1977 No. 235

POLICE

Royal Ulster Constabulary (Complaints) Regulations 1977

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

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

To be laid before Parliament

The Secretary of State, in pursuance of Article 9 of the Police (Northern Ireland) Order 1977(**a**) and after consulting, in accordance with paragraph (3) of the said Article, the Police Authority and the Police Association for Northern Ireland, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Royal Ulster Constabulary (Complaints) Regulations 1977 and shall come into operation on 1st September 1977.

Interpretation

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

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

"chief constable" means the chief constable of the Royal Ulster Constabulary and shall be construed as including a reference to a deputy chief constable acting as chief constable;

"complaint" has the same meaning as in the Order of 1977, being a complaint made against a member in respect of his conduct on or after 1st September 1977; and "copy of complaint", in the case of a complaint made orally, shall include a copy of the record of the complaint;

"complainant" means the originator of a complaint notwithstanding that it was transmitted to the chief constable by some other person or by the Board or some other body;

"the Board" has the same meaning as in the Order of 1977;

"member" means a member of the Royal Ulster Constabulary, or 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(**c**);

"member concerned", in relation to a complaint, means the member against whom the complaint is made.

(a) S.I. 1977 No. 53 (N.I. 2)
(b) 1954 c. 33 (N.I.)
(c) 1970 c. 9 (N.I.)

(2) Any reference in these regulations to any provision of the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1977(**d**) is, in relation to 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, to be construed as including a reference to that provision as applied to such a member by or under regulations made under the said section 26.

Regulations not to apply to complaint against a senior officer

3. These regulations shall not apply in respect of a complaint to which paragraph (1) of Article 4 of the Order of 1977 does not apply by reason of paragraph 2(*b*) thereof and, accordingly, shall not apply in respect of a complaint against the chief constable or other senior officer within the meaning of the Act of 1970.

Board to forward complaints

4. Where the Board have received a complaint against a member, they shall transmit it to the chief constable unless they are satisfied that to do so would be contrary to the complainant's wishes or, in all the circumstances, unnecessary.

Board to be informed of complaints not dealt with within four months

5.—(1) Subject to paragraph (2), this regulation shall apply where the chief constable has received a complaint against a member and four or more months have elapsed since he received the complaint but he still has not sent to the Board the documents referred to in Article 5(1) of the Order of 1977 (whether because the investigation has not been completed or for any other reason).

(2) This regulation shall apply only if and so long as the case is one to which Article 5(1) of the Order of 1977 applies or could apply and, accordingly shall not apply—

(*a*) in pursuance of Article 5(2)(*a*) of the said Order, where disciplinary charges have been preferred in respect of the matter or matters complained of and the accused has admitted the charges and not withdrawn his admission, or

(*b*) in pursuance of Article 5(2)(*b*) of the said Order, where, as mentioned in regulation 10(2), the complaint has been withdrawn or the complainant has indicated that he does not wish any further steps to be taken, or

(*c*) where, in pursuance of regulation 11 (complaints which are anonymous, repetitious or incapable of investigation), the Board have dispensed with the requirements there mentioned, in particular, those of the said Article 5(1).

(3) Where this regulation applies, the chief constable shall, as soon as possible after the expiration of the period of four months mentioned in paragraph (1), in pursuance of Article 5(4) of the Order of 1977, send to the Board—

(*a*) a copy of the complaint, together with

(*b*) information as to the stage reached in dealing with the complaint.

(**d**) S.R. 1977 No. 236

(4) Where, in pursuance of the said Article 5(4) (read with either paragraph (3) or with this paragraph), the Board have been sent information as to the stage reached in dealing with a complaint but desire to be informed at a subsequent date as to the stage then reached, they may in writing request the chief constable to inform them and specify a period ("the specified period") of not less than four months for the purposes hereof; and where the chief constable is so requested, he shall (unless he has by then sent to the Board the documents referred to in Article 5(1) of the Order of 1977 or this regulation has otherwise ceased to apply), as soon as possible after the expiration of the specified period reckoned—

(*a*) from such stage in dealing with the complaint or from such event, if any, as the Board may have specified in their request, or

(*b*) if the Board have not so specified a stage or event, from the date on which they were sent the information first referred to in this paragraph,

in pursuance of the said Article 5(4) send to the Board information as to the stage then reached in dealing with the complaint.

