STATUTORY RULES OF NORTHERN IRELAND

2001 No. 184

POLICE

RUC (Complaints etc) Regulations 2001

Made - - - -	*27th April 2001*
To be laid before Parliament .	*30th April 2001*
Coming into operation	*2nd May 2001*

The Secretary of State, in pursuance of section 64 of the Police (Northern Ireland) Act 1998(**1**) as amended by section 65 of the Police (Northern Ireland) Act 2000(**2**), and after consulting the Police Authority, Police Association and Police Ombudsman for Northern Ireland in accordance with section 64 of the 1998 Act, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the RUC (Complaints etc) Regulations 2001 and shall come into operation on 2nd May 2001.

Amendment of earlier Regulations

2.—(1) The Royal Ulster Constabulary (Discipline and Disciplinary) Appeals Regulations 1988(**3**) shall be amended as follows—

(a) in Regulation 3, after the definition of "the Act of 1970" there shall be inserted—

> ""the Act of 1998" means the Police (Northern Ireland) Act 1998(**4**);
>
> "allegation" includes a matter referred to the Ombudsman under section 55 of the Act of 1998;"

(b) after Regulation 5(4)(*c*) there shall be added—

> "or
>
> (d) an officer of the Ombudsman appointed under section 56(1) of the Act of 1998.";

(c) after Regulation 5(6) there shall be added—

(**1**) 1998 Ch 32
(**2**) 2000 Ch 32
(**3**) S.R. 1988/10
(**4**) 1998 Ch. 32

"(7) The provisions of this regulation are without prejudice to the powers of the Ombudsman with regard to the approval of the investigating officer under section 57(3) of the Act of 1998 or the appointment of an investigating officer of the Ombudsman under section 56(1) of the Act of 1998.";

(d) in Regulation 7(1), at the end, there shall be added—

"or a memorandum from the Ombudsman prepared in accordance with section 59(2) of the Act of 1998.";

(e) after Regulation 29(4)(*b*) there shall be added—

"or

(c) an officer of the Ombudsman appointed under section 56(1) of the Act of 1998.";

(f) after Regulation 29(6) there shall be added—

"(7) The provisions of this regulation are without prejudice to the powers of the Ombudsman with regard to the approval of the investigating officer under section 57(3) of the Act of 1998 or the appointment of an investigating officer of the Ombudsman under section 56(1) of the Act of 1998.".

(2) The Royal Ulster Constabulary Reserve (Part-time) (Discipline and Disciplinary Appeals) Regulations 1988(**5**) shall be amended as follows—

(a) in Regulation 2, after the definition of "the Act of 1970" there shall be inserted—

""the Act of 1998" means the Police (Northern Ireland) Act 1998;

"allegation" includes a matter referred to the Ombudsman under section 55 of the Act of 1998;"

(b) after Regulation 4(4)(*b*) there shall be added—

"or

(c) an officer of the Ombudsman appointed under section 56(1) of the Act of 1998.";

(c) after Regulation 4(6) there shall be added—

"(7) The provisions of this regulation are without prejudice to the powers of the Ombudsman with regard to the approval of the investigating officer under section 57(3) of the Act of 1998 or the appointment of an investigating officer of the Ombudsman under section 56(1) of the Act of 1998.";

(d) in Regulation 6(1), at the end, there shall be added—

"or a memorandum from the Ombudsman prepared in accordance with section 59(2) of the Act of 1998.".

(3) The Royal Ulster Constabulary (Conduct) Regulations 2000(**6**) shall be amended as follows—

(a) in Regulation 2(4) after "commenced" there shall be inserted—

"on or";

(b) in Regulation 4, before the definition of "appropriate officer" there shall be inserted—

""allegation" includes a matter referred to the Ombudsman under section 55 of the Act of 1998;";

(**5**) S.R. 1988/8
(**6**) S.R. 2000/315

(c) in Regulation 7(2), at the end, there shall be added—

"or an allegation to which section 55 of the Act of 1998 applies.".

(4) The Royal Ulster Constabulary (Conduct) (Senior Officers) Regulations 2000(**7**) shall be amended as follows—

(a) in Regulation 4(1), before the definition of "appropriate standard" there shall be inserted—

""allegation" includes a matter referred to the Ombudsman under section 55 of the Act of 1998;";

(b) in Regulation 7(2)(*a*), after "complaint" there shall be inserted "or allegation".

(5) The Royal Ulster Constabulary (Complaints etc.) Regulations 2000(**8**) shall be amended as follows—

(a) for Regulation 3 there shall be substituted—

"**3.** These Regulations apply to—

(a) any complaint made to the Ombudsman;

(b) any matter under consideration by the Ombudsman under section 55 of the Act of 1998; and

(c) any complaint referred to in Article 4 of the Police (Northern Ireland) Act 1998 (Commencement) Order (Northern Ireland) 2000(**9**)

(b) in Regulation 25(1)—

(i) the final "or" shall be omitted from paragraph (*a*),

(ii) paragraph (*b*) shall be omitted, and

(iii) in paragraph (*c*), for "in either case that" there shall be substituted "and".

Interpretation

3. The following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the 1988 Regulations" means the Royal Ulster Constabulary (Complaints etc) Regulations 1988, as amended;

"the 1998 Act" means the Police (Northern Ireland) Act 1998;

"the 2000 Regulations" means the Royal Ulster Constabulary (Complaints etc) Regulations 2000;

"chief constable" shall be construed as including a reference to an officer discharging the functions of the chief constable;

"the Ombudsman" means the Police Ombudsman established by Part VII of the Police (Northern Ireland) Act 1998;

"complaint" has the same meaning as under section 50(1) of the 1998 Act;

"complainant" has the same meaning as under section 50(1) of the 1998 Act;

"member" means a member of the Royal Ulster Constabulary or Royal Ulster Constabulary Reserve;

"member concerned", in relation to a complaint or other matter means the member about whose conduct the complaint is made or other matter concerns;

(**7**) S.R. 2000/320
(**8**) S.R. 2000/318
(**9**) S.R. 2000/399