STATUTORY RULES OF NORTHERN IRELAND

2003 No. 68

POLICE

Police Service of Northern Ireland (Conduct) Regulations 2003

Made - - - -	*12th February 2003*
To be laid before Parliament	*24th February 2003*
Coming into operation	*14th March 2003*

The Secretary of State, in pursuance of section 52(10 of the Police (Northern Ireland) Act 2000(**1**) and in accordance with the requirements of sections 25 and 26 of the Police (Northern Ireland) Act 1998(**2**) hereby makes the following regulations:

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Police Service of Northern Ireland (Conduct) Regulations 2003 and shall come into operation on 14th March 2003.

Code of Ethics

2.—(1) The Code of Conduct contained in Schedule 4 of the Royal Ulster Constabulary (Conduct Regulations 2000 is hereby replaced by the Code of Ethics contained in the Schedule to these regulations.

(2) The Code of Ethics may be revised from time to time by the Northern Ireland Policing Board after consultation in accordance with the provisions of Section 52(5) of the Police (Northern Ireland) Act 2000.

Application of Code of Ethics to earlier regulations

3.—(1) The Royal Ulster Constabulary (Conduct) Regulations 2000(**3**) shall be amended as follows:

(**1**) 2000 c. 32 (N.I.)
(**2**) 1998 c. 32 (N.I.)
(**3**) S.R. (N.I.) 2000 No. 315

(a) in Regulation 4 under "appropriate standard", remove the text, "Code of Conduct (Schedule 4)" and replace with the words "Code of Ethics (see the Schedule to the Police Service of Northern Ireland (Conduct) Regulations 2003)";

(b) in Regulation 4 remove the words "Code of Conduct" and replace with, "Code of Ethics", and add the following text to the end of the definition, "except that in relation to conduct occurring or commenced before 14th March 2003, it means the Code of Conduct contained in Schedule 4 to the Royal Ulster Constabulary (Conduct) Regulations 2000, or in relation to conduct occurring or commenced before the 6th November 2000, it means the Discipline Code contained in Schedule 1 to the Regulations of 1988;

(c) in Regulations 9(c), 9(d), 13(2) and 17(1)(a) remove reference to Code of Conduct and replace with Code of Ethics;

(d) in Schedule 2, sub-paragraph 2(d) and paragraph 3 remove all references to Code of Conduct and replace with Code of Ethics;

(e) in Schedule 3, Part II, paragraph 2 remove reference to Code of Conduct and replace with Code of Ethics; and

(f) in the Explanatory Note at the end of the first sentence add the words, "or in respect of conduct that occurred on or after 14th March 2003, the Code of Ethics in the Schedule to these regulations".

(2) The Royal Ulster Constabulary (Conduct) (Senior Officer) Regulations 2000(**4**) shall be amended as follows:

(a) in Regulation 4 under "appropriate standard", remove the text, "Code of Conduct" and replace with the words, "Code of Ethics";

(b) in regulation 4 remove "Code of Conduct" and replace with, "Code of Ethics", and add the following text to the end of the definition, "except in relation to conduct occurring or commenced before 14th March 2003 it means the Code of Conduct contained in Schedule 4 to the Royal Ulster Constabulary (Conduct) Regulations 2000, or in relation to conduct occurring or commenced before 6th November 2000 it means the Discipline Code contained in Schedule 1 to the Regulations of 1988;

(c) in regulations 8(d), 8(e), 9(3)(b), 9(3)(c) and 11(2)(b) remove reference to Code of Conduct and replace with Code of Ethics;

(d) in Schedule 1, sub-paragraph 2(d) and paragraph 3 remove all references to the Code of Conduct and replace with Code of Ethics;

(e) in Schedule 2, Part II, sub-paragraph 2(b)(ii) remove reference to Code of Conduct and replace with Code of Ethics;

(f) in paragraph 2 of the Explanatory Note remove reference to the Code of Conduct and replace with the Code of Ethics.

PART II

SUPPLEMENTAL

Amendment of Royal Ulster Constabulary Regulations

4. The Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000(**5**) shall be amended as follows:

(**4**) S.R. (N.I.) 2000 No. 320
(**5**) S.R. (N.I) 2000 No. 316

(a) in the preamble remove the words, "and after consulting, in accordance with section 64(4) of the Act, the Police Authority, the Police Association and the Police Ombudsman".

5. The Royal Ulster Constabulary (Conduct) Regulations shall be amended as follows:

(a) in the preamble remove the words, "and after consulting, in accordance with Section 64(4) of the Act, the Police Authority, the Police Association and the Police Ombudsman".

(b) remove the whole of Regulation 8(3);

(c) in Regulations 11(2)(a) and 12(1)(b) remove reference to section 59(5);

(d) in paragraph 21(b) of Schedule 3 place the reference to Regulation 33 in inverted commas;

(e) in Regulation 31(1) remove the word, "case" and insert the word, "hearing".

6. The Royal Ulster Constabulary (Conduct) (Senior Officer) Regulations 2000 shall be amended as follows:

(a) in the preamble remove the words, "and after consulting, in accordance with section 64(4) of the Act, the Police Authority, the Police Association and the Police Ombudsman";

(b) in Regulation 4 remove reference to paragraph (1) and remove the words in italics, "*and application*" and the same words in the arrangement of regulations, Part I, General, at Regulation 4;

(c) remove the whole of Regulations 7(6);

(d) in regulation 25(2) remove the text, "regulations 11 and 22" and replace with, "regulations 11 to 22".

