STATUTORY RULES OF NORTHERN IRELAND

2000 No. 315

POLICE

The Royal Ulster Constabulary (Conduct) 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 that 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 (Conduct) Regulations 2000 and shall come into operation on 6th November 2000.

Revocations and transitional provisions

2.—(1) Subject to the provisions of paragraphs (3) and (4), the regulations mentioned in Schedule 1 are hereby revoked to the extent specified in column 3 of the Table therein.

(2) In this regulation—

(a) "the 1988 Regulations" means the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1988(**2**);

(b) "the 1988 Part-time Regulations" means the Royal Ulster Constabulary Reserve (Part-time) (Discipline and Disciplinary Appeals) Regulations 1988(**3**); and

(c) "the former regulations" means either of the Regulations mentioned in sub-paragraphs (*a*) and (*b*).

(**1**) 1998 c. 32 (N.I.)
(**2**) S.R. 1988 No. 10; relevant amendments were made by S.R. 1989 No. 471, S.R. 1994 No. 48, S.R. 1994 No. 291, S.R. 1996 No. 253, S.R. 1996 No. 343 and S.R. 1997 No. 42
(**3**) S.R. 1988 No. 8 as amended by S.R. 1989 No. 472, S.R. 1994 No. 49, S.R. 1994 No. 292, S.R. 1996 No. 254, S.R. 1996 No. 344 and S.R. 1997 No. 43

(3) Where a report, complaint or allegation has been or is received in respect of conduct by a member of the police force which occurred or commenced before 6th November 2000 the 1988 Regulations or the 1988 Part-time Regulations, as the case may be, shall continue to have affect.

(4) In the case of a report, complaint or allegation which relates to conduct by a member of the police force which occurred or commenced after 6th November 2000, these regulations shall apply.

Regulations not to apply in the case of senior officers

3. These Regulations shall not apply in relation to the conduct of the Chief Constable, a deputy chief constable or an assistant chief constable.

Interpretation

4. In these Regulations, the following expressions have the meanings hereby assigned to them—

"appropriate officer" means an assistant chief constable;

"authorised officer" means an officer of the Ombudsman authorised for the purpose of attending hearings;

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

"an interested party" means a witness or any person involved in the conduct which is the subject of the case or who otherwise has a direct interest in the case;

"the Appeals Regulations" means the Royal Ulster Constabulary (Appeals) Regulations 2000(**4**);

"appropriate standard" means the standard set out in the Code of Conduct (Schedule 4);

"Code of Conduct" means that which is contained in Schedule 4 of these regulations;

"commander" means a Commander of the Metropolitan Police;

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

"Ombudsman" means the Police Ombudsman for Northern Ireland established by section 51 of the Police (Northern Ireland) Act 1998;

"inspector", "superintendent" and "assistant chief constable" include officers holding those ranks in a police force or police forces in Great Britain;

"investigating officer" includes a police officer to which section 57 of the Act of 1998 applies or an officer of the Ombudsman to which section 56 of the Act of 1998 applies;

"member" means a member of the Royal Ulster Constabulary; or a member of the Royal Ulster Constabulary Reserve appointed on either a full-time or a part-time basis;

"member concerned" means the member in relation to whose conduct there has been a report, complaint or allegation;

"police force in Great Britain" has the meaning assigned to a police force in the Police Act 1996(**5**) or a police force in the Police (Scotland) Act 1967(**6**) as the case may be;

"police officer" means a member or a member of a police force in Great Britain;

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

(**4**) To be introduced concurrently with these regulations
(**5**) 1996 c. 16
(**6**) 1967 c. 77

Part II

Suspension and Investigation

Suspension

5.—(1) Where there has been a report, allegation or complaint which indicates that the conduct of a member did not meet the appropriate standard, the Chief Constable may suspend the member concerned from duty and from his office of constable whether or not the matter has been investigated.

(2) The Chief Constable may exercise the power to suspend the member concerned under this regulation at any time from the time of the receipt of the report, allegation or complaint until—

(a) the supervising member decides not to refer the case to a hearing,

(b) the notification of a finding that the conduct of the member concerned did meet the appropriate standard,

(c) the time limit for giving notice of intention to seek a review under regulation 34 has expired, or

(d) any review under regulation 35 has been completed.

(3) Where the member concerned is suspended under this regulation, he shall be suspended until there occurs any of the events mentioned in paragraph (2)(*a*) to (*d*), or until the Chief Constable decides he shall cease to be suspended, whichever first occurs.

(4) When the member concerned who is suspended is required to resign under regulation 31 he shall remain suspended during the period of his notice.

(5) The Chief Constable may delegate his powers under this regulation to another senior officer.

Suspension of investigations where there are outstanding criminal proceedings

6. Where there are criminal proceedings outstanding against the member concerned, proceedings under these regulations, except the power to suspend under regulation 5, shall not take place unless the Chief Constable believes that in the exceptional circumstances of the case it would be appropriate for them to do so.

