
STATUTORY RULES OF NORTHERN IRELAND

2000 No. 315

POLICE

The Royal Ulster Constabulary (Conduct) Regulations 2000

Made 23rd October 2000

Coming into operation 6th November 2000

To be laid before Parliament

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The Secretary of State, in pursuance of Sections 25 and 26 of the Police Act (Northern Ireland) 1998(a) and after consulting, in accordance with Section 64(4) of that Act, the Police Authority, the Police Association and the Police Ombudsman, hereby makes the following regulations:—

(a) 1998 c. 32 (N.I.)

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Royal Ulster Constabulary (Conduct) Regulations 2000 and shall come into operation on 6th November 2000.

Revocations and transitional provisions

2.—(1) Subject to the provisions of paragraphs (3) and (4), the regulations mentioned in Schedule 1 are hereby revoked to the extent specified in column 3 of the Table therein.

(2) In this regulation—

- (a) “the 1988 Regulations” means the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1988(a);
- (b) “the 1988 Part-time Regulations” means the Royal Ulster Constabulary Reserve (Part-time) (Discipline and Disciplinary Appeals) Regulations 1988(b); and
- (c) “the former regulations” means either of the Regulations mentioned in sub-paragraphs (a) and (b).

(3) Where a report, complaint or allegation has been or is received in respect of conduct by a member of the police force which occurred or commenced before 6th November 2000 the 1988 Regulations or the 1988 Part-time Regulations, as the case may be, shall continue to have effect.

(4) In the case of a report, complaint or allegation which relates to conduct by a member of the police force which occurred or commenced after 6th November 2000, these regulations shall apply.

Regulations not to apply in the case of senior officers

3. These Regulations shall not apply in relation to the conduct of the Chief Constable, a deputy chief constable or an assistant chief constable.

Interpretation

4. In these Regulations, the following expressions have the meanings hereby assigned to them—

- “appropriate officer” means an assistant chief constable;
- “authorised officer” means an officer of the Ombudsman authorised for the purpose of attending hearings;
- “the Act of 1998” means the Police (Northern Ireland) Act 1998;

(a) S.R. 1988 No. 10; relevant amendments were made by S.R. 1989 No. 471, S.R. 1994 No. 48, S.R. 1994 No. 291, S.R. 1996 No. 253, S.R. 1996 No. 343 and S.R. 1997 No. 42

(b) S.R. 1988 No. 8 as amended by S.R. 1989 No. 472, S.R. 1994 No. 49, S.R. 1994 No. 292, S.R. 1996 No. 254, S.R. 1996 No. 344 and S.R. 1997 No. 43

“an interested party” means a witness or any person involved in the conduct which is the subject of the case or who otherwise has a direct interest in the case;

“the Appeals Regulations” means the Royal Ulster Constabulary (Appeals) Regulations 2000(a);

“appropriate standard” means the standard set out in the Code of Conduct (Schedule 4);

“Code of Conduct” means that which is contained in Schedule 4 of these regulations;

“commander” means a Commander of the Metropolitan Police;

“complaint” means a complaint to which section 50 of the Act of 1998 applies;

“Ombudsman” means the Police Ombudsman for Northern Ireland established by section 51 of the Police (Northern Ireland) Act 1998;

“inspector”, “superintendent” and “assistant chief constable” include officers holding those ranks in a police force or police forces in Great Britain;

“investigating officer” includes a police officer to which section 57 of the Act of 1998 applies or an officer of the Ombudsman to which section 56 of the Act of 1998 applies;

“member” means a member of the Royal Ulster Constabulary; or a member of the Royal Ulster Constabulary Reserve appointed on either a full-time or a part-time basis;

“member concerned” means the member in relation to whose conduct there has been a report, complaint or allegation;

“police force in Great Britain” has the meaning assigned to a police force in the Police Act 1996(b) or a police force in the Police (Scotland) Act 1967(c) as the case may be;

“police officer” means a member or a member of a police force in Great Britain;

“senior officer” means a police officer holding the rank of chief constable, deputy chief constable or assistant chief constable.

PART II

SUSPENSION AND INVESTIGATION

Suspension

5.—(1) Where there has been a report, allegation or complaint which indicates that the conduct of a member did not meet the appropriate standard, the Chief Constable may suspend the member concerned from duty and from his office of constable whether or not the matter has been investigated.

(a) To be introduced concurrently with these regulations
(b) 1996 c. 16
(c) 1967 c. 77

(2) The Chief Constable may exercise the power to suspend the member concerned under this regulation at any time from the time of the receipt of the report, allegation or complaint until—

- (a) the supervising member decides not to refer the case to a hearing,
- (b) the notification of a finding that the conduct of the member concerned did meet the appropriate standard,
- (c) the time limit for giving notice of intention to seek a review under regulation 34 has expired, or
- (d) any review under regulation 35 has been completed.

(3) Where the member concerned is suspended under this regulation, he shall be suspended until there occurs any of the events mentioned in paragraph (2)(a) to (d), or until the Chief Constable decides he shall cease to be suspended, whichever first occurs.

(4) When the member concerned who is suspended is required to resign under regulation 31 he shall remain suspended during the period of his notice.

(5) The Chief Constable may delegate his powers under this regulation to another senior officer.

Suspension of investigations where there are outstanding criminal proceedings

6. Where there are criminal proceedings outstanding against the member concerned, proceedings under these regulations, except the power to suspend under regulation 5, shall not take place unless the Chief Constable believes that in the exceptional circumstances of the case it would be appropriate for them to do so.

