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STATUTORY INSTRUMENTS

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**2008 No. 2864**

**The Police (Conduct) Regulations 2008**

**PART 4**

**Misconduct Proceedings**

**Participation of Commission and investigator at misconduct proceedings**

**30.**—(1) In any case where—

- (a) paragraph 18 or 19 of Schedule 3 to the 2002 Act (managed and independent investigations) applied; or
- (b) paragraph 16 or 17 of Schedule 3 to the 2002 Act (investigations by the appropriate authority or supervised investigations) applied and the Commission—
  - (i) made a recommendation under paragraph 27(3) of that Schedule (duties with respect to disciplinary proceedings) which the appropriate authority accepted; or
  - (ii) gave a direction under paragraph 27(4)(a) of that Schedule (duties with respect to disciplinary proceedings),

the Commission may attend the misconduct proceedings to make representations.

(2) Where the Commission so attends the misconduct proceedings—

- (a) if it is a misconduct hearing it may instruct a relevant lawyer to represent it;
- (b) it shall notify the complainant or any interested person prior to those proceedings; and
- (c) the person conducting or chairing the misconduct proceedings shall notify the officer concerned prior to the those proceedings.

(3) The investigator or a nominated person shall attend the misconduct proceedings on the request of the person conducting or chairing those proceedings to answer questions.

(4) For the purposes of this regulation, a “nominated person” is a person who, in the opinion of—

- (a) the appropriate authority; or
- (b) in a case to which paragraph 18 or 19 of Schedule 3 to the 2002 Act (managed and independent investigations) applied, the Commission,

has sufficient knowledge of the investigation of the case to be able to assist the person or persons conducting the misconduct proceedings.