

2004 No. 315

POLICE

**Police Service of Northern Ireland (Conduct etc)
(Amendment) Regulations 2004**

Made - - - - - *22nd July 2004*

Coming into operation *10th September 2004*

To be laid before Parliament *20th August 2004*

ARRANGEMENT OF REGULATIONS

1. Citation and commencement
2. Amendment to the Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000
3. Amendment to the Royal Ulster Constabulary (Conduct) Regulations 2000
4. Amendment to the Royal Ulster Constabulary (Conduct) (Senior Officer) Regulations 2000
5. Amendment to the Royal Ulster Constabulary (Appeals) Regulations 2000
6. Amendment to the Royal Ulster Constabulary (Complaints) (Informal Resolution) Regulations 2000
7. Amendment to the Police and Criminal Evidence (Application to the Police Ombudsman) Order (Northern Ireland) 2000.

The Secretary of State in accordance with the requirements of sections 25, 26, 56(2) and 64 of the Police (Northern Ireland) Act 1998^(a) and after consulting the Police Ombudsman, the Policing Board and the Police Association for Northern Ireland in accordance with section 64(4) of that Act, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Police Service of Northern Ireland (Conduct etc) (Amendment) Regulations 2004 and shall come into operation on 10th September 2004.

The Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000

2. The Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000^(b) shall be amended as follows –

- (a) remove the whole of Regulation 6(4);
- (b) in Regulation 11(5) remove the words, “if the interview was conducted by the countersigning officer or any other officer,”;

^(a) 1998 c. 32 (N.I.)
^(b) S.R. 2000 No. 316

- (c) in Regulation 18(6) remove the words, “and, accordingly, in relation to the member concerned, references to the chairman in regulations 19 to 21 shall, in relation to an appeal made under regulation 19(2), be construed as including any member appointed in accordance with this paragraph to carry out the functions of the chairman.”;
- (d) in Regulation 16(3), remove the word “disposal” and substitute the word “sanction”;
- (e) in Regulation 17, remove the heading “Disposal” and substitute the heading “Sanctions”;
- (f) in Regulation 17(1), add the word “hearing” between “the” and “chairman” and at the end of the sentence add; “impose any of the following sanctions.”;
- (g) in Regulation 19(1), after reference to regulation 17 add, “or 18.”.

The Royal Ulster Constabulary (Conduct) Regulations 2000

3. The Royal Ulster Constabulary (Conduct) Regulations 2000(a) shall be amended as follows –

- (a) for Regulation 8(1) substitute – “The supervising member, or where section 54 of the Act of 1998 applies, the Ombudsman may appoint an investigating officer to investigate the case.”;
- (b) for Regulation 8(2)(d) substitute – “in a case where section 54 of the Act of 1998 applies, an officer of the Ombudsman; and”;
- (c) in Regulation 9(a)(i) remove the semi-colon and add, “and where that case arises as the result of a complaint, the investigation will be under section 56 or 57 of the Act of 1998 as is applicable;”
- (d) in Regulation 10(1), between the words “or” and “to” add the words, “in the case of an investigation under section 56 or 57 of the Act of 1998.”;
- (e) in the substitute version of Regulation 12 under paragraph 2 of Schedule 3, between the words “or” and “Ombudsman” add the words, “in the case of an investigation under section 56 or 57 of the Act of 1998, the” and remove the words, “as appropriate.”;
- (f) in paragraph 4(b) of Schedule 3, remove the words, “sub-paragraph 1(c) and”;
- (g) in Regulation 36(4) remove the words “be notified in writing of his right of appeal” and insert the words, “have a right to appeal that decision”. At the end of the sentence add the words, “, and shall be notified in writing of that right.”.

