

# **The British Transport Police (Police Appeals Tribunals) Regulations 2020**

Made 21 December 2020

Coming into force 4 January 2021

## **Preamble**

The British Transport Police Authority makes the following Regulations in exercise of the powers conferred by sections 36 and 37 of the Railways and Transport Safety Act 2003 (the 2003 Act).<sup>1</sup>

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 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. The Superintendents Association was also consulted and regard had to their recommendations.

## **Citation, commencement and interpretation**

1. (1) These Regulations may be cited as the British Transport Police (Police Appeals Tribunals) Regulations 2020 and shall come into force on 4 January 2021.

(2) These Regulations extend to England and Wales and to Scotland.

## **Revocation and transitional provisions**

2. (1) Subject to paragraph (2), the British Transport Police Appeals Tribunal Regulations 2015 are revoked.

(2) Where a complaint or conduct matter came to the attention of an appropriate authority before 4 January 2021 nothing in these Regulations shall apply and the British Transport Police Appeals Tribunal Regulations 2015 shall continue to have effect.

---

<sup>1</sup> 2003 c.20. Section 36 is amended by paragraph 18 of Schedule 22 to the Criminal Justice and Immigration Act 2008 (c.4) and by paragraph 7 of Schedule 7 to the Policing and Crime Act 2017 (c.3). Section 37 is amended by paragraph 19 of Schedule 22 to the Criminal Justice and Immigration Act 2008 and by paragraph 8 of Schedule 7 to the Policing and Crime Act 2017.

## **Application of the Police Appeals Tribunals Rules 2020**

3. Subject to the provisions of these Regulations, the Police Appeals Tribunals Rules 2020<sup>2</sup> (“the 2020 Rules”) shall apply to officers of the British Transport Police.

### **Interpretation**

4. (1) Subject to paragraph (2) of this regulation, the interpretation of terms in these Regulations is the same as that set out in Rule 3 of the 2020 Rules and Schedule 6 to the Police Act 1996<sup>3</sup>.

(2) In these Regulations and in the 2020 Rules as applied by these Regulations-

“the 2003 Act” means the Railways and Transport Safety Act 2003;

“the chief constable” means the person appointed in accordance with section 21 of the 2003 Act;

“the chief officer of police” means-

(i) in respect of the relevant police force, the chief constable; or

(ii) in respect of any other police force, the chief officer of police of that force;

“the Conduct Regulations” means the British Transport Police (Conduct) Regulations 2020;

“the Performance Regulations” means the British Transport Police (Performance) Regulations 2020;

“relevant local policing body” means the body corporate known as the British Transport Police Authority as established and maintained in accordance with section 18 of the 2003 Act;

“relevant person” for the purposes of paragraphs 1 and 2 of Schedule 6 to the Police Act 1996 means the relevant local policing body

“relevant police force” means the British Transport Police as established and maintained in accordance with section 20 of the 2003 Act;

“the Police Complaints and Misconduct Regulations” means the British Transport Police (Complaints and Misconduct) Regulations 2020;

“officer of the police force” means a police officer appointed in accordance with sections 22, 23 and 24 of the 2003 Act.

### **Application to the British Transport Police**

5. (1) The following provisions of the 2020 Rules do not apply to the British Transport Police-

---

<sup>2</sup> SI 2020/1

<sup>3</sup> 1996, c.16

(a) Rule 8(a) (The “relevant person” for the purposes of paragraphs 1 and 2 of Schedule 6 to the 1996 Act), and

(b) Rule 27 (Amendment to Police Barred List and Police Advisory List Regulations 2017).

(2) Where the appellant is a senior officer, the respondent shall be a person designated by the relevant local policing body.

**Made by Order of the British Transport Police Authority**

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations revoke the British Transport Police Appeals Tribunals Regulations 2015 and apply, with the modifications set out, the Police Appeal Tribunal Rules 2020 (“the 2020 Rules”) to the British Transport Police.

The 2020 Rules, as applied by these Regulations, set out the circumstances in which an officer of the British Transport Police, a former officer or a special constable may appeal to a police appeals tribunal. They also set out the procedures governing such an appeal.

These Regulations revoke and replace the British Transport Police Appeals Tribunal Regulations 2015 (the 2015 Regulations) subject to transitional provisions. They replace the 2015 Regulations with substantially similar provisions but with modifications to reflect changes to the handling of police complaints and police discipline matters made by the Policing and Crime Act 2017 (c.3.) and the British Transport Police (Conduct) Regulations 2020.

The following rules in the 2020 Rules which are applied by these Regulations to the British Transport Police make new provision.

Rule 7 enables the local policing body, which is defined by these Regulations as being the British Transport Police Authority, to delegate functions in relation to the administration of an appeal to another local policing body.

Rule 12 provides that where under the Conduct Regulations the Director General of the Independent Office for Police Conduct presented the case to which the appeal relates at the misconduct hearing or accelerated misconduct hearing, the Director General must present the case for the respondent at the appeal.