

1988 No. 7 (C. 4)

POLICE

**Police (1987 Order) (Commencement) Order
(Northern Ireland) 1988**

Made 15th January 1988

Coming into operation 29th February 1988

In exercise of the powers conferred on me by Article 1(2) of and paragraph 20 of Schedule 1 to the Police (Northern Ireland) Order 1987(a), I hereby make the following Order:—

Citation and commencement

1. This Order may be cited as the Police (1987 Order) (Commencement) Order (Northern Ireland) 1988 and shall come into operation on 29th February 1988.

Interpretation

2. In this Order—

“the 1970 Act” means the Police Act (Northern Ireland) 1970(b);

“the 1977 Order” means the Police (Northern Ireland) Order 1977(c);

“the 1987 Order” means the Police (Northern Ireland) Order 1987;

“the Board” means the Police Complaints Board for Northern Ireland established in pursuance of Article 3(1) of the 1977 Order;

“the Commission” means the Independent Commission for Police Complaints for Northern Ireland established in pursuance of Article 3(1) of the 1987 Order;

“chief constable” includes a person discharging the functions of the chief constable;

“the commencement date” has the meaning assigned thereto by Article 3 below;

“complaint” means any complaint about the conduct of a member of the police force which is submitted by, or on behalf of, a member of the public; and

“the former complaints provisions” means the provisions applicable to complaints against members of the police force in operation immediately before the commencement date.

(a) S.I. 1987/938 (N.I. 10)

(b) 1970 c. 9 (N.I.) as amended by S.I. 1972/538 (N.I. 1), S.I. 1977/53 (N.I. 2), and S.I. 1987/938 (N.I. 10) and modified by S.I. 1973/2163

(c) S.I. 1977/53 (N.I. 2)

Appointed day

3. The day appointed for the coming into operation of the 1987 Order shall be 29th February 1988 (in this Order referred to as “the commencement date”).

Transitional arrangements

4.—(1) This Article applies to any complaint falling to be dealt with before the commencement date under the former complaints provisions and not disposed of in accordance with those provisions by that date.

(2) Subject to the following provisions of this Order any such complaint shall, as from the commencement date, continue to be dealt with as if the 1987 Order had been in operation at the date on which it was made, and as if anything done or falling to be done in relation thereto before the commencement date under any of the former complaints provisions was done or fell to be done in relation thereto under the corresponding provision of the said Order and the regulations made thereunder, and, in particular—

- (a) where any such complaint was recorded under section 13(1) of the 1970 Act it shall be treated as having been recorded under Article 5(1) of the 1987 Order;
- (b) where, under the said section 13(1), the chief constable has caused any such complaint to be investigated and has appointed a member for that purpose, the member shall be treated as having been appointed to investigate the complaint formally under Article 5(3) of the 1987 Order;
- (c) where a copy of the report of an investigation of any such complaint has been sent to the Director of Public Prosecutions under section 13(5) of the 1970 Act, it shall be treated as having been sent under Article 10(4) of the 1987 Order;
- (d) where a copy of a report of an investigation of any such complaint has been sent to the Board with a copy of the complaint and a statement under Article 5(1) of the 1977 Order, the statement shall be treated as a memorandum sent to the Commission under Article 10(7) of the 1987 Order;
- (e) where, under Article 6(2) of the 1977 Order, a recommendation has been made or a direction given by the Board to the chief constable as to disciplinary charges to be preferred by him in relation to any such complaint, the recommendation or direction shall be treated as made or given to him by the Commission in relation to that complaint under subsection (1) or, as the case may be, subsection (3) of Article 13 of the 1987 Order.

5. Articles 7 to 9 of the 1987 Order (which provide for the referral to and supervision by the Commission of investigations into complaints and other matters) shall not have effect in relation to any complaint or other matter unless—

- (a) notice thereof was first received by the appropriate authority on or after the commencement date; and
- (b) the conduct to be investigated occurred or is alleged to have occurred, on or after 28th February 1987.

6. Where, immediately before the commencement date, there were in operation under Article 10(1) of the 1977 Order, arrangements between the Board and any such authority as is referred to in that paragraph, the arrangements shall, notwithstanding the repeal of that Article, continue in force as if made in pursuance of an agreement under Article 16 of the 1987 Order between the Commission and the authority in question, until—

- (a) the end of 6 months from the commencement date, or
- (b) a new agreement is made between the Commission and the authority in question under the said Article 16,

whichever is the earlier.

Northern Ireland Office
15th January 1988

Tom King
One of Her Majesty's Principal
Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Order.)

Article 3 of the Order brings into operation all of the provisions of the Police (Northern Ireland) Order 1987, under which the Independent Commission for Police Complaints for Northern Ireland is established in place of the Police Complaints Board for Northern Ireland (established under the Police (Northern Ireland) Order 1977) and fresh provision is made for dealing with complaints against the police and police discipline.

Article 4 enables complaints, about the conduct of members of the force, received before 29th February 1988 under section 13 of the Police Act (Northern Ireland) 1970 to continue to be dealt with under Part II of the 1987 Order.

Article 5 provides that Articles 7 to 9 of the 1987 Order (which provide for the referral of complaints and other matters to the Independent Commission for Police Complaints and empower the Commission to supervise the investigation of complaints against the police and other matters) are only to apply if notice of the conduct to be investigated was received by the chief constable or Police Authority for Northern Ireland on or after 29th February 1988 and the conduct to be investigated occurred, or is alleged to have occurred, on or after 28th February 1987.

Article 6 provides for the temporary continuance of arrangements between the Police Complaints Board and authorities other than the Police Authority maintaining constabularies, when the Board is replaced by the Commission.