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## STATUTORY INSTRUMENTS

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# 1995 No. 2993

## The Police (Amendment) (Northern Ireland) Order 1995

### PART IV

#### POLICE COMPLAINTS

##### Steps to be taken after investigation

<sup>F1</sup>22.—(1) It shall be the duty of the Police Authority, on receiving—

- (a) a report concerning the conduct of a senior officer which is submitted to it under Article 19(6); or
- (b) a copy of a report concerning the conduct of a senior officer which is sent to it under Article 21(7),

to send a copy of the report to the Director of Public Prosecutions for Northern Ireland unless the report satisfies the Authority that no criminal offence has been committed.

(2) Nothing in the following provisions of this Article or in Article 23 or 24 has effect in relation to senior officers.

(3) On receiving—

- (a) a report concerning the conduct of an officer who is not a senior officer which is submitted to him under Article 18(7); or
- (b) a copy of a report concerning the conduct of such an officer which is sent to him under Article 21(7),

it shall be the duty of the Chief Constable—

- (i) to determine whether the report indicates that a criminal offence may have been committed by a member of the police force; and
- (ii) if he determines that it does, to consider whether the offence indicated is such that the member of the police force ought to be charged with it.

(4) If the Chief Constable—

- (a) determines that the report does indicate that a criminal offence may have been committed by a member of the police force; and
- (b) considers that the offence indicated is such that the officer ought to be charged with it,

he shall send a copy of the report to the Director of Public Prosecutions for Northern Ireland.

(5) Except in such cases as may be prescribed, after the Director has dealt with the question of criminal proceedings, the Chief Constable shall send the Commission a memorandum, signed by him and stating whether he has brought (or proposes to bring) disciplinary proceedings in respect of the conduct which was the subject of the investigation and, if not, giving his reasons.

(6) Except in such cases as may be prescribed, if the Chief Constable—

- (a) determines that the report does indicate that a criminal offence may have been committed by a member of the police force; and

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*Changes to legislation: The Police (Amendment) (Northern Ireland) Order 1995, Section 22 is up to date with all changes known to be in force on or before 07 July 2024. 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*

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(b) considers that the offence indicated is not such that the officer ought to be charged with it, he shall send the Commission a memorandum to that effect, signed by him and stating whether he has brought (or proposes to bring) disciplinary proceedings in respect of the conduct which was the subject of the investigation and, if not, giving his reasons.

(7) Except in such cases as may be prescribed, if the Chief Constable considers that the report does not indicate that a criminal offence may have been committed by a member of the police force, he shall send the Commission a memorandum to that effect, signed by him and stating whether he has brought (or proposes to bring) disciplinary proceedings in respect of the conduct which was the subject of the investigation and, if not, giving his reasons.

(8) A memorandum under this Article—

(a) shall give the prescribed particulars in relation to any disciplinary proceedings which the Chief Constable has brought or proposes to bring in respect of the conduct which was the subject of the investigation; and

(b) shall state his opinion of the complaint or other matter to which it relates.

(9) Where the investigation—

(a) related to conduct which was the subject of a complaint; and

(b) was not supervised by the Commission,

the Chief Constable shall send the Commission a copy of the report of the investigation at the same time as he sends it the memorandum.

(10) Subject to Article 24(6)—

(a) if the Chief Constable's memorandum states that he proposes to bring disciplinary proceedings, it shall be his duty to bring and proceed with them; and

(b) if such a memorandum states that he has brought such proceedings, it shall be his duty to proceed with them.

<b>F1</b> prosp. rep. by <a href="#">1998 c. 32</a>
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**Changes to legislation:**

The Police (Amendment) (Northern Ireland) Order 1995, Section 22 is up to date with all changes known to be in force on or before 07 July 2024. 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.

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

- Instrument rev. in pt. (saving) (prosp.) by [1998 c. 32 s.74\(2\)\(3\)Schs.56](#)
- power to applied by [1997 c. 50 s.39\(2\)\(b\)](#)
- power to applied by [1997 c. 50 s.39\(2\)\(b\)](#)