Investigation

7.—(1) Subject to paragraph (2), where a report, complaint or allegation is received which indicates that the conduct of a member did not meet the appropriate standard the case may be referred to an officer, who shall satisfy the conditions in paragraph (3), to supervise the investigation of the case (the supervising member).

(2) Paragraph (1) shall not apply where the case arises from a complaint to which section 54 of the Act of 1998 applies.

- (3) The supervising member shall be—
- (a) a member;
 - (b) of at least the rank of superintendent;
 - (c) at least one rank above that of the member concerned; and
 - (d) not an interested party.

Appointment of investigating officer

8.—(1) The supervising member may appoint an investigating officer to investigate the case.

- (2) The investigating officer shall be—

- (a) a member, who shall not be serving in the same sub-division or branch as the member subject to investigation or, if, at the request of the supervising member, the chief officer of a police force in Great Britain agrees to provide an investigating officer, a member of that other force;
- (b) of at least the rank of inspector, or where the member concerned is a superintendent, at least the rank of assistant chief constable;
- (c) of at least the same rank as the member concerned; or
- (d) an officer of the Ombudsman; and
- (e) not an interested party.

(3) The provisions of this regulation are without prejudice to the powers of the Ombudsman with regard to the approval of the investigating officer under section 57(3) of the Act of 1998 or the appointment of an investigating officer of the Ombudsman under section 56(1) of the Act of 1998.

Notice of investigation and giving of caution

9. The investigating officer shall, as soon as is practicable (without prejudicing his or any other investigation of the matter),—

- (a) cause the member concerned to be given written notice—
 - (i) that there is to be an investigation into the case;
 - (ii) of the nature of the report, complaint or allegation;
 - (iii) informing him that he has the right to seek advice from his Staff Association; and
 - (iv) informing him that he has the right to be accompanied by a member of a police force selected by him, who shall not be an interested party, to any meeting, interview or hearing;
- (b) in all cases give that member in writing the caution set out in paragraph 1, of Schedule 2,
- (c) where he reasonably believes that the presence of any object, substance or mark found on the person of that member or in or on his clothing, footwear or otherwise in his possession or in any place in which the member was present at a time material to the subject matter of the report, complaint or allegation may be attributable to the member's having breached the Code of Conduct, inform the member that he so believes and give him in writing the caution set out in paragraph 2, of Schedule 2,
- (d) where he reasonably believes that the presence of that member at a place at or about the time the breach of the Code of Conduct was alleged to have been committed may be attributable to his involvement in that breach, inform the member that he so believes and give him in writing the caution set out in paragraph 3, of Schedule 2.

Investigating Officer's report

10.—(1) At the end of his investigation the investigating officer shall submit a written report on the case to the supervising member or to the Ombudsman.

(2) If at any time during the investigation it appears to the investigating officer that the case is one in which the conditions specified in Part I of Schedule 3 are likely to be satisfied, he shall, whether or not the investigation is at an end, submit to the supervising member or in the case of an investigation conducted under Section 56 or 57 of the Act of 1998 to the Ombudsman—

- (a) a statement of his belief that the case may be one in which regulation 39 applies and the grounds for that belief; and
- (b) a written report on the case so far as it has been investigated.

Procedures on receipt of investigating officer's report

11.—(1) Subject to paragraphs (2) and (3), on receipt of the investigating officer's report the supervising member may refer the case to a hearing.

(2) Where—

- (a) the Chief Constable has a duty to proceed under section 59(5) or (6) of the Act of 1998; or
- (b) the member concerned has received two written warnings about his conduct within the previous twelve months, and has in a statement made under regulation 9, admitted that his conduct failed to meet the appropriate standard,

the supervising member shall refer the case to a hearing.

(3) Where the supervising member or Ombudsman, on receipt of a report submitted by the investigating officer under paragraph (2) of regulation 10, is of the opinion the case is one in respect of which the conditions specified in Part I of Schedule 3 are likely to be satisfied, he shall refer the case to the appropriate officer, who shall—

- (a) if the conditions specified in Part I of Schedule 3 are not satisfied, return the case to the supervising member or Ombudsman as appropriate;
- (b) if the conditions specified in Part I of Schedule 3 are satisfied—
 - (i) certify the case as a special case and refer it to a hearing, or
 - (ii) if the circumstances are such as, in his opinion, make such certification inappropriate, return the case to the supervising member or Ombudsman as appropriate.

(4) Where a case is not referred to a hearing no reference to it shall be made on the member's concerned personal record.

(5) Proceedings at or in connection with a hearing to which a case is referred under this regulation shall, for the purposes of section 50 of the Act of 1998 be disciplinary proceedings.

Withdrawal of case

12.—(1) At any time before the beginning of the hearing the supervising member may direct that the case be withdrawn, unless—

- (a) the case is one to which regulation 11(2)(b) applies, or
- (b) the Chief Constable has a duty to proceed under section 59(5) or (6) of the Act of 1998.

(2) Where a case is withdrawn it shall be treated as if the supervising member had decided not to refer it to a hearing.

PART III

HEARING

Notice of hearing

13.—(1) The supervising member shall ensure that, as soon as practicable, the member concerned is given written notice of a decision to refer the case to a hearing and that, not less than 28 days before the date of hearing, the member concerned is supplied with copies of—

- (a) any statement he may have made to the investigating officer; and
- (b) any relevant statement, document or other material obtained by the investigating officer.

