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STATUTORY INSTRUMENTS

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**1987 No. 938**

**Police (Northern Ireland) Order 1987**

**PART IV**

**MISCELLANEOUS AND SUPPLEMENTARY**

*Miscellaneous*

**<sup>F1</sup>Restrictions on subsequent proceedings**

**22.**—(1) Where a member of the police force has been convicted or acquitted of a criminal offence he shall not be liable to be charged with any offence against discipline which is in substance the same as the offence of which he has been convicted or acquitted.

(2) Paragraph (1) shall not be construed as applying to a charge in respect of an offence against discipline which consists in having been found guilty of a criminal offence.

(3) Subject to paragraph (4), no statement made by any person for the purpose of the informal resolution of a complaint shall be admissible in any subsequent criminal, civil or disciplinary proceedings.

(4) A statement is not rendered inadmissible by paragraph (3) if it consists of or includes an admission relating to a matter which does not fall to be resolved informally.

**F1** prosp. rep. 1995 NI 17

**<sup>F2</sup>Guidelines concerning discipline, complaints, etc.**

**23.**—(1) The Secretary of State may issue guidance to the Chief Constable and to other members of the police force concerning the discharge of their functions—

- (a) under part II; and
- (b) otherwise in connection with discipline;

and members of the police force shall have regard to any such guidance in the discharge of their functions.

(2) Guidance may not be issued under paragraph (1) in relation to the handling of a particular case.

(3) A failure on the part of a member of the police force to have regard to any guidance issued under paragraph (1) when determining—

- (a) whether a member of the police force has committed an offence against discipline; or
- (b) the punishment to be awarded for such an offence,

shall be admissible in evidence on any appeal from the determination.

(4) In discharging its functions under Article 13 the Commission shall have regard to any guidance given to it by the Secretary of State with respect to such matters affecting the preferring

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and withdrawing of disciplinary charges as are for the time being the subject of guidance under paragraph (1) and shall have regard in particular, but without prejudice to the generality of this paragraph, to any such guidance as to the principles to be applied in cases that involve any question of criminal proceedings and are not governed by Article 22.

(5) The report of the Commission under Article 17(3) shall contain a statement of any guidance given to the Commission under paragraph (4) during the year to which the report relates.

(6) This Article applies to members of another United Kingdom police force exercising functions under the principal Act or this Order as it applies to members of the police force.

**F2** prosp. rep. 1995 NI 17

### **Constitution and proceedings of Police Association**

**24.** In section 17(4) of the principal Act for the words from the beginning to “proceedings of the Police Association” there shall be substituted the words “ The Secretary of State, after consultation with the Police Association, may by regulations prescribe the constitution and proceedings of the Police Association and of the sections thereof or authorise any such section to make rules concerning such matters relating to its constitution and proceedings as may be specified in the regulations ”.

### **Complaints against traffic wardens**

**25.** In section 23 of the principal Act (appointment of traffic wardens by Police Authority) at the end there shall be added the following subsections—

“(4) Where a complaint is made by a member of the public against a traffic warden, the complaint shall be referred to the Chief Constable who shall (unless the complaint alleges an offence with which the traffic warden has then been charged) forthwith record the complaint and cause it to be investigated.

(5) It shall be the duty of the Police Authority to keep themselves informed as to the manner in which complaints from members of the public against traffic wardens are dealt with by the Chief Constable.” .

### *Supplementary*

#### **<sup>F3</sup>Amendment**

**26.** In section 25(3) of the principal Act (discipline regulations for members of the Royal Ulster Constabulary) for the words “Article 7 of the Police (Northern Ireland) Order 1977” there shall be substituted the words “ Article 14 of the Police (Northern Ireland) Order 1986 ”.

**F3** prosp. rep. 1995 NI 17

*Article 27—Repeals*

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**Changes and effects yet to be applied to :**

- [Instrument rev. \(saving\)\(prosp.\) by 1998 c. 32 s.74\(2\)\(3\)Schs.56](#)