STATUTORY RULES OF NORTHERN IRELAND

2004 No. 315

POLICE

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

Made - - - -	*22nd July 2004*
To be laid before Parliament	*20th August 2004*
Coming into operation	*10th September 2004*

The Secretary of State in accordance with the requirements of sections 25, 26, 56(2) and 64 of the Police (Northern Ireland) Act 1998(**1**) 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(**2**) 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,";

(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.";

(**1**) 1998 c. 32 (N.I.)
(**2**) S.R. 2000 No. 316

(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(**3**) 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(**4**) 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";

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

(**3**) S.R. 2000 No. 315
(**4**) S.R. 2000 No. 320