(2) The notice given under paragraph (1) shall specify the conduct of the member concerned which it is alleged failed to meet the appropriate standard and the paragraph of the Code of Conduct in respect of which the appropriate standard is alleged not to have been met.

(3) In this regulation any reference to a copy of a statement shall, where it was not made in writing, be construed as a reference to a copy of an account thereof.

Limitation on sanctions

14. No sanction may be imposed under regulation 31 unless the case has been referred to a hearing.

Notification of hearing

15.—(1) The supervising member shall ensure that at least 28 days in advance the member concerned is notified of the time, date and place of the hearing.

(2) In a case to which this paragraph applies the hearing may, if the supervising member considers it appropriate in the circumstances, take place before the expiry of the 28 days referred to in paragraph (1).

(3) Paragraph (2) applies where the member concerned is given a written notice under regulation 13(1) of a decision to refer the case to a hearing and—

- (a) at the time he receives such a notice he is detained in pursuance of the sentence of a court in a prison or other institution to which the Prison Act (Northern Ireland) 1953(a) applies, or has received a suspended sentence of imprisonment, and

(a) 1953 c. 18 as modified by S.I. 1973/2163

- (b) having been supplied under regulation 13 with the documents therein mentioned does not elect under regulation 16 to be legally represented at the hearing.

Legal representation

16.—(1) If the supervising member is of the opinion that the hearing should have available the sanctions of dismissal, requirement to resign or reduction in rank he shall cause the member concerned to be given notice in writing of the opportunity to elect to be legally represented at the hearing, at the same time as he is given notice under regulation 13.

(2) Where a member so elects, he may be represented at a hearing, at his option, either by counsel or by a solicitor.

(3) Except in a case where such an officer has been given the opportunity to be legally represented and has so elected, he may only be represented at the hearing by a member of a police force.

(4) No sanction such as is mentioned in paragraph (1) may be awarded unless the member concerned has been given the opportunity to elect to be legally represented at the hearing.

(5) If a member—

(a) fails without reasonable cause to give notice in accordance with regulation 17(1)(b) that he wishes to be legally represented; or

(b) gives notice in accordance with that regulation that he does not wish to be legally represented, any such punishment as is mentioned in paragraph (1) may be awarded without his being legally represented.

(6) If an officer gives notice in accordance with regulation 17(1)(b) that he wishes to be legally represented, the case against him may be presented by counsel or a solicitor whether or not he is actually so represented.

Procedure on receipt of notice

17.—(1) The member concerned shall be invited to state in writing, within 14 days of the date on which he is notified that the last of the documents required by regulation 13(1) to be supplied to him have been so supplied—

(a) whether or not he accepts that his conduct did not meet the appropriate standard laid out in the Code of Conduct;

(b) in a case where regulation 16 applies, whether he wishes to be legally represented at the hearing;

(c) whether he proposes to call any witnesses to relevant facts at the hearing and the names and addresses of any such witnesses whose attendance he wishes the supervising member to take steps to secure.

(2) Any witness whose attendance the member concerned wishes the supervising member to take steps to secure and who is a member shall be ordered to attend at the hearing of the case, and the supervising member, where so requested, shall cause any other such witnesses to be given due notice that their attendance is desired and of the time and place of the hearing.

(3) Nothing in this regulation shall require a hearing to be adjourned where a witness is unable or unwilling to attend the hearing.

Officers conducting the hearing

18.—(1) Where a case is referred to a hearing it shall be heard by three police officers, appointed by the Chief Constable, who shall not be interested parties.

(2) Subject to regulation 29, one such officer who shall be of at least the rank of assistant chief constable or commander, shall be the presiding officer.

(3) The presiding officer, subject to paragraph (4), shall be assisted by two officers, who shall be of at least the rank of superintendent.

(4) Where the member concerned is a superintendent, the presiding officer will be assisted by two officers of the rank of assistant chief constable or commander.

Documents to be supplied to the member concerned

19.—(1) Where the member concerned accepts, in accordance with regulation 17, that his conduct did not meet the appropriate standard, a summary of the facts of the case shall be prepared, a copy of which shall be supplied to the member concerned at least 14 days before the hearing.

(2) If the member concerned does not agree with the summary of facts he may submit a response within 7 days of receipt of the summary.

(3) Where the member concerned does not accept that his conduct did not meet the appropriate standard no summary of facts shall be prepared.

Documents to be supplied to the officers conducting the hearing

20. There shall be supplied to the officers conducting the hearing—

(a) a copy of the notice given under regulation 13; and

(b) where a summary of the facts has been prepared under regulation 19, a copy of that summary and of any response from the member concerned.

Representation

21.—(1) Unless the member concerned has given notice that he wishes to be legally represented under regulation 16, the supervising member shall appoint another member to present the case (the presenting officer).

(2) Where the member concerned has, in accordance with regulation 16, elected to be legally represented the supervising member may appoint counsel or a solicitor to present the case.

(3) The case of the member concerned may be conducted by the member in person or by a member of a police force selected by him or, if he has so elected in accordance with regulation 16, by counsel or solicitor.

Conduct of hearing

22.—(1) The officers conducting the hearing may from time to time adjourn if it appears to them to be necessary or expedient to do so for the due hearing of the case.

(2) Any decision of the officers conducting the hearing shall be based on a simple majority, but shall not indicate whether it was taken unanimously or by a majority.

