



Police Reform Act 2002

2002 CHAPTER 30

PART 3

REMOVAL, SUSPENSION AND DISCIPLINING OF POLICE OFFICERS

Disciplinary proceedings and protected disclosures

35 Disciplinary regulations for special constables

In section 51 of the 1996 Act (regulations for special constables), in subsection (2), after paragraph (b) there shall be inserted—

“(ba) the conduct of special constables and the maintenance of discipline;”.

36 Conduct of disciplinary proceedings

(1) Without prejudice to the generality of any of the powers conferred by sections 50 and 51 of the 1996 Act (regulations for police forces and for special constables), regulations under each of those sections may make provision—

- (a) for conferring a right to bring and conduct, or otherwise participate or intervene in, any disciplinary proceedings on the [F¹Director General of the Independent Office for Police Conduct];
- (b) for conferring a right to participate in, or to be present at, disciplinary proceedings on such persons as may be specified or described in the regulations; and
- (c) for section 34 of the Criminal Justice and Public Order Act 1994 (c. 33) (inferences to be drawn from a failure to mention a fact when questioned or charged) to apply, with such modifications and in such cases as may be provided for in the regulations, to disciplinary proceedings.

(2) In this section “disciplinary proceedings” means any proceedings under any regulations made under section 50 or, as the case may be, section 51 of 1996 Act which are identified as disciplinary proceedings by those regulations.

Changes to legislation: *Police Reform Act 2002, Cross Heading: Disciplinary proceedings and protected disclosures is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

- F1** Words in s. 36(1)(a) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 9 para. 53](#); S.I. 2017/1249, [reg. 2](#) (with [reg. 3](#))

37 Protected disclosures by police officers

- (1) After section 43K of the Employment Rights Act 1996 (c. 18), there shall be inserted—

“43KA Application of this Part and related provisions to police

- (1) For the purposes of—
- (a) this Part,
 - (b) section 47B and sections 48 and 49 so far as relating to that section, and
 - (c) section 103A and the other provisions of Part 10 so far as relating to the right not to be unfairly dismissed in a case where the dismissal is unfair by virtue of section 103A,
- a person who holds, otherwise than under a contract of employment, the office of constable or an appointment as a police cadet shall be treated as an employee employed by the relevant officer under a contract of employment; and any reference to a worker being “employed” and to his “employer” shall be construed accordingly.
- (2) In this section “the relevant officer” means—
- (a) in relation to a member of a police force or a special constable appointed for a police area, the chief officer of police;
 - (b) in relation to a person appointed as a police member of the NCIS, the Director General of NCIS;
 - (c) in relation to a person appointed as a police member of the NCS, the Director General of NCS;
 - (d) in relation to any other person holding the office of constable or an appointment as police cadet, the person who has the direction and control of the body of constables or cadets in question.”
- (2) In section 200(1) of that Act (provisions which do not apply to persons engaged in police service under a contract of employment)—
- (a) the words “, Part IVA” and “, 47B” shall be omitted;
 - (b) after “sections 100” there shall be inserted “, 103A ”; and
 - (c) after “section 100” there shall be inserted “ or 103A ”.
- (3) Section 13 of the Public Interest Disclosure Act 1998 (c. 23) (exclusion of police service from provisions about protected disclosures) shall cease to have effect.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 26F inserted by [2023 c. 41 Sch. 13 para. 6](#)
- s. 28A(6A)(6B) inserted by [2023 c. 41 s. 45\(2\)](#)