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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations apply where an allegation comes to the attention of an appropriate authority (as defined in regulation 3) which indicates that the conduct of a member may amount to misconduct or gross misconduct (as defined in regulation 3). This includes an allegation contained within a complaint by a member of the public or a matter referred to the Police Ombudsman for Northern Ireland (“the Ombudsman”), by the Northern Ireland Policing Board, the Department of Justice or the Secretary of State or investigated by the Ombudsman of his own motion.

Part 1 deals with preliminary matters. Regulation 2 revokes the Royal Ulster Constabulary (Conduct) Regulations 2000, regulation 28 of the Royal Ulster Constabulary (Complaints etc.) Regulations 2000 (and the Schedule of modifications to the Royal Ulster Constabulary (Conduct) Regulations 2000 introduced by that regulation) and the Royal Ulster Constabulary (Conduct) (Senior Officer) Regulations 2000. However, those Regulations shall continue to have effect where the complaint or allegation came to the attention of the appropriate authority before the coming into operation of these Regulations.

Regulation 3 provides definitions of terms used in these Regulations, including the ‘special conditions’ which trigger the fast track procedure set out in Part 5 and makes provision in relation to the delegation of the functions of the Chief Constable under these Regulations. Regulation 4 sets out the harm test placing restrictions on the disclosure of information to the member concerned in the public interest.

Part 2 deals with general matters. Regulations 6 and 7 make provision about the role of a police friend under these Regulations and the right to legal representation. Regulation 9 provides that disciplinary or special case proceedings should proceed notwithstanding any criminal proceedings unless the appropriate authority considers they would prejudice such criminal proceedings. Regulation 10 makes provision in relation to the suspension of a police officer.

Part 3 deals with the investigation of conduct allegations. Regulation 12 provides that the appropriate authority must make a preliminary assessment as to whether the conduct, if proved, would amount to misconduct, gross misconduct or neither, and sets out what action must or may be taken as a consequence of that assessment. Regulation 13 deals with the appointment of an investigator by the appropriate authority. Regulation 14 deals with the appointment of an investigator by the Ombudsman. Regulation 15 sets out the purpose of the investigation. Regulations 16 and 17 provide for notice to be given to the member concerned that there is to be an investigation and describe what must be set out in that notice. Regulation 18 provides that the investigator shall consider any suggestions as to lines of inquiry made by the member concerned within the given time limit. Regulation 19 deals with interviews and regulation 20 with the investigation report.

Part 4 relates to misconduct proceedings. Regulation 21 provides that on receipt of the investigator’s report the appropriate authority must determine whether or not there is a case to answer in respect of misconduct or gross misconduct, and makes provision about the referral of a case to a misconduct meeting or misconduct hearing. Regulation 23 provides that notice must be given to the member concerned of the referral of his case to misconduct proceedings and provides that he may object to the persons appointed to deal with his case. Regulation 24 sets out the information the member concerned must and may provide on receipt of such notice. Regulation 25 provides that the person conducting or chairing the misconduct proceedings will decide whether any witnesses will attend the proceedings, and that a witness may only attend where he reasonably believes this to be necessary. Regulations 27 and 28 set out the person(s) who will conduct the misconduct proceedings. Regulations 30 to

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

34 deal with who shall and may attend those proceedings. Regulation 35 covers the procedure at the proceedings and regulation 36 deals with outcomes. At a misconduct meeting the disciplinary action that may be imposed is management advice, a written warning or a final written warning. Such action is also available at a misconduct hearing, along with reduction in rank, dismissal with or without notice or, in exceptional circumstances, the extension of a final written warning.

Part 5 deals with the procedures for special case hearings for those cases where there is written or documentary evidence to establish gross misconduct on the balance of probabilities and it is in the public interest for the member concerned to cease to be a member without delay. Procedures for these cases are fast tracked and there are no witnesses at the hearing other than the member concerned. Regulation 57 requires a record to be kept of all proceedings under these Regulations and the decision in appeals. Regulation 58 makes a technical amendment to the Royal Ulster Constabulary (Complaints etc.) Regulations 2000 by substituting a reference to these Regulations.

The Schedule sets out the standards of professional behaviour expected of members, breach of which may constitute a performance, misconduct or gross misconduct matter.