

1985 No. 359

POLICE

**Royal Ulster Constabulary (Discipline and Disciplinary Appeals)
(Amendment) Regulations 1985**

Made 12th December 1985

Coming into operation 1st February 1986

To be laid before Parliament

The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970(a), and after consulting the Police Authority and the Police Association in accordance with section 34(2) of that Act, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) (Amendment) Regulations 1985 and shall come into operation on 1st February 1986.

Interpretation

2. In these regulations any reference to the principal regulations is a reference to the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1977(b).

Meanings assigned to certain expressions, etc

3. After the definition of “appellant” and “respondent” in regulation 3 of the principal regulations the following definition shall be inserted:—

“assistant chief constable includes senior assistant chief constable;”.

Delegation of functions by chief constable

4. For paragraph (2) of regulation 10 of the principal regulations there shall be substituted the following provision:—

“(2) The said duty may be delegated to an officer of the force not below the rank of assistant chief constable.”.

Hearing

5.—(1) In paragraph (2) of regulation 13 of the principal regulations for the words “chief constable or deputy chief constable” there shall be substituted the words “chief constable, deputy chief constable or a disciplinary board”.

(2) At the end of paragraph (2) of regulation 13 of the principal regulations there shall be inserted the following paragraph:—

“(3) For the purposes of paragraph (2) of this regulation and paragraph 6(a) of Schedule 4 a disciplinary board shall consist of a chairman and one other member, being officers of a rank, in the case of the chairman not lower than senior assistant chief constable or, in the case of the other member, not lower than assistant chief constable.”.

(a) 1970 c. 9 (N.I.) as modified by S.I. 1973/2163 and amended and extended by Articles 13 and 15 of S.I. 1977/53 (N.I. 2)

(b) S.R. 1977 No. 236

Suspension

6. After paragraph (2) of regulation 24 of the principal regulations there shall be inserted the following paragraph:—

“(3) The chief constable may delegate his powers under this regulation to any officer to whom, under regulation 10, he has delegated or could delegate the duty there mentioned; and where he does so, any reference in the foregoing provisions of this regulation to the chief constable shall be taken as a reference to the officer to whom the powers are delegated.”.

Disciplinary Hearings: Ranks of and below chief superintendent

7.—(1) In paragraph 2 of Schedule 4 of the principal regulations before the words “disciplinary board” the following words shall be inserted:—

“Except as defined in regulation 13(3)”.

(2) In paragraph 6 of Schedule 4 to the principal regulations there shall be substituted the following table:—

| <i>Description of officer or disciplinary board conducting the hearing</i> | <i>Punishments which may not be imposed under regulation 22</i> |
|---|---|
| (a) chief constable; deputy chief constable acting as chief constable; disciplinary board as defined by regulation 13(3) conducting a hearing in pursuance of paragraph 3, 4(b) or 5(b) of this Schedule; | none. |
| (b) a deputy chief constable conducting a hearing in pursuance of paragraph 4(a) or 5(a) hereof; disciplinary board consisting of two assistant chief constables conducting a hearing in pursuance of paragraph 3, 4(b) or 5(b) hereof; | as specified in paragraph 1(a) or (b) of regulation 22. |
| (c) an officer not below the rank of assistant chief constable conducting a hearing in pursuance of paragraph 4(a) or 5(a) hereof; | as specified in paragraph 1(a), (b) or (c) thereof; a reduction in accused's rate of pay for a period in excess of 13 weeks; or a fine in excess of 7 days' pay. |
| (d) an officer not below the rank of chief superintendent conducting a hearing in pursuance of paragraph 5(a) hereof. | as specified in paragraph 1(a), (b) or (c) thereof; a reduction in accused's rate of pay for a period in excess of 6 weeks; or a fine in excess of 3 days' pay.”. |

Northern Ireland Office
12th December 1985

Tom King
One of Her Majesty's Principal
Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1977 (the principal regulations).

Regulation 3 makes provision for the rank of assistant chief constable to include the rank of senior assistant chief constable.

Regulations 4 and 6 allow the chief constable to delegate functions relating to charging a member with an offence and the suspension of a member from duty to a deputy chief constable or to an assistant chief constable.

Regulation 5 allows a disciplinary board to conduct the hearing of a complaint as defined in Article 2(2) of the Police (Northern Ireland) Order 1977 and defines the composite ranks of a disciplinary board.