Procedures at hearing

23.—(1) Subject to the provisions of these regulations, the officers conducting the hearing shall determine their own procedures.

(2) Where evidence is given that the member concerned, while subject to investigation—

- (a) after having been given in writing the caution set out in paragraph 1 of Schedule 2 failed to mention any fact relied on in his defence at the hearing, being a fact which in the circumstances existing at the time he could reasonably have been expected to mention during the investigation, or
- (b) after having been given in writing the caution set out in paragraph 2 of Schedule 2 failed or refused to account for any object, substance or mark, or
- (c) after having been given in writing the caution set out in paragraph 3 of Schedule 2 failed or refused to account for his presence at a particular place,

the officers conducting the hearing may draw such inferences from the failure or refusal as appear proper.

(3) The officers conducting the hearing shall review the facts of the case and decide whether or not the conduct of the member concerned met the appropriate standard and, if it did not, whether in all the circumstances it would be reasonable to impose any, and if so which, sanction.

(4) The officers conducting the hearing shall not find that the conduct of the member concerned failed to meet the appropriate standard unless the conduct is—

- (a) admitted by the member concerned; or
- (b) proved by the person presenting the case on the balance of probabilities, to have failed to meet that standard.

Non-attendance

24.—(1) The member concerned shall be ordered to attend the hearing.

(2) If the member concerned fails to attend the hearing it may be proceeded with and concluded in his absence.

(3) Where the member concerned informs the presiding officer in advance that he is unable to attend due to ill-health or some other unavoidable reason the hearing may be adjourned.

(4) Where, owing to the absence of the member concerned, it is impossible to comply with any of the procedures set out in these regulations, that procedure shall be dispensed with.

Attendance of complainant at hearing

25.—(1) This regulation shall apply where there has been a complaint against the member concerned.

(2) Notwithstanding anything in regulation 26(1), but subject to paragraphs (3) and (5), the complainant shall be allowed to attend the hearing while witnesses are being examined, or cross-examined, and may at the discretion of the presiding officer be accompanied by a friend or relative.

(3) Where the complainant or any person allowed to accompany him is to be called as a witness at the hearing, he and any person allowed to accompany him shall not be allowed to attend before he gives his evidence.

(4) Where the member concerned gives evidence then, after the presenting officer has had an opportunity of cross-examining him, the presiding officer shall put to him any questions which the complainant requests should be so put and might have been properly so put by the presenting officer or, at the presiding officer's discretion, may allow the complainant to put such questions to the member concerned.

(5) Subject as aforesaid, the complainant and any person allowed to accompany him shall neither intervene in, nor interrupt, the hearing; and if he or such a person shall behave in a disorderly or abusive manner, or otherwise misconduct himself, the presiding officer may exclude him from the remainder of the hearing.

(6) In this regulation a reference to the complainant is a reference to the originator of the complaint notwithstanding that it was transmitted to the Ombudsman by some other person or some other body.

Attendance of others at hearing

26.—(1) Subject to regulation 25 paragraphs (2) and (3), the hearing shall be in private: provided that it shall be within the discretion of the presiding officer to allow any authorised officer of the Ombudsman, any solicitor or any such other persons as he considers desirable to attend the whole or such part of the hearing as he may think fit, subject to the consent of all parties to the hearing.

(2) The member concerned may be accompanied at the hearing by another member who shall be, where the case is to be conducted by another member under regulation 21(3), that member.

(3) The presiding officer may allow witnesses to be accompanied at the hearing by a friend or relative.

Exclusion of public from hearing

27. Where it appears to the presiding officer that a witness may, in giving evidence, disclose information which, in the public interest, ought not be disclosed to a member of the public he shall require any member of the public

including the complainant and any person allowed to accompany the complainant or any witness to withdraw while the evidence is given.

Evidence at hearing

28.—(1) Any question as to whether any evidence is admissible, or whether any question should or should not be put to a witness, shall be determined by the presiding officer.

(2) With the consent of the member concerned the presiding officer may allow any document to be adduced in evidence during the hearing notwithstanding that a copy thereof has not been supplied to the member concerned in accordance with regulation 13(1).

Remission of cases

29.—(1) The hearing of the case—

(a) shall, in the circumstances mentioned in paragraph (2), or

(b) may, in the circumstances mentioned in paragraph (5),

be remitted by the presiding officer concerned to a police officer of equivalent rank who, at the presiding officer's request, has agreed to act as the presiding officer in the matter.

(2) A case shall be so remitted if—

(a) the presiding officer is an interested party otherwise than in his capacity as such; or

(b) there would not, because the member concerned was not given an opportunity under regulation 16 to elect to be legally represented at the hearing, be available on a finding against him any of the sanctions referred to in that regulation, and it appears to the presiding officer concerned that those sanctions ought to be so available and that accordingly it would be desirable for there to be another hearing at which the member concerned could, if he so wished, be so represented.

(3) Where a case is remitted to another officer under paragraph (2)(b) notice in writing shall be served on the member concerned inviting him to elect, within 14 days of the receipt thereof, to be legally represented at the hearing before that officer.

(4) An officer remitting a case under paragraph (2)(b) shall not give to the officer to whom the case has been remitted any indication of his assessment of the case or of the sanction which might be imposed.

(5) A case not falling within paragraph (2) may be remitted by the presiding officer in accordance with paragraph (1) if, either before or during the hearing, the presiding officer concerned considers remission appropriate.

