellant was, immediately before the proceedings, of the rank of superintendent, a retired member of a police force who at the time of his retirement was of that rank, and
 - (ii) in any other case a retired member of a police force who at the time of his retirement was of the rank of chief inspector or below.