The Royal Ulster Constabulary (Conduct) (Senior Officer) Regulations 2000

4. The Royal Ulster Constabulary (Conduct) (Senior Officer) Regulations 2000(b) shall be amended as follows –

- (a) in regulation 4 in the interpretation of “Code of Conduct”, remove the words, “except that in relation to conduct occurring before 6th November 2000 it means the Discipline Code contained in Schedule 1 to the Regulations of 1998.”;
- (b) in Regulation 7(4)(a) between “member” and the comma add, “of at least the rank of the senior officer concerned”;
- (c) in Regulation 8(a) remove the semi-colon and add, “where that case arises as the result of a complaint, the investigation will be under Section 56 or 57 of the Act of 1998 as applicable”;
- (d) in Regulation 9(2), on the 4th line between the words “or” and “the” add the words, “in the case of an investigation under section 56 or 57 of the Act of 1998” , and remove the words “as appropriate” from the end of the sentence;
- (e) in Regulation 9(5) remove the words “where appropriate in” and insert the words, “the investigation has been carried out under section 56 or 57 of the Act of 1998, and after”;
- (f) in the substitute version of Regulation 12 under paragraph 3 of Schedule 2, between the words “or” and “Ombudsman” add the words, “in the case of an investigation under section 56 or 57 of the Act of 1998, the” and remove the words, “as appropriate”;

(a) S.R. 2000 No. 315
 (b) S.R. 2000 No. 320

(g) in Regulation 20(3)(b), remove the words, “subject to regulation 21”.

The Royal Ulster Constabulary (Appeals) Regulations 2000

5. The Royal Ulster Constabulary (Appeals) Regulations 2000(a) shall be amended as follows –

- (a) in Regulation 6(6) remove the whole of the text and replace with, “The respondent shall at the same time send a copy of the documents referred to in paragraph 5 to the appellant”;
- (b) in Regulation 3 add, “retired officer of appropriate rank” means; where the appellant is of superintendent rank, a retired officer of chief superintendent or superintendent rank and in all other cases, a retired officer of chief inspector rank or below;
- (c) in Regulation 6(7) remove the words “paragraph (5)” and insert “paragraphs (1) and (5)”;
- (d) in Regulation 7 change the title to “Extension of time limits and withdrawal of appeal”, and add paragraph (5) with the text, “At anytime before an appeal is decided by an Appeals Tribunal the Chairman of that tribunal may, on written application in that behalf, allow the appellant to withdraw his notice of appeal and, accordingly, where he so allows no further action in connection with the appeal shall be taken”.

The Royal Ulster Constabulary (Complaints) (Informal resolution) Regulations 2000

6. The Royal Ulster Constabulary (Complaints) (Informal resolution) Regulations 2000(b) shall be amended as follows –

- (a) in Regulation 2 remove the definition of “the appointed member” and substitute, “means a member appointed for the informal resolution of a complaint under Section 53(4) of the Act of 1998”;
- (b) remove the text of Regulation 4(1) and substitute the text, “Following referral of a complaint suitable for informal resolution from the Ombudsman, the appropriate authority shall appoint a member, who shall be known as “the appointed member”, to take steps mentioned in subsections (2), (3) and (4).

The Police and Criminal Evidence (Application to Police Ombudsman) Order (Northern Ireland) 2000

7. The Police and Criminal Evidence (Application to Police Ombudsman) Order (Northern Ireland) 2000(c) shall be amended as follows –

- (a) remove from the fourth line of regulation 3(1) the text, “by the police”;
- (b) from above the Columns of Schedule 2 remove the explanatory text beginning with, “Where in the 1989 Order . . . and ending specified in column 2 below.”;
- (c) in Regulation 3(2) remove the words, “of Part II”.

Northern Ireland Office
22nd July 2004

Paul Murphy
One of Her Majesty’s Principal Secretaries of State

(a) S.R. 2000 No. 317
(b) S.R. 2000 No. 319
(c) S.R. 2000 No. 314

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations set out amendments to the Royal Ulster Constabulary (Conduct) Regulations 2000, the Royal Ulster Constabulary (Conduct) (Senior officer) Regulations 2000, the Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000, the Royal Ulster Constabulary (Appeals) Regulations 2000, the Royal Ulster Constabulary (Complaints) (Informal Resolution) Regulations 2000 and the Police and Criminal Evidence (Application to the Police Ombudsman) Order (Northern Ireland) 2000, in line with changes agreed with the Joint Committee on Statutory Instruments.

References to the Royal Ulster Constabulary should also be taken to mean the Police Service of Northern Ireland.

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