Record of hearing

30. A verbatim record of the proceedings at the hearing shall be taken and, if the member concerned so requests within the time limit for any appeal and after he has lodged notice of appeal in accordance with regulation 5 of

the Appeals Regulations, a transcript of the record or a copy thereof shall be supplied to him by the presiding officer.

Sanctions

31.—(1) Subject to the provisions of regulation 16 the officers conducting the hearing, or in a directed case, the Chief Constable may impose any of the following sanctions, namely—

- (a) dismissal from the force;
- (b) requirement to resign from the force as an alternative to dismissal taking effect one month from the date of the decision;
- (c) reduction in rank;
- (d) reduction in pay for such a period, not exceeding 12 months, as shall be specified in the decision;
- (e) fine of a sum representing not more than 13 days pay recoverable over a minimum of 13 weeks;
- (f) reprimand;
- (g) caution.

(2) Any sanction imposed under paragraph (1), except a requirement to resign, shall have immediate effect.

(3) A fine imposed under paragraph (1) shall be such that, if it were recoverable by way of deductions from the pay of the member concerned during the period of thirteen weeks following the imposition of the sanction, the aggregate sum which might be so deducted in respect of any one week (whether on account of one or more fines) would not exceed one seventh of his weekly pay.

Personal record to be considered before sanction imposed

32. Where the question of the sanction to be imposed is being considered the officers conducting the hearing—

- (a) shall have regard to the record of police service of the member concerned as shown on his personal record and may receive evidence from any witness whose evidence would, in the opinion of the officers conducting the hearing or member concerned assist in determining the question, and
- (b) the member concerned, or his representative, shall be afforded an opportunity to make oral or, if appropriate, written representations as respects the question or to adduce evidence relevant thereto.

Finding

33. The member concerned shall be informed orally, by the presiding officer, of the finding and of any sanction imposed at the conclusion of the hearing and shall be provided with a written notification and summary of the reasons within three working days.

PART IV

REVIEW

Request for a review

34.—(1) Where a sanction is imposed under regulation 31, the member concerned shall be entitled to request the Chief Constable to review the finding or the sanction imposed or both.

(2) A request for a review must be made to the Chief Constable in writing within 14 days of receipt of the written summary of reasons given in accordance with regulation 33, or within such longer period as the Chief Constable may, in his discretion, allow, having regard to the circumstances of the case.

(3) The request for a review shall state the grounds on which the review is requested and whether a meeting is requested.

Conduct of the review

35.—(1) The Chief Constable shall, subject to paragraph (2), hold a meeting with the member concerned if requested to do so.

(2) Where the Chief Constable has imposed a sanction following a directed hearing the review will be conducted by a chief constable of a police force of Great Britain who has agreed to act in that capacity.

(3) Where a meeting is held the member concerned may be accompanied by a member and in a case where regulation 16 applies, by a solicitor or Counsel.

Finding of the review

36.—(1) The member concerned shall be informed of the finding of the Chief Constable in writing within three days of completion of the review.

(2) The Chief Constable may confirm the decision of the hearing or he may impose a different sanction or, in the case of a sanction of a fine, may vary the degree of the sanction, but he may not impose a sanction greater than that imposed at the hearing.

(3) The decision of the Chief Constable shall take effect by way of substitution for the decision of the hearing and as from the date of that hearing.

(4) Where as a result of the decision of the review, the member concerned is dismissed, required to resign or reduced in rank he shall be notified in writing of his right of appeal to a Police Appeals Tribunal, established in accordance with regulation 8 of the Royal Ulster Constabulary (Appeals) Regulations 2000.

Hearing of review in absence of the Chief Constable

37.—(1) Subject to paragraph (2), where the Chief Constable is an interested party or the circumstances in Section 20(1)(a) or (b) of the Act of 1998 apply, the review shall be conducted by the senior officer designated under Section 20(1) of the Act of 1998.

(2) Where the designated senior officer is absent or an interested party, the review shall be conducted by the chief officer of a police force in Great Britain who has agreed to act in that capacity.

Record of conduct proceedings

38. The Chief Constable will cause a book of record to be kept in which shall be entered every case brought against a member of the police, together with the finding thereon and a record of the decision in any further proceedings in connection therewith.

Special cases

39.—(1) This regulation applies to any case in which a report, a complaint or an allegation is made which indicates that the conduct of a member did not meet the appropriate standard and in respect of which the conditions specified in Part I of Schedule 3 are satisfied and his appropriate officer has issued a certificate under regulation 11(3)(b)(i).

(2) In the application of these Regulations to a case to which this regulation applies, regulations 12 to 37 shall subject to paragraph (3), have effect subject to the modifications specified in Part II of Schedule 3.

(3) Where the case is one to which this regulation applies but has been returned to the supervising member in pursuance of any provision of these Regulations as modified by Part II of Schedule 3, the provisions referred to in paragraph (2) shall thereafter have effect in relation to the case without modification.

(4) In Part II of Schedule 3, any reference to a provision in these Regulations shall, unless the contrary intention appears, be construed as a reference to that provision as modified by that Part.