7. The Royal Ulster Constabulary (Appeals) Regulations 2000 shall be amended as follows:

(a) in the preamble remove the words, "and after consulting, in accordance with section 64(4) of the Act, the Police Authority, the Police Association and the Police Ombudsman".

SCHEDULE

PREAMBLE TO THE CODE OF ETHICS FOR THE POLICE SERVICE OF NORTHERN IRELAND

A. Policing is an honourable profession that plays an important part in the maintenance of a just and fair society. The people of Northern Ireland have the right to expect the Police Service to protect and vindicate their human rights by safeguarding the rule of law and providing a professional Police Service.

B. Police officers, as citizens, have the right to the same expectations and to a working environment free of any form of harassment or discrimination.

C. The ability of police officers to carry out their functions and duties depends on approval from the public for their existence, actions and behaviour. In simple terms, effective policing requires the support and willing co-operation of the public. Public confidence in the police is closely related to officers attitude and behaviour towards the public, in particular their respect for individuals' fundamental rights and freedom as enshrined in the European Convention on Human Rights.

D. This Code of Ethics is intended:–

(1) to lay down standards of conduct and practice for police officers and;

(2) to make police officers aware of the rights and obligations arising out of the European Convention on Human Rights (Within the meaning of the Human Rights Act 1998).

(Sourced from: Section 52(1) Police (N.I.) Act 2000)

E. The standards in this Code are to be applied to:–

(1) relationships between police officers and the general public, sections of the public, and particular individuals;

(2) relationships between police officers and other professionals in the criminal justice system;

(3) relationships between individual police officers and the organisation; and

(4) relationships between individual police officers and all their colleagues.

F. The Statutory authority for the Code can be found in section 52 of the Police (Northern Ireland) Act 2000. The contents of the Code are drawn from a number of sources, including:–

(1) the attestation found in section 38(1) of the Police (Northern Ireland) Act 2000;

(2) the European Convention on Human Rights;

(3) other relevant Human Rights' standards. These include:

(a) The United Nations' Code of Conduct for Law Enforcement Officials;

(b) The United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

(c) European Police Code of Ethics.

G. Police officers are required, at all times, to carry out their duties in accordance with the provisions of this Code. They should remember that a breach of its standards could lead to a loss of public support and, in appropriate circumstances, a criminal or disciplinary investigation, either by the Police Ombudsman or police staff.

H. It is recognised that the ability of police officers to perform their duties to the highest professional standards depends in part on the provision of appropriate training and equipment. However, police officers are required at all times to observe the ethical standards set out in this Code.

I. Where police officers are investigated for a breach of this Code, they have the right to expect that those conducting the investigation, whether staff of the Police Ombudsman or the Chief Constable, are subject to comparable standards.

J. Police officers, when carrying out their duties in accordance with the provisions of this Code, have the right to expect the full moral support of the general public and their elected representatives.

(Derived from: Article 16 of the Council of Europe Declaration of the Police)

K. Where the Code conflicts with an instruction, policy or guideline of the Police Service of Northern Ireland, officers must comply with the provisions of this Code.

L. Where this Code is being applied in any decision or hearing relating to misconduct, it shall be applied in a reasonable and objective manner. Due regard shall be paid to the degree of negligence or deliberate fault and to the nature and circumstances of an officer's conduct. Police Officers behaviour, whether on or off duty, affects public confidence in the Police Service. Any conduct which brings or is likely to bring discredit to to the Police Service should be the subject of sanction. Accordingly, any allegation of conduct which could, if proved, bring discredit or be likely to bring discredit to the Police Service should be investigated in order to establish whether or not a breach of the code has occurred.

(Sourced from: preamble to Sch. 4 of the RUC (conduct) Regulations 2000)

Paragraphs (A)-(L) above do not form part of the Code of Ethics.

A CODE OF ETHICS FOR THE POLICE SERVICE OF NORTHERN IRELAND

ETHICAL STANDARDS REQUIRED OF POLICE OFFICERS

Article 1 *Professional Duty*

(1.1) Police officers have a duty according to section 32 of the Police Act (Northern Ireland) 2000:–

(a) to protect life and property;

(b) to preserve order;

(c) to prevent the commission of offences; and

(d) where an offence has been committed, to take measures to bring the offender to justice.

When carrying out these duties police officers shall protect human dignity and uphold the human rights of all persons as enshrined in the European Convention on Human Rights and other relevant international instruments.

(Sourced from: Section 32(1) Police (Northern Ireland) Act 2000;

Article 2 United Nations' Code of Conduct for Law Enforcement Officials; Article 1 European Code of Ethics)

(1.2) Police officers, shall so far as practicable, carry out their functions in co-operation with, and with the aim of securing the support of, the local community.

(Sourced from: Section 32(5) Police (Northern Ireland) Act 2000;

(1.3) Police officers shall carry out their duties in accordance with the declaration in section 38(1) of the Police (Northern Ireland) Act 2000. This states:–