STATUTORY RULES OF NORTHERN IRELAND

2000 No. 317

POLICE

Royal Ulster Constabulary (Appeals) Regulations 2000

Made - - - -	*23rd October 2000*
To be laid before Parliament	
Coming into operation	*6th November 2000*

The Secretary of State, in pursuance of Sections 25 and 26 of the Police Act (Northern Ireland) 1998(**1**) and after consulting, in accordance with section 64(4) of the Act, the Police Authority, the Police Association and the Police Ombudsman, hereby makes the following regulations:—

Part I

General

Citation and commencement

1. These Regulations may be cited as the Royal Ulster Constabulary (Appeals) Regulations 2000 and shall come into operation on 6th November 2000.

Revocation and transitional provisions

2.—(1) Subject to the following provisions of this regulation the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1988 Part IV and Schedule 5(**2**) (hereinafter referred to as the Regulations of 1988) are hereby revoked.

(2) In relation to an appeal against a decision made in accordance with the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1988—

(a) nothing in these regulations shall apply, and

(b) the Regulations of 1988 shall, so far as applicable, continue to have effect.

(**1**) 1998 c. 32 (N.I.)
(**2**) S.R. & O. (N.I.) 1988 No. 9

Interpretation and application

3.—(1) In these Regulations, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"appeal tribunal" means the person or persons appointed under regulation 8(1) or (3);

"appellant" means any member who has been dealt with by way of a conduct or unsatisfactory performance hearing and who wishes to appeal the decision, where that decision has been dismissal, a requirement to resign or a reduction in rank;

"Chief Constable" shall be construed as including a reference to a person discharging the functions of the Chief Constable;

"chief officer" means a chief constable of a police force other than the Royal Ulster Constabulary or a commissioner of the police of the Metropolis;

"Code of Conduct" means the code of conduct contained in Schedule 4 of the Royal Ulster Constabulary (Conduct) Regulations 2000;

"complaint" means a complaint to which section 50 of the Act of 1998 applies;

"force" means the Royal Ulster Constabulary and the Royal Ulster Constabulary Reserve;

"hearing" has the meaning assigned thereto by regulation 12;

"inspector" includes chief inspector;

"inspector of constabulary" means one of Her Majesty's Inspectors of Constabulary;

"member" means a member of the Royal Ulster Constabulary; or a member of the Royal Ulster Constabulary Reserve appointed on a full-time basis in accordance with regulations made under section 26 of the Act of 1998;

"original hearing" means the conduct or unsatisfactory performance hearing at the conclusion of which the appellant was found to have failed to meet the appropriate standard or, as the case may be, the appellant's performance was found to have been unsatisfactory;

"police force in the United Kingdom" has the meaning assigned to a police force in the Police Act 1996(**3**) or a police force in the Police (Scotland) Act 1967(**4**) as the case may be;

"Regulations of 1988" has the meaning assigned thereto by regulation 2(1);

"respondent" has the same meaning as in regulation 4;

"senior officer" means a police officer of the rank of chief constable, deputy chief constable or assistant chief constable;

"supporting documents" has the meaning assigned thereto by regulation 6(3)(*b*);

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

"tribunal" means such a tribunal as is mentioned in regulation 8(1) and (3).

(2) In these Regulations, any expression which appears also in the Royal Ulster Constabulary (Conduct) Regulations 2000, the Royal Ulster Constabulary (Conduct) (Senior Officer) Regulations 2000 and the Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000 shall, unless the contrary intention appears, have the same meaning as in those regulations.

(**3**) 1996 c. 16
(**4**) 1967 c. 77

Part II

Appeals to an appeals tribunal

Respondent

4.—(1) On any appeal by a senior officer under these regulations against the decision of the Police Authority, the respondent shall be the Authority.

(2) On an appeal by a member of the force who is not a senior officer the respondent shall be the Chief Constable.

Notice of appeal

5.—(1) An appeal under these regulations shall be instituted by the appellant giving the Police Authority written notice of appeal.

(2) Subject to regulation 7, the time within which the notice of appeal under Regulation 36(4) of the Royal Ulster Constabulary (Conduct) Regulations 2000, Regulation 15(6) of the Royal Ulster Constabulary (Conduct) (Senior Officer) Regulations 2000 or regulation 21(4) of the Royal Ulster Constabulary (Unsatisfactory performance) Regulations 2000 shall be given is 21 days. This period begins from the date on which the appellant was notified in writing of the decision appealed against in pursuance of regulations made in accordance with Sections 25(3) or 26(3) of the Act of 1998.

