1988 No. 10

POLICE

Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1988

Made . . . . . 15th January 1988

Coming into operation . . 29th February 1988

To be laid before Parliament

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The Secretary of State, in pursuance of sections 25 and 26 of the Police Act (Northern Ireland) 1970(**a**) and Article 14(3), (4), (5) and (6) of the Police (Northern Ireland) Order 1987(**b**), and after consulting the Police Authority and the Police Association in accordance with section 34(2) of that Act, hereby makes the following regulations:—

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1988 and shall come into operation on 29th February 1988.

(a) 1970 c. 9 (N.I.) as amended by S.I. 1977/53 (N.I. 2) and S.I. 1987/938 (N.I. 10) and modified by S.I. 1973/2163
(b) S.I. 1987/938 (N.I. 10)

Revocation and transitional provisions

2.—(1) Subject to the following provisions of this regulation, the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1977(**a**) (hereinafter referred to as the Regulations of 1977) are hereby revoked.

(2) In relation to a charge preferred before 29th February 1988 against a member or to an appeal, written notice of which was received by the Secretary of State under regulation 44(1) of the Regulations of 1977 before 29th February 1988—

(*a*) nothing in these regulations shall apply, and

(*b*) the Regulations of 1977 shall, so far as applicable, continue to have effect

except that, in relation to an internal appeal where the notice of appeal is received by the chief constable on or after 29th February 1988, these regulations shall apply notwithstanding that the charge to which the appeal relates was preferred before that date.

(3) Where in the case of a member—

(*a*) in whose case anything has been done before 29th February 1988 for the purpose of any provision of the Regulations of 1977; but

(*b*) who has not been charged with an offence before that date under those regulations,

anything done, before 29th February 1988 for the purpose of any provision of the Regulations of 1977 shall have effect, on and after that date, as if it had been done for the corresponding provision of these regulations, and in particular where a member is immediately before 29th February 1988 suspended under the Regulations of 1977 he shall be treated on and after that date as if he had been suspended under these regulations.

(4) Without prejudice to paragraph (2), where a member has been charged with an offence, before 29th February 1988, under the Regulations of 1977, in connection with the charge and offence in question the provisions of the Regulations of 1977 relating to suspension from duty and to punishment shall continue to have effect.

Interpretation and application

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

"the Act of 1970" means the Police Act (Northern Ireland) 1970;

in Part IV "appeal tribunal" means the person or persons appointed under regulation 53(1) or (5);

in Part IV "appellant" has the same meaning as in regulation 49;

"assistant chief constable" includes senior assistant chief constable;

"chairman" in relation to an inquiry means—

(*a*) the barrister or solicitor referred to in regulation 53(3)(*a*),

(*b*) the person appointed under regulation 53(5) whom the Secretary of State has designated chairman, or

(**a**) S.R. & O. (N.I.) 1977 No. 236

(*c*) if only one person has been appointed under the said regulation 53(5), that person;

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

"Commission" means the Independent Commission for Police Complaints for Northern Ireland established by Article 3 of the Order of 1987;

"complaint" means a complaint to which the Order of 1987 applies;

"complaints matter" means, in a case where the report of an investigation into a complaint is sent to the Commission under Article 9(7) or 10(9) of the Order of 1987, the matter or matters dealt with in the report;

"conclusion of hearing" does not include the termination of a hearing on a case being remitted under regulation 14 or paragraph 7 of Schedule 4;

"discipline code" means the code of offences contained in Schedule 1; except that in relation to conduct occurring before 29th February 1988 it means the code of offences contained in Schedule 1 to the Regulations of 1977;

"discipline form" means such a form as is mentioned in regulation 7(3) or 33(4) as the case may be;

"the former discipline provisions" means the provisions relating to the determination of questions whether an offence against discipline has been committed by a member, and for the imposition of punishment in respect thereof, in operation immediately before 29th February 1988;

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

in Part IV "hearing" has the meaning assigned thereto by regulation 61;

"home police force" has the same meaning as in the Police Act 1969(**a**);

in Part IV "inquiry" means an inquiry held in pursuance of regulation 53(1) or 53(5);

"inspector" includes chief inspector;

"internal appeal" means such an appeal as is mentioned in regulation 25;

"investigating officer" means an officer appointed under Article 5(3) or 6(3) of the Order of 1987 or under regulation 5 or regulation 29 to investigate a complaint or other matter relating to the conduct of a member;

"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 1970;

"member subject to investigation" has the meaning assigned thereto by regulation 5(1);

"offence or disciplinary offence" means an offence set out in the discipline code;

(a) 1969 c. 63