Peter Mandelson

Northern Ireland Office
23rd October 2000

One of Her Majesty's Principal
Secretaries of State

Revocations

<i>Regulations</i>	<i>References</i>	<i>Extent of revocation</i>
Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1988	S.R. 1988 No. 10	Part II, Schedules 1, 2 and 4
Royal Ulster Constabulary (Discipline and Disciplinary Appeals) (Amendment) Regulations 1994	S.R. 1994 No. 48	The whole regulations
Royal Ulster Constabulary Reserve (Part-time) (Discipline and Disciplinary Appeals) Regulations 1988	S.R. 1988 No. 8	The whole regulations
Royal Ulster Constabulary Reserve (Part-Time) (Discipline and Disciplinary Appeals) (Amendment) Regulations 1989	S.R. 1989 No. 472	The whole regulations
Royal Ulster Constabulary Reserve (Part-time) (Discipline and Disciplinary Appeals) (Amendment) Regulations 1994	S.R. 1994 No. 49	The whole regulations
Royal Ulster Constabulary Reserve (Part-time) (Discipline and Disciplinary Appeals) (Amendment No. 2) Regulations 1994	S.R. 1994 No. 292	The whole regulations
Royal Ulster Constabulary Reserve (Part-time) (Discipline and Disciplinary Appeals) (Amendment) Regulations 1996	S.R. 1996 No. 254	The whole regulations
Royal Ulster Constabulary Reserve (Part-time) (Discipline and Disciplinary Appeals) (Amendment No. 2) Regulations 1996	S.R. 1996 No. 344	The whole regulations
Royal Ulster Constabulary Reserve (Part-time) (Discipline and Disciplinary Appeals) (Amendment) Regulations 1997	S.R. 1997 No. 43	The whole regulations

Cautions

1. You do not have to say anything, but I must caution you that if you do not mention when questioned something which you later rely on in any subsequent misconduct proceedings, it may harm your defence. You may, if you so desire, make a written or oral statement to the investigating officer or the chief constable. Anything you mention when questioned or any written or oral statement you make may be given in evidence at such misconduct proceedings.

2. On *[date]* at *[time]* at *[place]* there was:

(a) on your person

(b) in or on your clothing/footwear

(c) in your possession

(d) in the place where you were at that time,

a *[state the object/substance/mark]*.

I believe the presence of this *[state the object/substance/mark]* may be due to your having breached the Code of Conduct.

You do not have to say anything about *[state the object/substance/mark]*, but I must caution you that if you fail or refuse to account for *[state the object/substance/mark]* then your failure or refusal may be treated in any subsequent misconduct proceedings as supporting any relevant evidence against you. If you do say anything it may be given in evidence at such misconduct proceedings.

I now ask you to account for *[state the object/substance/mark]*. Have you anything you wish to say?

3. You were found on *[day and date]* at *[place]* at *[time]* which is at or about the time the Code of Conduct is alleged to have been breached.

I believe your presence at *[place]* at that time may be due to your involvement in this breach of the Code of Conduct.

You do not have to say anything about your presence at *[place]*, on *[day and date]* at *[time]* but I must caution you that if you fail or refuse to account for your presence at *[place]* then your failure or refusal may be treated in any subsequent misconduct proceedings as supporting any relevant evidence against you. If you do say anything it may be given in evidence at such misconduct proceedings.

I now ask you to account for your presence on *[day and date]* at *[place]* at or about *[time]*. Have you anything you wish to say?

SCHEDULE 3

Special Cases

PART I

CONDITIONS

Regulation 39

1.—(1) The conditions referred to in regulation 39 are—

- (a) the report, complaint or allegation indicates that the conduct of the member concerned is of a serious nature and that an imprisonable offence may have been committed by the member concerned; and
- (b) the conduct is such that, were the case to be referred to a hearing under regulation 11 and the officers conducting that hearing were to find that the conduct failed to meet the appropriate standard, they would in the opinion of the appropriate officer be likely to impose the sanction specified in regulation 31(1)(a) (dismissal from the force); and
- (c) the report, complaint or allegation is supported by written statements, documents or other material which is, in the opinion of the appropriate officer, sufficient without further evidence to establish on the balance of probabilities that the conduct of the member concerned did not meet the appropriate standard; and
- (d) the appropriate officer is of the opinion that it is in the public interest for the member concerned to cease to be a member of a police force without delay.

(2) In this paragraph an “imprisonable offence” means an offence which is punishable with imprisonment in the case of a person aged 21 or over.

PART II

MODIFICATIONS

2. For regulations 12 and 13 there shall be substituted the following regulations:

“12. At any time before the beginning of the hearing the appropriate officer may direct that the case be returned to the supervising member or Ombudsman as appropriate.

13.—(1) The appropriate officer shall ensure that, as soon as practicable, the member concerned is invited to an interview with the appropriate officer at which he shall be given written notice of the decision to refer the case to a hearing and supplied with copies of—

- (a) the certificate issued under regulation 11(3)(b)(i);
- (b) any statement he may have made to the investigating officer; and
- (c) any relevant statement, document or other material obtained during the course of the investigation.

(2) The notice given under paragraph (1) shall specify the conduct of the member concerned which it is alleged failed to meet the appropriate standard and the paragraph of the Code of Conduct in respect of which the appropriate standard is alleged not to have been met.

(3) In this regulation any reference to a copy of a statement shall, where it was not made in writing, be construed as a reference to a copy of an account thereof.

(4) Where the member concerned fails or is unable to attend the interview referred to in paragraph (1), the notice and copy document referred to in that paragraph shall be—

- (a) delivered to the member concerned personally, or
- (b) left with some person at, or sent by recorded delivery to, the address at which he is, with the approval of the chief constable, residing”

3. For regulations 15 and 16 there shall be substituted the following regulations:

“15. The appropriate officer shall fix a date for the hearing which shall be not less than 21 and not more than 28 days from the date on which notice is given under regulation 13 and shall ensure that the member concerned is forthwith notified of the time, date and place of the hearing.

