

The British Transport Police Appeals Tribunal Regulations 2008

Made 28th November 2008
Coming into force 1st December 2008

The British Transport Police Authority makes the following regulations in exercise of the powers conferred by Sections 36(2) and 37(1A) of the Railways & Transport Safety Act 2003 (2003 Act)¹.

In accordance with Section 40(2) of the 2003 Act, a draft of the following Regulations has been approved by the chief constable and the Secretary of State.

In accordance with Section 46 of the 2003 Act, the British Transport Police Authority invited the British Transport Police Federation to nominate individuals to meet with an equal number of individuals nominated by the British Transport Police Authority to discuss these Regulations and had regard to the recommendations made by the group.

Citation, commencement and extent

1. (1) These regulations may be cited as the British Transport Police Appeals Tribunal Regulations 2008 and shall come into force on 1st December 2008.
- (2) These regulations extend to Scotland, England and Wales.

Revocation and Transitional Provisions

- (3) These regulations shall only apply in respect of any matter dealt with under the Performance Regulations or the Conduct Regulations on or after the 1st December 2008.

Application of the Police Appeals Tribunals Rules 2008

2. (1) Rules 3 to 22 inclusive of The Police Appeals Tribunal Rules 2008² shall apply to police officers of the British Transport Police Force except where specified or modified otherwise by these regulations.

¹ Railways and Transport Safety Act 2003, c. 20. Section 36 is amended by paragraph 18 of Schedule 22 to the Criminal Justice and Immigration Act 2008 (c.4). Section 37 is amended by paragraph 19 of Schedule 22 to the Criminal Justice and Immigration Act 2008.

² S.I. 2008/2863

- (2) Any reference to “Rules” in the relevant provisions of the Police Appeals Tribunal Rules 2008 shall be considered a reference to “regulations”.

Interpretation

3. (1) – In these regulations, the interpretation bears the same meaning as that set out in Rule 3 of the Police Appeals Tribunals Rules 2008 except where stated otherwise in this regulation.
- (a) “the 2003 Act” means the Railways & Transport Safety Act 2003.
 - (b) “chief constable” means the person appointed in accordance with section 21 of the 2003 Act;
 - (c) “chief officer of police” means:
 - (i) in respect of the relevant police force, the chief constable; or
 - (ii) in respect of another police force, the chief officer of police of that police force.
 - (d) “Conduct Regulations” means the British Transport Police (Conduct) Regulations 2008;
 - (e) “Performance Regulations” means the British Transport Police (Performance) Regulations 2008;
 - (f) “Relevant police authority” means the body corporate known as the British Transport Police Authority, established in accordance with section 18 of the 2003 Act;
 - (g) “Relevant police force” means the British Transport Police Force as established and maintained in accordance with section 20 of the 2003 Act.
 - (h) “special constable” means a special constable of the police force of any grade, appointed in accordance with section 25 of the 2003 Act.
 - (i) “The Police (Complaints and Misconduct) Regulations” means those regulations as they are applied by the relevant police authority pursuant to any regulations that it may make (or any equivalent provisions that it may make in respect of Scotland).
 - (j) “officer of the police force” means a police officer.
- (2) In the provisions of Schedule 6 to the Police Act 1996 that enable the appointment of a police appeals tribunal, any expression which is also used in the Conduct Regulations or the Performance Regulations shall have the same meaning as in those regulations.

Made by Order of the Police Authority