(3) In a case to which regulation 39 of the Royal Ulster Constabulary (Conduct) Regulations 2000 or regulation 25 of the Royal Ulster Constabulary (Conduct) (Senior Officer) Regulations 2000 applies where the decision appealed against was given in pursuance of those Regulations as modified by Part II of Schedule 3 or, as the case may be, by Part II of Schedule 2 to those Regulations, the time within which the notice of appeal under regulation 36(4) or 15(6) of those regulations, respectively, shall be given is 28 days from—

(a) the conclusion of any criminal proceeding in which the appellant is charged with an offence in respect of the conduct to which the decision appealed against related; or

(b) a decision that no such criminal proceedings will be instituted or taken by the Director of Public Prosecutions has been communicated to the appellant.

(4) The notice of appeal shall be given in writing to the Police Authority and a copy of the notice shall be sent to the respondent.

Procedure on notice of appeal

6.—(1) As soon as practicable after receipt of a copy of the notice of appeal, the respondent shall provide to the Police Authority—

(a) a copy of the report of the person who made the decision appealed against;

(b) the transcript of the proceedings at the original hearing; and

(c) any documents which were made available to the person conducting the original hearing.

(2) A copy of the transcript mentioned in paragraph (1)(*b*) shall at the same time be sent to the appellant.

(3) Subject to regulation 7(1), the appellant shall, within 28 days of the date on which he receives a copy of the transcript mentioned in paragraph (1)(*b*), submit to the Police Authority—

(a) a statement of the grounds of appeal;

(b) any supporting documents; and

(c) either—

(i) any written representations which the appellant wishes to make under regulation 9 or, as the case may be, any request to make oral representations under that regulation, or

(ii) a statement that he does not wish to make any such representations as are mentioned in sub-paragraph (3)(*c*)(i):

Provided that, in a case where the appellant submits a statement under sub-paragraph (3)(*c*)(ii), nothing in paragraph (3)(*c*) shall prevent representations under regulation 9 being made by him to the chairman of the tribunal.

(4) The documents submitted to the Police Authority under paragraph (3) shall, as soon as practicable, be copied to the members of the tribunal and to the respondent.

(5) The respondent shall, not later than 21 days from the date on which he receives the copy documents sent to him under paragraph (4), submit to the Police Authority—

(a) a statement of his response to the appeal;

(b) any supporting documents; and

(c) either—

(i) any written representations which the respondent wishes to make under regulation 9 or, as the case may be, any request to make oral representations under that regulation; or

(ii) a statement that he does not wish to make any such representations as are mentioned in sub-paragraph (5)(*c*)(i):

Provided that, in a case where the respondent submits a statement under sub-paragraph (5)(*c*)(ii), nothing in paragraph (5)(*c*) shall prevent representations under regulation 9 being made by him to the chairman of the tribunal.

(6) The respondent shall at the same time send a copy of the documents referred to in paragraph (5)(*a*) and (*c*) to the appellant, together with a list of the documents (if any) referred to in (5)(*b*).

(7) The documents submitted to the Police Authority under paragraph (5) shall, as soon as practicable, be copied to members of the tribunal.

(8) So far as applicable, regulations 14 and 15 shall apply in relation to the hearing of any oral representations under regulation 9, and the appellant and the respondent shall be entitled to be represented at the hearing of such oral representations as if it were the hearing of such an appeal.

Extension of time limits

7.—(1) The Police Authority may extend the period referred to in regulation 5(2) or (3) or 6(3) in any case where they are satisfied, on the application of the appellant, that by reason of special circumstances of the case it is just and proper to do so; and in such a case regulations 5 and 6 shall have effect as if for that period there were substituted such extended period as the authority may specify.

(2) Where the Police Authority refuses an application by the appellant under paragraph (1), it shall give the appellant notice in writing of the reasons for the decision and of the right of appeal conferred by paragraph (3).

(3) An appellant whose application under paragraph (1) is refused may, not later than 14 days after receiving notice under paragraph (2), appeal in writing to the chairman of the tribunal against the decision of the Police Authority.

(4) The chairman may, on such an appeal, make any decision which the Police Authority had power to make under paragraph (1); and, where he extends the period referred to in regulation 5(2) or (3) or 6(3), regulations 5 and 6 shall have effect as if for that period there were substituted such extended period as the chairman may specify.