16. The appropriate officer shall cause the member concerned to be given notice in writing, at the same time as he is given notice of the hearing under regulation 15, of the opportunity to elect to be legally represented at the hearing”.

4. In regulation 17 (procedure on receipt of notice)—

(a) in paragraph (1), for the words from “on which he is notified” to the end there shall be substituted the words:

“on which he receives the documents referred to in regulation 13—

- (a) whether or not he accepts that his conduct did not meet the appropriate standard; and
- (b) whether he wishes to be legally represented at the hearing”.

(b) sub-paragraph 1(c) and paragraphs (2) and (3) shall be omitted.

5. For regulation 18 there shall be substituted the following regulation:

“18.—(1) Subject to paragraph (2), a case which is referred to a hearing under regulation 11(3)(b)(i) shall be heard by the Chief Constable.

(2) Where the Chief Constable is an interested party, the case shall be heard by the chief officer of another force who has agreed to act in that capacity”.

6. Regulation 19 shall be omitted.

7. In regulation 20 (documents to be supplied to officers conducting the hearing), for “officers” there shall be substituted “officer” and for paragraphs (a) and (b) there shall be substituted the words “a copy of the notice given, and of any documents provided to the member concerned, under regulation 13”

8. In regulation 21 (representation), in paragraph (1) for “supervising” there shall be substituted “appropriate”.

9. For regulation 22 (conduct of hearing) there shall be substituted the following regulation—

“22. The officer conducting the hearing may adjourn if it appears to him to be necessary or expedient to do so; but

- (a) shall not exercise the power to adjourn more than once; and

(b) shall not adjourn for longer than a period of one week or, on application by the member concerned, 4 weeks”.

10. In regulation 23 (procedures at hearing):

(a) for “officers” wherever occurring there shall be substituted “officer”; and

(b) in paragraph (1) there shall be substituted “his” for “their” and “procedure” for “procedures”.

11. In regulation 24 paragraph 3 for “presiding officer” there shall be substituted “officer conducting the hearing”

12. In regulation 25 (attendance of complainant at hearing)—

(a) in paragraph (2) for the words “paragraphs (3) and (5)” there shall be substituted “paragraph (5)” and the words “while witnesses are being examined, or cross-examined,” shall be omitted;

(b) paragraphs (3) and (4) and, in paragraph (5), the words “subject as aforesaid,” shall be omitted; and

(c) for the words “presiding officer” wherever they occur there shall be substituted “officer conducting the hearing”.

13. In regulation 26 (attendance of others at hearing)—

(a) in paragraph (1) reference to paragraph (3) of regulation 25 shall be removed;

(b) paragraph (3) shall be omitted and for “presiding officer” there shall be substituted “officer conducting the hearing”.

14. Regulation 27 shall be omitted.

15. In regulation 28 (evidence at hearing)—

(a) in paragraph (1), the words, “or whether any question should or should not be put to a witness”, shall be omitted;

(b) in paragraph (2), for “13(1)” there shall be substituted “13(1) or (4)”;

(c) for the words “presiding officer” wherever they occur there shall be substituted “officer conducting the hearing”; and

(d) at the end there shall be added the following paragraph:

“(3) No witnesses shall be called by either party to the case”.

16. In regulation 29 (remission of cases)—

(a) paragraphs (2)(b), (3) and (4) shall be omitted;

(b) for the words “presiding officer” wherever they occur there shall be substituted “officer conducting the hearing”; and

(c) at the end there shall be added the following paragraph:

“(6) The officer conducting the hearing may return the case to the supervising member or appropriate officer if either before or during the hearing, the officer conducting the hearing considers it appropriate to do so”.

17. In regulation 30 (record of hearing) for “presiding officer” there shall be substituted “officer conducting the hearing”.

18. In regulation 31(1) (sanctions) for “officers” there shall be substituted “officer”.

19. In regulation 32 (personal record to be considered before sanction imposed)—

- (a) for “officers” there shall be substituted “officer”;
- (b) in sub-paragraph (a) for the words from “may receive evidence” to the word “officers” there shall be substituted “may admit such documentary evidence as would in the opinion of the officer”; and
- (c) in sub-paragraph (b) after the word “adduce” there shall be inserted “documentary”.

20. In regulation 33 (Finding) for “three working days” there shall be substituted “24 hours”.

21. In regulation 34 (request for a review)—

- (a) in paragraph (1) for the words from “Chief Constable” to the end there shall be substituted “Chief Constable to refer the case to the chief officer of another force who has agreed to act in that capacity (“the reviewing officer”) to review the finding or the sanction imposed or both the finding and the sanction”; and
- (b) in paragraph (2), the words appearing after Regulation 33 to the end shall be omitted.

22. In regulation 35 (conduct of the review), in paragraph (1) the words “Chief Constable” should be replaced by the words “reviewing officer”.

23. In regulation 36 (finding of the review)—

- (a) in paragraph (1), for “three days” there shall be substituted “24 hours”;
- (b) the words “Chief Constable” shall be replaced with the words “reviewing officer” where they occur;
- (c) at the end there shall be added the following paragraph:

“(5) Where the reviewing officer considers that the officer conducting the hearing should have returned the case to the supervising member or appropriate officer under regulation 29(6), he shall so return the case and the case shall thereafter be deemed to have been returned under that paragraph”.

