1973. No. 248 **[C]**

POLICE

Royal Ulster Constabulary: Discipline and Disciplinary Appeals

REGULATIONS, DATED 19TH JULY 1973, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 25 OF THE POLICE ACT (NORTHERN IRELAND) 1970.

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The Ministry of Home Affairs for Northern Ireland on behalf of the Secretary of State and in exercise of the powers conferred on it by section 25 of the Police Act (Northern Ireland) 1970(a) (hereinafter referred to as "the Act") and of every other power enabling it in that behalf and after consulting the Police Authority and the Police Association 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 1973 and shall come into operation on 1st September 1973.

Revocation and transitional provisions

2.—(1) The Royal Ulster Constabulary (Suspension from Duty) Regulations 1972(b) are hereby revoked.

(2) Anything done before the coming into operation of these Regulations for the purposes of the Regulations revoked by paragraph (1) or the Discipline Regulations (hereinafter referred to as "the former Regulations") applicable to the Royal Ulster Constabulary immediately prior to the coming into operation of these Regulations, by, to or before any person or authority, shall have effect as if it had been done for the purposes of these Regulations notwithstanding that it might, under these Regulations, have fallen to be done by, to or before a person other than that person or authority.

(3) Without prejudice to the generality of paragraph (2), any act performed or to be performed under the Regulations revoked by paragraph (1) or punishment imposed under the former Regulations shall be deemed to have been performed, to be performed, or to have been imposed under these Regulations.

(4) Without prejudice to the generality of paragraph (2), where immediately before the coming into operation of these Regulations a member was suspended from duty under the Regulations revoked by paragraph (1) he shall be treated as if he had been suspended under Regulations 21 or 37 as the case may be.

Interpretation

3.—(1) In these Regulations, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

(*a*) in Part II, any reference to a chief constable shall include a reference to the deputy chief constable acting as chief constable and any reference to the deputy chief constable shall include a reference to an assistant chief constable acting in the place of the deputy chief constable;

(*b*) "discipline code" means the code of offences contained in Schedule 1;

(*c*) "home police force" means a police force within the meaning of the Police Act 1969(c);

(*d*) "force" means the Royal Ulster Constabulary;

(*e*) "member" means a member of the Royal Ulster Constabulary;

(*f*) "Minister" means, subject to paragraph (2), the Minister of Home Affairs;

(a) 1970. c. 9 (N.I.).
(b) S.R. & O. (N.I.) 1972, No. 104.
(c) 1969. c. 63.

(*g*) "Ministry" means the Ministry of Home Affairs;

(*h*) "offence" means an offence against discipline within the meaning of Regulation 5;

(*i*) "senior officer" means a member above the rank of superintendent;

(*j*) "superintendent" includes chief superintendent.

Scope of the Regulations

(2) Nothing in these Regulations shall be construed as making provision contrary to any provision in the Northern Ireland (Temporary Provisions) Act 1972(**d**) and, accordingly, so long as section 1 of that Act has effect any reference to the Minister shall be construed as a reference to the Secretary of State.

Modification of regulations in their application to cases referred to a tribunal under Section 13(2) *of the Act*

4.—(1) Where a complaint made by a member of the public against a member of the Force is referred by the chief constable to a tribunal under section 13(2) of the Act for consideration and report—

(*a*) if the accused is of or below the rank of superintendent, the chief constable may deal with such report as if it were received from some other chief constable under Regulation 20;

(*b*) if the accused is a senior officer, 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 33.

(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 one or more of the offences set out in the discipline code contained in Schedule 1.

PART II

DISCIPLINE: RANKS OF AND BELOW SUPERINTENDENT

Investigation of charges

6.—(1) Where a report, allegation or complaint is received from which it appears that a member of or below the rank of superintendent may have committed an offence, the matter shall be referred to an investigating officer who shall cause it to be investigated:

Provided that where the matter arises otherwise than from a complaint received from a member of the public, it shall not be so referred if the chief constable decides that no disciplinary proceedings need be taken.

(2) Subject to paragraphs (3) and (4), the investigating officer shall be of or above the rank of inspector, as may be appropriate to the particular case under the general arrangements for the purpose, and shall be a member of the force or, if the chief constable of some other force is requested to provide an investigating officer, a member of that other police force.

(3) The investigating officer shall be a person other than—

(*a*) the chief constable or deputy chief constable, or

(*b*) a member serving in the same division or branch as the person who may have committed an offence:

(**d**) 1972. c. 22.

Provided that sub-paragraph (*b*) shall not apply in a case in which the chief constable, in view of the nature of the report, allegation or complaint or otherwise, directs that it shall not apply.

Personal explanation

7. The investigating officer shall, as soon as is practicable (without prejudicing his or any other investigation of the matter) inform the member in writing of the report, allegation or complaint and give him a written notice—

(*a*) informing him that he is not obliged to say anything concerning the matter, but that he may, if he so desires, make a written or oral statement concerning the matter to the investigating officer or to the chief constable, and

(*b*) warning him that if he makes such a statement it may be used in any subsequent disciplinary proceedings.

Formulation of charges

8.—(1) The chief constable, after considering the report of the investigating officer and any statement made under Regulation 7, shall decide whether the member shall be charged with an offence and, if he decides that the member shall be so charged, he shall as soon as possible cause to be entered on a discipline form the offence with which the member is charged and such particulars as will leave the member in no doubt as to the precise nature of the alleged offence.

(2) A discipline form shall be in the form set out in Schedule 2.

Delegation of duties to deputy chief constable

9. The chief constable may delegate to the deputy chief constable the duty of deciding under Regulation 8 whether a member shall be charged with an offence and, where he does so delegate this duty, any reference in Regulations 6, 7 or 8 to the chief constable shall be taken as a reference to the deputy chief constable.

Documents to be supplied to accused

10.—(1) Where a member is charged with an offence he shall, as soon as possible, be supplied with copies—

(*a*) of any written statement he may have made under Regulation 7 or of an account of any oral statement so made;

(*b*) of the report, allegation or complaint on which the charge is founded (or so much thereof as relates to the accused) and of any reports thereon (other than the report of the investigating officer) notwithstanding that they may be confidential;

(*c*) of any statement relating to the charge made by any witness to be called in support of the charge, together with the witness's name and address; and

(*d*) of any statement relating to the charge made by any person other than a witness to be called in support of the charge, to the investigating officer or to anybody on his behalf, together with the person's name and address;

(2) Where the charge is founded on a report, allegation or complaint and a statement arising therefrom made by the same person, the reference in paragraph (1)(*b*) to the report, allegation or complaint shall, without prejudice to paragraph (1)(*c*) or (*d*), be construed as including a reference to that statement.