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**Changes to legislation:** Criminal Justice and Immigration Act 2008, Cross Heading: Appeals against dismissal etc. is up to date with all changes known to be in force on or before 26 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

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## SCHEDULES

### SCHEDULE 22

#### POLICE MISCONDUCT AND PERFORMANCE PROCEDURES

##### PART 1

##### AMENDMENTS OF POLICE ACT 1996

##### *Appeals against dismissal etc.*

- 8 (1) Section 85 (appeals against dismissal etc.) is amended as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) The Secretary of State shall by rules make provision specifying the cases in which a member of a police force or a special constable may appeal to a police appeals tribunal.
- (2) A police appeals tribunal may, on the determination of an appeal under this section, make an order dealing with the appellant in any way in which he could have been dealt with by the person who made the decision appealed against.”
- (3) For subsection (4) substitute—
- “(4) Rules made under this section may, in particular, make provision—
- (a) for enabling a police appeals tribunal, in such circumstances as are specified in the rules, to determine a case without a hearing;
- (b) for the appellant or the respondent to be entitled, in a case where there is a hearing, to be represented—
- (i) by a relevant lawyer within the meaning of section 84, or
- (ii) by a person who falls within any description of persons prescribed by the rules;
- (c) for enabling a police appeals tribunal to require any person to attend a hearing to give evidence or to produce documents,
- and rules made in pursuance of paragraph (c) may apply subsections (2) and (3) of section 250 of the Local Government Act 1972 with such modifications as may be set out in the rules.
- (4A) Rules under this section may make different provision for different cases and circumstances.”
- (4) For subsection (5) substitute—
- “(5) A statutory instrument containing rules under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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(5A) Subsection (5) does not apply to a statutory instrument containing (whether alone or with other provision) the first rules made under this section after the commencement of paragraph 8 of Schedule 22 to the Criminal Justice and Immigration Act 2008: such an instrument may not be made unless a draft of it has been laid before and approved by a resolution of each House of Parliament.”

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**Commencement Information**

- I1** [Sch. 22 para. 8](#) in force at 3.11.2008 for specified purposes by [S.I. 2008/2712, art. 2](#), [Sch. para. 16\(c\)](#) (with [art. 4](#))
- I2** [Sch. 22 para. 8](#) in force at 1.12.2008 in so far as not already in force by [S.I. 2008/2993, art. 2\(1\)\(h\)](#) (i) (with [art. 3](#))

**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):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)