24. Regulation 37 shall be omitted.

SCHEDULE 4

Code of Conduct for RUC Officers

- (a) The primary duties of members of the Royal Ulster Constabulary are the protection of life and property, the preservation of peace, and the prevention and detection of criminal offences. To fulfil these duties they are granted extraordinary powers; the public and the police service therefore have the right to expect the highest standards of conduct from them.
- (b) This Code sets out the principles which guide police officers' conduct. It does not seek to restrict officers' discretion: rather it aims to define the parameters of conduct within which that discretion should be exercised. However, it is important to note that any breach of the principles in this Code may result in action being taken, which, in serious cases, could involve dismissal. In addition, the Police Ombudsman has powers in relation to disciplinary proceedings, for example, the Ombudsman can direct that charges can be brought and invoke a special procedure known as a Directed Tribunal.
- (c) This Code applies to the conduct of members of the RUC in all ranks, and all members of the RUC Reserve, whether part-time or full-time whilst on duty, or off duty if the conduct is serious enough to indicate that an officer is not fit to be a police officer. It will be applied in a reasonable and objective manner. Due regard will be paid to the degree of negligence or deliberate fault and to the nature and circumstances of an officer's conduct.

Honesty and integrity

1. It is of paramount importance that the public has faith in the honesty and integrity of police officers. Officers should therefore be open and truthful in their dealings; avoid being improperly beholden to any person or institution; and discharge their duties with integrity.

Fairness and impartiality

2. Police officers have a particular responsibility to act with fairness and impartiality in all their dealings with the public and their colleagues. and to be seen to do so.

Discrimination

3. Quite apart from any breach of the equality legislation, police officers must not discriminate against the public or their colleagues for any reason related to sex, marital status, religious belief, political opinion, disability, racial group, age, sexual orientation, or having or not having dependants. Discrimination may be direct, or indirect or take the form of intimidation.

Note : "Racial Group means a group of persons defined by reference to colour, race, nationality or ethnic or national origins".

Politeness and tolerance

4. Officers should treat members of the public and colleagues with courtesy and respect, avoiding abusive and deriding attitudes or behaviour. In particular, officers must avoid: favouritism of an individual or group; all forms of harassment, victimisation or unlawful discrimination; and overbearing conduct to a colleague, particularly to one junior in rank or service.

Use of force and abuse of authority

5. Officers must never knowingly use more force than is reasonable, nor should they abuse their authority.

Performance of duties

6. Officers should be conscientious and diligent in the performance of their duties. Officers should attend work promptly when rostered for duty.

Lawful orders

7. The police service is a disciplined body. Unless there is good and sufficient cause to do otherwise, officers must obey all lawful orders and abide by the provisions of RUC Regulations. Officers should support their colleagues in the execution of their lawful duties, and oppose any improper behaviour, reporting it where appropriate.

Confidentiality

8. Information which comes into the possession of the police should be treated as confidential. It should not be used for personal benefit and nor should it be divulged to other parties except in the proper course of police duty. Similarly, officers should respect, as confidential, information about force policy and operations unless authorised to disclose it in the course of their duties.

Criminal Offences

9. Officers must report any proceedings for a criminal offence taken against them. A conviction for a criminal offence may result in further action being taken.

Property

10. Officers must exercise reasonable care to prevent loss or damage to property (excluding their own personal property but including police property).

Sobriety

11. Whilst on duty **(a)** officers must be sober **(b)**. Officers should not consume alcohol when on duty unless specifically authorised to do so or it becomes necessary for the proper discharge of police duty.

Appearance

12. Unless on duties which dictate otherwise, officers should always be well turned out, clean and tidy whilst on duty in uniform or in plain clothes.

General Conduct

13. Whether on or off duty, police officers should not behave in a way which is likely to bring discredit upon the police service.

-
- (a)** The onus to remain sober applies when the officer is off duty but has agreed to be available for recall to duty to deal with matters which might occur within the area(s) he/she has agreed to cover. It does not apply to the general 24-hour responsibility officers have for their own command area/department.
- (b)** An officer who is unexpectedly called out for duty should be able, at no risk of discredit, to say that he or she has had too much to drink.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations set out the procedures to be followed where an officer's conduct is suspected of falling below the standard set out in the Code of Conduct, contained in Schedule 4.

The regulations apply to members of the Royal Ulster Constabulary below the rank of Assistant Chief Constable and to all members of the Royal Ulster Constabulary Reserve. They replace Part II of, and Schedules 2 and 4 to, the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1988, and all of the Royal Ulster Constabulary Reserve (Part-time) (Discipline and Disciplinary Appeals) Regulations 1988 which, along with the amending regulations specified in Schedule 1, are hereby revoked.

Part I provides for the commencement and interpretation of the regulations, defines the limitation of application and makes the appropriate revocations and necessary transitional arrangements.

Part II provides for the suspension of the officer concerned where the chief constable considers appropriate, and for the investigation of the conduct to which the report, complaint or allegation relates.

Part III provides for the hearing of the case, the various parties who may be required or permitted to attend the hearing, the documentation to be made available to them, and the sanctions which may be imposed.

Part IV provides for the officer concerned to have the finding of the hearing or the sanction imposed or both reviewed by the Chief Constable or, in his absence, by another senior officer.

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