Changes to legislation: *Police (Northern Ireland) Order 1987 is up to date with all changes known to be in force on or before 11 April 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1987 No. 938 (N.I. 10)

Police (Northern Ireland) Order 1987 [F1]

\- - - - - - *18th May 1987*

F1 whole order rep.(prosp.) 1998 c. 32

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Police (Northern Ireland) Order 1987.

(2) This Order shall come into operation on such day or days as the Secretary of State may by order appoint[F2].

F2 fully exercised SR 1988/7

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

[F3]"the appropriate authority" means—

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

(b) in relation to any other member of the police force, the Chief Constable;

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

[F3]"complaint" means any complaint about the conduct of a member of the police force which is submitted by, or on behalf of, a member of the public;

[F3]"complainant" means the person by or on behalf of whom a complaint is submitted;

"the principal Act" means the Police Act (Northern Ireland) 1970.

(3) Any word or expression given a meaning for the purposes of the principal Act has the same meaning in this Order as in that Act.

F3 prosp. rep. 1995 NI 17

PART II

POLICE COMPLAINTS

The Independent Commission for Police Complaints for Northern Ireland

Establishment of Commission

3.—(1) There shall be established a body to be known as the Independent Commission for Police Complaints for Northern Ireland.

(2) Schedule 1 shall have effect in relation to the Commission.

(3) The Police Complaints Board for Northern Ireland is hereby abolished.

Handling of complaints, etc.

[F4]Preliminary handling of complaints by Chief Constable

4.—(1) Where a complaint is submitted to the Chief Constable, it shall be his duty to take any steps that appear to him to be desirable for the purpose of obtaining or preserving evidence relating to the conduct complained of.

(2) After performing the duties imposed on him by paragraph (1), the Chief Constable shall determine whether he is the appropriate authority in relation to the member of the police force against whom the complaint was made.

(3) If he determines that he is not the appropriate authority, it shall be his duty—

(a) to send the complaint or, if it was made orally, particulars of it, to the Police Authority; and

(b) to give notice that he has done so to the complainant.

(4) Nothing in this part has effect in relation to a complaint in so far as it relates to the direction or control of the police force by the Chief Constable.

(5) If any conduct to which a complaint wholly or partly relates is or has been the subject of criminal or disciplinary proceedings, none of the provisions of this part which relate to the recording and investigation of complaints have effect in relation to the complaint in so far as it relates to that conduct.

F4 prosp. rep. 1995 NI 17

[F5]Investigation of complaints against officers, other than senior officers

5.—(1) If the Chief Constable determines that he is the appropriate authority in relation to a member of the police force about whose conduct a complaint has been made and who is not a senior officer, he shall record it.

(2) After doing so he shall consider whether the complaint is suitable for informal resolution and may appoint a member of the police force to assist him.

(3) If it appears to the Chief Constable that the complaint is not suitable for informal resolution, he shall appoint a member of the police force or a member of another United Kingdom police force to investigate it formally.

(4) If it appears to him that it is suitable for informal resolution, he shall seek to resolve it informally and may appoint a member of the police force to do so on his behalf.

(5) If it appears to the Chief Constable, after attempts have been made to resolve a complaint informally—

(a) that informal resolution of the complaint is impossible; or

(b) that the complaint is for any other reason not suitable for informal resolution,

he shall appoint a member of the police force or a member of another United Kingdom police force to investigate it formally.

(6) A member of the police force may not be appointed to investigate a complaint formally if he has previously been appointed to act in relation to it under paragraph (4).

(7) No member of the police force may be appointed under this Article unless—

(a) where the member of the police force against whom the complaint is made is of the rank of superintendent or chief superintendent, he is of at least one rank above the rank of that member; and

(b) where the member of the police force against whom the complaint is made is of the rank of chief inspector or below, he is of at least two ranks above the rank of that member.

(8) Unless an investigation under this Article is supervised by the Commission under Article 9, the person appointed under paragraph (3) or (5) shall submit his report on the investigation to the Chief Constable.

(9) A complaint is not suitable for informal resolution unless—

(a) the complainant gives his consent; and

(b) the Chief Constable is satisfied that the conduct complained of, even if proved, would not justify a criminal or disciplinary charge.

F5 prosp. rep. 1995 NI 17

[F6]Investigation of complaints against senior officers

6.—(1) Where a complaint about the conduct of a senior officer—

(a) is submitted to the Police Authority; or

(b) is sent to the Police Authority under Article 4(3),

it shall be the Authority's duty to record it and, subject to paragraph (2), to investigate it.

(2) The Police Authority may deal with the complaint according to the Authority's discretion, if satisfied that the conduct complained of, even if proved, would not justify a criminal or disciplinary charge.

