

2005 No. 341

POLICE

**Police Service of Northern Ireland (Complaints etc.)
(Amendment) Regulations 2005**

Made - - - - - *18th July 2005*
Coming into operation *12th August 2005*
To be laid before Parliament *2005*

ARRANGEMENT OF REGULATIONS

**PART I
GENERAL**

1. Citation and commencement
2. Amendment to the Royal Ulster Constabulary (Complaints etc.) Regulations 2000

**PART II
SUPPLEMENTAL**

3. Amendment to the Royal Ulster Constabulary (Complaints etc.) Regulations 2001

SCHEDULE – Modifications to the Royal Ulster Constabulary (Conduct) Regulations 2000 for conducting Directed Disciplinary Hearings.

The Secretary of State, in pursuance of sections 25 and 26 of the Police (Northern Ireland) Act 1998(a) and in pursuance of section 64 of that Act after consulting the Policing Board, the Police Association and the Police Ombudsman, hereby makes the following amendment to the regulations:

**PART I
GENERAL**

Citation and commencement

1. These regulations may be cited as the Police Service of Northern Ireland (Complaints etc.) (Amendment) Regulations 2005 and shall come into operation on 12th August 2005.

(a) 1998 Ch. 32 (N.I.)

2. The Royal Ulster Constabulary (Complaints etc.) Regulations 2000(**a**) shall be amended as follows –

(a) In Regulation 2 (Interpretation) insert the definitions –

“member of appropriate rank” means an officer of chief superintendent or superintendent rank; and

“a panel member who is not a serving police officer”, means a person who is eligible to sit on an employment tribunal or a legal practitioner.

(b) Remove all of regulation 28 and substitute –

“**28.**—(1) Under section 59(5) of the Act of 1998, where the Ombudsman directs the Chief Constable to bring disciplinary proceedings or in disciplinary proceedings under section 59(8) of the Act of 1998, there will be a special procedure for bringing those proceedings.

(2) There shall be a hearing conducted in accordance with the provisions of Part III of the Royal Ulster Constabulary (Conduct) Regulations 2000(**b**), subject to the modifications specified in the Schedule to these amending Regulations.”.

PART II SUPPLEMENTAL

3. The Royal Ulster Constabulary (Complaints etc.) Regulations 2001(**c**) shall be amended as follows –

(a) Regulation 2 should be re-numbered Regulation 4, Regulation 3 should be re-numbered Regulation 2 and Regulation 4 should be re-numbered Regulation 3.

(b) Regulations 2(1)(c) and (f) and (2)(2)(c) should be deleted.

(c) In Regulation 6(4) and 9(4) remove the reference to “54(3)” and replace with “56”.

Peter Hain

Northern Ireland Office
18th July 2005

One of Her Majesty’s Principal Secretaries of State

(a) S.R. 2000 No. 318
(b) S.R. 2000 No. 315
(c) S.R. 2001 No. 184

SCHEDULE

MODIFICATIONS TO THE ROYAL ULSTER CONSTABULARY (CONDUCT) REGULATIONS 2000

1. For Regulation 18 substitute –

“Panel conducting the hearing

18.—(1) A disciplinary hearing shall be heard by a panel, appointed by the Chief Constable, who shall not be interested parties.

(2) The panel shall consist of a barrister or solicitor, who shall be chairman, a member of appropriate rank and another panel member who is not a serving police officer, selected from lists of eligible persons maintained by the Chief Constable.”.

2.—(a) In Regulation 20 in the title to the Regulation and in the first sentence substitute the word “officers” with “panel members”.

(b) In Regulation 21 omit paragraphs (1) and (2) and substitute a new paragraph (1) with the text, “Where the disciplinary hearing has been directed by the Ombudsman in accordance with section 59(5) or in accordance with section 59(8) of the Act, the Ombudsman will present the case”, and re-number paragraph (3) as paragraph (2).

(c) In Regulation 22 omit paragraph (2) and substitute a new paragraph (2) with the text “The decision as to whether there was a breach of conduct by the member concerned may be made by a majority decision”.

(d) In Regulations 22 and 23 for the word “officers” wherever they occur there shall be substituted “panel members”.

(e) In Regulations 24, 25, 26, 27, 28 and 30 for the words “presiding officer/’s” wherever they occur there shall be substituted “chairman/’s”, as appropriate.

(f) Omit the whole of Regulation 29.

3. In Regulation 32 –

(a) in the title, for the words, “sanction imposed” there shall be substituted “recommendations to the Chief Constable”;

(b) for the first sentence substitute, “Where the panel determine that there has been a breach of conduct, the panel shall –”; and

(c) in paragraph (a) omit the word “shall” and substitute the word “officers” with “panel”.

4. For Regulation 33 substitute –

“Finding

33.—(1) The member concerned shall be informed orally of the finding of the hearing by the Chairman at the conclusion of the hearing.

(2) Where the panel determine that there was a breach of conduct the Chairman shall send a report to the Chief Constable of the panel’s finding and may, after consulting with other members of the panel, make recommendations to the Chief Constable as to any sanctions it considers appropriate.

(3) Any sanction imposed by the Chief Constable will, if requested by the member concerned, be given in person by the Chief Constable to that member, and in every case the member concerned will be notified in writing of any sanction imposed along with a copy of the report of the hearing, as provided by the Chairman.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the amendments to the Royal Ulster Constabulary (Complaints etc.) Regulations 2000 and the Royal Ulster Constabulary (Conduct) Regulations 2000 in relation to the holding of disciplinary proceedings where the Police Ombudsman has directed the Chief Constable to bring such disciplinary proceedings.

In addition provision is made to carry out amendments to the Royal Ulster Constabulary (Complaints etc.) Regulations 2001 in line with comments made by the Joint Committee on Statutory Instruments in their 5th report.

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

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