
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations make provision with respect to the assessment of the performance of members of the Royal Ulster Constabulary and the Royal Ulster Constabulary Reserve and establish procedures for cases in which a member who is not performing satisfactorily may be dealt with by way of requirement to resign, reduction in rank or warning. Parts II and III of the regulations make provision for interviewing members where it is considered that their performance is unsatisfactory and identifying areas of the performance which require improvement. Part IV makes provision for the holding of a hearing (called an unsatisfactory performance hearing) where it is considered that a member's performance has not improved. If the chairman of the hearing finds that the member's performance has been unsatisfactory he may require the member concerned to resign, order reduction in his rank or issue a warning. Part V makes provision for an appeal to the Chief Constable.

Regulations 4 to 7 make provision with respect to the first stage, in dealing with a member whose performance is considered unsatisfactory. The member concerned may be required to attend a first interview with the reporting or countersigning officer. The purpose is to explain why his performance is considered unsatisfactory and to allow the member concerned to make representations. The interviewing officer may, if he considers it appropriate, warn the member concerned that his performance must improve within a specified period and require specific action to be taken. A formal record must be made.

Regulations 8 to 11 make provision with respect to a second interview where the performance of the member concerned has not improved sufficiently. The interview is held by a countersigning officer and a personnel officer. Regulation 10 sets out the procedure. If, after considering any representations by the member concerned, it is considered that the member's performance has continued to be unsatisfactory, similar steps may be taken as may be taken following the first interview.

Regulations 12 to 18 make provision with respect to unsatisfactory performance hearings. The member concerned shall be required to attend a hearing if the reporting officer and countersigning officer are of the opinion that there has been an insufficient improvement in his performance since the second interview.

Regulation 13 provides for the arranging of a hearing and regulation 14 specifies the procedure to be followed. A chairman must be appointed who must be the rank of assistant chief constable.

The member concerned (who may be represented by counsel or a solicitor or by another member) must be given the opportunity of making representations. Regulation 15 enables the chairman to adjourn the hearing. This may be done where the member concerned fails to attend. The chairman may also adjourn the hearing for up to 3 months to allow a further period for assessment by the reporting officer and the countersigning officer of his performance. In such circumstances, these officers must prepare a report which will be considered by the chairman together with any further representations by the member concerned.

Regulation 16 requires the chairman to decide whether the performance of the member concerned is satisfactory or not and to notify his decision. Where he finds that the performance has been unsatisfactory, the chairman may in terms of regulation 17 make a disposal. This may take the form of a requirement to resign, reduction in rank or a warning.

Regulation 18 makes provision for further assessment of the performance of the member concerned if he was given a warning in terms of regulation 17(1)(c). It specifies further procedures in terms of which a report must be made after a specified period. Following consideration of any written

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comments by the member concerned, the chairman must consider if there has been a sufficient improvement. If there has not, the chairman must require the member to resign.

Regulation 19 makes provision for the member concerned, who has received a sanction, to request a chief constable's review and the time limits within which to do it.

Regulation 20 provides for the Chief Constable to hold a meeting with the member concerned including legal representation if applicable, while regulation 21 provides for the sanction to be confirmed or varied.

Regulation 22 provides for the hearing of a review in the absence of the Chief Constable.

Regulation 23 makes minor and consequential amendments to the Royal Ulster Constabulary Regulations 1996 concerning the keeping of records made in disciplinary, conduct or unsatisfactory performance proceedings.

Regulation 24 makes minor and consequential amendments to the Royal Ulster Constabulary Regulations 1996 concerning the keeping of records made in disciplinary, conduct or unsatisfactory performance proceedings.