Functions of the Board as to disciplinary charges

6.—(1) Where the report of an investigation into a complaint is sent to the Board in pursuance of Article 5(1) of the Order of 1977, the Board shall deal with the case under Article 6 of that Order without undue delay and shall take such decisions as appear to them appropriate for the purposes thereof as soon as is practicable.

(2) Where the chief constable has not preferred disciplinary charges and the Board accept his decision they shall—

(*a*) so inform the chief constable forthwith, and

(*b*) subject to paragraph (4), notify the complainant of the decision and of their acceptance

and may furnish the complainant with such relevant information in explanation thereof, if any, as appears to them appropriate.

(3) Where the chief constable withdraws a disciplinary charge with the leave of the Board given in pursuance of Article 6(4) of the Order of 1977, the Board shall, subject to paragraph (4), notify the complainant that the charge has been withdrawn with their leave and furnish him with such relevant information in explanation of the withdrawal, if any, as appears to them appropriate.

(4) The Board shall be relieved of the duty of notifying the complainant as mentioned in paragraph (2)(*b*) or (3) if compliance therewith appears to them to be not reasonably practicable.

(5) Where the chief constable has, under regulation 10 of the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1977 delegated the duty of deciding under regulation 8 of those regulations whether a member should be charged with a disciplinary offence, the references in paragraphs (2) and (3) to the chief constable shall be taken as references to the officer to whom the duty is delegated.

Complaints register

7. The chief constable shall cause a register of complaints against members to be kept in which there shall be recorded the steps taken in dealing with a complaint and their outcome.

Delegation of functions by chief constable

8.—(1) Subject to paragraph (3), the chief constable may delegate all or any of his functions—

(*a*) under section 13 of the Act of 1970;

(*b*) under Article 4, 5, 6, 7(4) or 8(2) and (3) of the Order of 1977, or

(*c*) under the foregoing regulations,

to such an officer as is mentioned in paragraph (2) and, where he does so delegate a function under a regulation contained in these regulations, any reference in that regulation to the chief constable shall be taken, unless the context otherwise requires, as a reference to the officer to whom the function is delegated.

(2) The said functions may be delegated to a deputy chief constable or to an assistant chief constable acting in the place of a deputy chief constable who is himself either acting in the place of the chief constable under section 23 of the Constabulary (Ireland) Act 1839(e) or section 18(3) of the Interpretation Act (Northern Ireland) 1954 or for any reason absent.

(3) A member who has acted as investigating officer in a case shall not, as respects that case, exercise any function in pursuance of a delegation under paragraph (1).

Copy of complaint to be supplied to member concerned

9.—(1) Without prejudice to regulation 11(1)(*b*) of the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1977, where a complaint has been received against a member and it has been decided not to prefer disciplinary charges in respect of the matter or matters complained of, the member concerned may in writing request the chief constable to supply him with a copy of the complaint.

(2) On receipt of a request under paragraph (1) above, the chief constable shall cause the member concerned to be supplied with a copy of the complaint (or of so much thereof as relates to him) except that, by notice in writing given to the member, the chief constable may refuse to comply with the request if—

(*a*) he is of the opinion that to do so might prejudice any criminal investigation or proceedings then pending, or

(*b*) he is of the opinion that it would otherwise be contrary to the public interest to comply with the request and the Secretary of State agrees that it should not be complied with;

and, where such notice is given, the member concerned shall not repeat his request under paragraph (1) above within the period of six months beginning with the date of the notice, without prejudice, however, to his doing so subsequently.

Withdrawn complaints

10.—(1) The requirements of section 13 of the Act of 1970 (investigation of complaints) are hereby dispensed with as respects a complaint if the chief constable receives from the complainant notification in writing (signed by him or his solicitor or other authorised agent on his behalf) to the effect either—

(*a*) that he withdraws the complaint, or

(*b*) that he does not wish any further steps to be taken in consequence thereof.

(e) 1839 c. 75