

1972. No. 104

[C]

ROYAL ULSTER CONSTABULARY**Suspension from Duty**

REGULATIONS, DATED 28TH MARCH 1972, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 25 OF THE POLICE ACT (NORTHERN IRELAND) 1970.

The Ministry of Home Affairs for Northern Ireland in exercise of the powers conferred on it by Section 25 of the Police Act (Northern Ireland) 1970(a) and of all other powers enabling it in that behalf and after consulting the Police Authority, the Police Association and, in accordance with the Police Act 1969(b), the Police Council for the United Kingdom hereby makes the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Royal Ulster Constabulary (Suspension from Duty) Regulations 1972.

(2) These Regulations shall have effect from 15th February 1971, except that in the case of a member who was then suspended from duty they shall have effect as from the date of his suspension.

Definitions

2. In these Regulations the following expressions have the meanings hereby respectively assigned to them:

“the force” means the Royal Ulster Constabulary

“member” means a member of the force

Revocation

3. The Royal Ulster Constabulary (Miscellaneous) Allowances Order 1968(c) in so far as it remains unrevoked is hereby revoked.

Suspension from duty

4.—(1) Where a report, allegation or complaint is received from which it appears that a member may have committed a disciplinary or criminal offence the chief constable may suspend that member from membership of the force and from his office as constable, whether or not the matter has then been investigated, and in such case he shall be suspended until—

(a) the chief constable decides otherwise;

(b) it is decided that the member shall not be charged with a disciplinary offence; or

(c) the member has been so charged and either all the charges have been dismissed or a punishment has been imposed,

whichever first occurs:

(a) 1970. c. 9 (N.I.).

(b) 1969. c. 63.

(c) S.R. & O. (N.I.) 1968, No. 119.

Provided that the chief constable may delegate to the deputy chief constable his powers under this paragraph and, where he does so, any reference therein to the chief constable shall be taken as a reference to the deputy chief constable.

(2) Subject to paragraph (4), a member suspended under this Regulation shall not be entitled to any allowance, other than a rent allowance, supplementary rent allowance, or compensatory grant, in respect of the period of suspension.

(3) Subject to paragraph (4), a member suspended under this Regulation who—

(a) is detained in pursuance of a sentence of a court in a prison or other institution to which the Prison Act (Northern Ireland) 1953(d) applies, or is in custody (whether in prison or elsewhere) between conviction by a court and sentence, or

(b) has absented himself from duty and whose whereabouts are unknown to the chief constable,

shall not be entitled to pay in respect of his period in detention or custody or, as the case may be, in respect of the period during which his whereabouts are unknown to the chief constable.

(4) Where a member returns to duty when the period of suspension comes to an end and—

(a) it has been decided that he shall not be charged with a disciplinary offence, or

(b) he has been so charged and all the charges have been dismissed, or

(c) he has been so charged and has been punished by a reduction in his rate of pay, fine, reprimand or caution,

he shall receive, as from the date of his suspension, the allowances to which, but for paragraph (2), and the pay to which, but for paragraph (3), he would have been entitled.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 28th day of March 1972.

(L.S.)

M. K. Harris,
Assistant Secretary.

The Ministry of Finance hereby concurs in the foregoing regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 28th day of March 1972.

(L.S.)

A. J. Green,
Assistant Secretary,
Ministry of Finance.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations provide that a member of the Royal Ulster Constabulary who is suspended from duty shall be entitled to full pay in circumstances in which, at present, he is, instead, paid a suspension allowance equal to two-thirds or one-half of his pay according to his marital status or domestic responsibilities.