1977 No. 236

POLICE

Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1977

Made . . . . . *29th July* 1977

Coming into operation . . . *1st September* 1977

To be laid before Parliament

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The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970(**a**), as amended by article 13 of the Police (Northern Ireland) Order 1977(**b**), modified by article 2 of the Northern Ireland (Modification of Enactments—No. 1) Order 1973(**c**) and extended by article 15 of that Order of 1977, and after consulting the Police Authority and the Police Association in accordance with section 34(2) of that Act and article 9(3) of that Order of 1977, 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 1977 and shall come into operation on 1st September 1977.

Revocations and transitional provisions

2.—(1) Subject to paragraph (2), the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1973(**d**) (hereinafter referred to as the Regulations of 1973) are hereby revoked.

(2) In relation to a charge preferred before 1st September 1977 against a member or to an appeal against a decision of which the appellant was notified before that date—

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

(*b*) the regulations revoked by paragraph (1) shall, so far as applicable, continue to have effect.

(3) Where the facts alleged in a charge against a member holding a rank of or below superintendent were alleged in a complaint received by the chief constable from a member of the public in respect of the accused's conduct before 1st September 1977, regulation 20 shall apply in relation to the hearing of the charge notwithstanding that it was not in respect of a complaints matter as defined in regulation 3(1).

(4) Where the facts alleged in the charge as respects which an appeal is brought were alleged in a complaint received by the chief constable from a member of the public in respect of the appellant's conduct before 1st September 1977, regulation 58 shall apply in relation to that appeal notwithstanding that the charge was not in respect of a complaints matter as defined in regulation 3(1).

(5) Where, in the case of a member—

(*a*) in whose case anything has been done before 1st September 1977 for the purpose of any provision of the Regulations of 1973, but

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

anything done before 1st September 1977 for the purpose of any provision of the Regulations of 1973 shall have effect on and after that date as if it had been done for the purpose of the corresponding provision of these regulations, and, in particular, where a member is immediately before 1st September 1977 suspended under the Regulations of 1973, he shall be treated on and after that date as if he had been suspended under these regulations.

(**a**) 1970 c. 9 (N.I.)
(**b**) S.I. 1977/53 (N.I. 2)
(**c**) S.I. 1973/2163 (1973, III, p. 7541)
(**d**) S.R. & O. (N.I.) 1973 No. 248 (I, p. 1234)

(6) Where a member has been charged with an offence before 1st September 1977 under the Regulations of 1973, then without prejudice to paragraph (2), in connection with the charge and offence in question the provisions of the Regulations of 1973 relating to suspension from duty and to punishment shall continue to have effect.

Interpretation and application

3.—(1) Without prejudice to section 33 of the Interpretation Act (Northern Ireland) 1954(e), in these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

in Part IV "appeal tribunal" means the person or persons appointed under regulation 47(1);

in Part IV "appellant" and "respondent" have the same meaning as in regulation 47;

"chairman" in relation to an appeal tribunal, means the member thereof whom the Secretary of State has appointed to act as such except that, where the tribunal consists of a single person, it means that person.

"chief constable" means the Chief Constable of the Royal Ulster Constabulary and in Part II and Schedule 4 "chief constable" shall be construed as including a reference to a deputy chief constable acting as chief constable;

"complaints matter" means a matter or matters referred to in paragraph (1) of article 6 of the Order of 1977 in respect whereof the provisions of that article have effect, or for the purposes of Part IV in relation to a senior officer a matter or matters complained of in a complaint against him received from a member of the public.

"conclusion of the 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;

"discipline form" means such a form as is mentioned in regulation 8(3) or 28(4) as the case may be;

in Part IV, "hearing" has the meaning assigned thereto by regulation 53;

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

in Part IV, "inquiry" means an inquiry held in pursuance of regulation 47(1);

"force" means the Royal Ulster Constabulary;

"inspector" includes chief inspector;

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

"member subject to investigation" has the meaning assigned thereto by regulation 6(1);

"offence" or "disciplinary offence" means an offence against discipline within the meaning of regulation 5;

"officer conducting the hearing" has the meaning assigned thereto by regulation 13;

(e) 1954 c. 33 (N.I.)
(f) 1969 c. 63

in Part IV, "original hearing" means the hearing at the conclusion of which the appellant was found guilty of the charge as respects which the appeal is brought;

"Police Regulations" means the regulations from time to time in force under section 25 of the Act of 1970 other than these regulations;

"representative" means, in relation to a member other than a senior officer, the member of a police force conducting his case or appeal in pursuance of regulation 16(6) or paragraph 9(6) of Schedule 4, and, in relation to a senior officer, the person conducting his case in pursuance of regulation 32(5).

"senior officer" means a member above the rank of superintendent.

"superintendent" includes chief superintendent;

in Part IV, "supporting statement" has the meaning assigned thereto by regulation 44(3) and, accordingly, means such a written statement as is mentioned in paragraphs 7, 8 and 9 of the notice of appeal set out in Schedule 5.

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

"the Complaints Board" means the Police Complaints Board for Northern Ireland established in pursuance of Article 3 of the Order of 1977;

"the Order of 1977" means the Police (Northern Ireland) Order 1977.

(2) Part II shall apply only to a member of or below the rank of superintendent, and Part III shall apply only to a senior officer.

(3) The appropriate disciplinary authority referred to in subsection (3) of section 25 of the Act of 1970 shall, subject to article 7 of the Order of 1977 and to regulation 14(4) and (5), be—

(*a*) in relation to a senior officer, the Police Authority;

(*b*) in relation to any other member—

(i) in a case to which Schedule 4 applies, a disciplinary board as defined in paragraph 2 of that Schedule, or the officer referred to in paragraph 4(*a*) or 5(*a*) of that Schedule, as the case may be;

(ii) in any other case, the chief constable or a deputy chief constable, as the case may be.

Modification of regulations in respect of section 13(2) *of the Act of* 1970

4.—(1) Where a complaint made by a member of the public against a senior officer is referred by the chief constable to a tribunal under section 13(2) of the Act of 1970 for consideration and report, the chief constable shall forward the report to the Police Authority who shall deal with it as if it were the report of a tribunal received under regulation 37.

(2) The chief constable shall send a copy of the report of the tribunal to the accused.

Disciplinary offences

5. A member commits an offence against discipline if he commits an offence set out in the discipline code contained in Schedule 1.