
STATUTORY INSTRUMENTS

1987 No. 938

Police (Northern Ireland) Order 1987

PART II

POLICE COMPLAINTS

Handling of complaints, etc.

Disciplinary tribunals

14.—(1) Where the Chief Constable prefers a disciplinary charge in respect of a matter to which a memorandum under Article 10 relates, this Article applies—

- (a) to the hearing of any charge in pursuance of a direction under Article 13; and
- (b) to the hearing of any other charge to which the Commission directs that it shall apply.

(2) The Commission may direct that this Article shall apply to the hearing of a charge if it considers that to be desirable by reason of any exceptional circumstances affecting the case.

(3) Where this Article applies to the hearing of a disciplinary charge—

- (a) the function of determining whether the accused is guilty of the charge shall be discharged by a tribunal consisting of—
 - (i) a chairman who, subject to paragraphs (4) and (5), shall be the Chief Constable or such other person as may be prescribed by regulations made by the Secretary of State; and
 - (ii) two members of the Commission nominated by the Commission being members who have not been concerned with the case; and
- (b) the function of determining any punishment to be imposed shall, subject to paragraph (8), be discharged by the chairman after consulting the other members of the tribunal.

(4) In any case in which the Chief Constable is interested otherwise than in his capacity as such, or in which he is a material witness, the chairman shall be such other person as may be prescribed by regulations made by the Secretary of State.

(5) Without prejudice to paragraph (4), regulations made by the Secretary of State may provide for enabling the Chief Constable, where he considers it appropriate to do so, to direct that the chairman shall be the Chief Constable of another United Kingdom police force.

(6) The Secretary of State may by regulations provide for the procedure to be followed by tribunals constituted under this Article.

(7) The decision of the tribunal as to whether the accused is guilty of the charge may be a majority decision.

(8) Where—

- (a) the chairman of the tribunal is not the Chief Constable; and

- (b) the Chief Constable is neither interested in the case otherwise than in his capacity as such nor a material witness, the function of determining any punishment to be imposed shall be discharged by the Chief Constable after considering any recommendation as to punishment made by the chairman.
- (9) Before making any recommendation the chairman shall consult the other members of the tribunal.
- (10) Where—
 - (a) this Article applies to the hearing of a disciplinary charge; and
 - (b) there is another disciplinary charge against the accused which, in the opinion of the Chief Constable, can conveniently and fairly be determined at the same time, the Chief Constable may direct that this Article shall apply also to the hearing of the other charge.