Investigation

7.—(1) Subject to paragraph (2), where a report, complaint or allegation is received which indicates that the conduct of a member did not meet the appropriate standard the case may be referred to an officer, who shall satisfy the conditions in paragraph (3), to supervise the investigation of the case (the supervising member).

(2) Paragraph (1) shall not apply where the case arises from a complaint to which section 54 of the Act of 1998 applies.

(3) The supervising member shall be—

(a) a member;

(b) of at least the rank of superintendent;

(c) at least one rank above that of the member concerned; and

(d) not an interested party.

Appointment of investigating officer

8.—(1) The supervising member may appoint an investigating officer to investigate the case.

(2) The investigating officer shall be—

(a) a member, who shall not be serving in the same sub-division or branch as the member subject to investigation or, if, at the request of the supervising member, the chief officer of a police force in Great Britain agrees to provide an investigating officer, a member of that other force;

(b) of at least the rank of inspector, or where the member concerned is a superintendent, at least the rank of assistant chief constable;

(c) of at least the same rank as the member concerned; or

(d) an officer of the Ombudsman; and

(e) not an interested party.

(3) 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.

Notice of investigation and giving of caution

9. The investigating officer shall, as soon as is practicable (without prejudicing his or any other investigation of the matter),—

(a) cause the member concerned to be given written notice—

(i) that there is to be an investigation into the case;

(ii) of the nature of the report, complaint or allegation;

(iii) informing him that he has the right to seek advice from his Staff Association; and

(iv) informing him that he has the right to be accompanied by a member of a police force selected by him, who shall not be an interested party, to any meeting, interview or hearing;

(b) in all cases give that member in writing the caution set out in paragraph 1, of Schedule 2,

(c) where he reasonably believes that the presence of any object, substance or mark found on the person of that member or in or on his clothing, footwear or otherwise in his possession or in any place in which the member was present at a time material to the subject matter of the report, complaint or allegation may be attributable to the member's having breached the Code of Conduct, inform the member that he so believes and give him in writing the caution set out in paragraph 2, of Schedule 2,

(d) where he reasonably believes that the presence of that member at a place at or about the time the breach of the Code of Conduct was alleged to have been committed may be attributable to his involvement in that breach, inform the member that he so believes and give him in writing the caution set out in paragraph 3, of Schedule 2.

Investigating Officer's report

10.—(1) At the end of his investigation the investigating officer shall submit a written report on the case to the supervising member or to the Ombudsman.

(2) If at any time during the investigation it appears to the investigating officer that the case is one in which the conditions specified in Part I of Schedule 3 are likely to be satisfied, he shall, whether or not the investigation is at an end, submit to the supervising member or in the case of an investigation conducted under Section 56 or 57 of the Act of 1998 to the Ombudsman—

(a) a statement of his belief that the case may be one in which regulation 39 applies and the grounds for that belief; and

(b) a written report on the case so far as it has been investigated.

Procedures on receipt of investigating officer's report

11.—(1) Subject to paragraphs (2) and (3), on receipt of the investigating officer's report the supervising member may refer the case to a hearing.

(2) Where—

(a) the Chief Constable has a duty to proceed under section 59(5) or (6) of the Act of 1998; or

(b) the member concerned has received two written warnings about his conduct within the previous twelve months, and has in a statement made under regulation 9, admitted that his conduct failed to meet the appropriate standard,

the supervising member shall refer the case to a hearing.

(3) Where the supervising member or Ombudsman, on receipt of a report submitted by the investigating officer under paragraph (2) of regulation 10, is of the opinion the case is one in respect of which the conditions specified in Part I of Schedule 3 are likely to be satisfied, he shall refer the case to the appropriate officer, who shall—

(a) if the conditions specified in Part I of Schedule 3 are not satisfied, return the case to the supervising member or Ombudsman as appropriate;

(b) if the conditions specified in Part I of Schedule 3 are satisfied—

(i) certify the case as a special case and refer it to a hearing, or

(ii) if the circumstances are such as, in his opinion, make such certification inappropriate, return the case to the supervising member or Ombudsman as appropriate.

(4) Where a case is not referred to a hearing no reference to it shall be made on the member's concerned personal record.

(5) Proceedings at or in connection with a hearing to which a case is referred under this regulation shall, for the purposes of section 50 of the Act of 1998 be disciplinary proceedings.

Withdrawal of case

12.—(1) At any time before the beginning of the hearing the supervising member may direct that the case be withdrawn, unless—

(a) the case is one to which regulation 11(2)(*b*) applies, or

(b) the Chief Constable has a duty to proceed under section 59(5) or (6) of the Act of 1998.

(2) Where a case is withdrawn it shall be treated as if the supervising member had decided not to refer it to a hearing.

Part III

Hearing

Notice of hearing

13.—(1) The supervising member shall ensure that, as soon as practicable, the member concerned is given written notice of a decision to refer the case to a hearing and that, not less than 28 days before the date of hearing, the member concerned is supplied with copies of—

(a) any statement he may have made to the investigating officer; and

(b) any relevant statement, document or other material obtained by the investigating officer.