(3) In any other case the Police Authority shall appoint a member of the police force or a member of another United Kingdom police force to investigate the complaint.

(4) The Chief Constable shall provide a member of the police force to be appointed, if a request is made to him for one to be appointed under paragraph (3).

(5) No member of the police force may be appointed under paragraph (3) unless he is of at least the rank of the member against whom the complaint is made.

(6) Unless an investigation under this Article is supervised by the Commission under Article 9, the person appointed under paragraph (3) shall submit his report on the investigation to the Police Authority.

F6 prosp. rep. 1995 NI 17

F7 Reference of complaints to Commission

7.—(1) Where the appropriate authority decides under Article 5(3) or (5) or Article 6(3) to appoint a member of the police force or a member of another United Kingdom police force to investigate a complaint, the appropriate authority shall refer that complaint to the Commission.

(2) Where a complaint falls to be referred to the Commission under paragraph (1), it shall be the appropriate authority's duty to refer it to the Commission not later than the end of a period specified in regulations made by the Secretary of State.

F7 prosp. rep. 1995 NI 17

F8 Reference of other matters to Commission

8.—(1) The appropriate authority may refer to the Commission any matter which—

(a) appears to the appropriate authority to indicate that a member of the police force may have committed a criminal offence or an offence against discipline; and

(b) is not the subject of a complaint,

if it appears to the appropriate authority that it ought to be referred by reason—

(i) of its gravity; or

(ii) of exceptional circumstances.

(2) The Secretary of State or the Police Authority may refer to the Commission any matter which—

(a) appears to the Secretary of State or the Authority to indicate that a member of the police force may have committed a criminal offence or an offence against discipline; and

(b) is not the subject of a complaint,

if it appears to the Secretary of State or the Authority that it is desirable in the public interest that the Commission should supervise the investigation of the matter.

F8 prosp. rep. 1995 NI 17

F9 Supervision of investigations by Commission

9.—(1) The Commission shall supervise the investigation—

(a) of any complaint alleging that the conduct of a member of the police force resulted in the death of or serious injury to some other person; and

(b) of any other description of complaint specified for the purposes of this Article in regulations made by the Secretary of State;

and in sub-paragraph (a) "serious injury" means a fracture, damage to an internal organ, impairment of bodily function, a deep cut or a deep laceration.

(2) The Commission shall supervise the investigation of any matter referred to it under Article 8(2) if required to do so by the Secretary of State or the Police Authority.

(3) The Commission may supervise the investigation—

(a) of any complaint the investigation of which it is not required to supervise under paragraph (1); and

(b) of any matter referred to it under Article 8(1),

if the Commission considers that it is desirable in the public interest that it should supervise that investigation.

(4) Where the Commission decides to supervise an investigation under paragraph (3), it shall be the duty of the Commission to notify the appropriate authority to that effect.

(5) Where an investigation is to be supervised by the Commission it may require—

(a) that no appointment of a person to conduct the investigation shall be made unless the Commission has given notice to the appropriate authority that it approves the person whom that authority proposes to appoint; or

(b) if such an appointment has already been made and the Commission is not satisfied with the person appointed, that—

(i) the appropriate authority shall, as soon as is reasonably practicable, select another member of the police force or member of another United Kingdom police force and notify the Commission that it proposes to appoint him; and

(ii) the appointment shall not be made unless the Commission gives notice to the appropriate authority that it approves that person.

(6) It shall be the duty of the Secretary of State by regulations to provide that the Commission shall have power, subject to any restrictions or conditions specified in the regulations, to impose requirements as to a particular investigation additional to any requirements imposed by virtue of paragraph (5); and it shall be the duty of a member of the police force or a member of another United Kingdom police force to comply with any requirement imposed on him by virtue of the regulations.

(7) At the end of an investigation which the Commission has supervised the person appointed to conduct the investigation—

(a) shall submit a report on the investigation to the Commission; and

(b) shall send a copy to the appropriate authority.

(8) After considering a report submitted to it under paragraph (7), the Commission shall submit to the appropriate authority a statement—

(a) whether the investigation was or was not conducted to the Commission's satisfaction;

(b) specifying any respect in which it was not so conducted; and

(c) dealing with any such other matters as the Secretary of State may by regulations provide.

(9) If it is practicable to do so, the Commission, when submitting the statement under paragraph (8), shall send a copy to the member of the police force whose conduct has been investigated.

(10) If—

(a) the investigation related to a complaint; and

(b) it is practicable to do so,

the Commission shall also send a copy of the statement under paragraph (8) to the complainant.

(11) The power to issue a statement under paragraph (8) includes power to issue separate statements in respect of the disciplinary and criminal aspects of an investigation.