

1994 No. 291

POLICE

Royal Ulster Constabulary (Discipline and Disciplinary Appeals) (Amendment No. 2) Regulations 1994

Made 26th July 1994

Coming into operation 1st September 1994

To be laid before Parliament

The Secretary of State, in pursuance of sections 25 and 26 of the Police Act (Northern Ireland) 1970(a), and after consulting in accordance with section 34(2) of the said Act, the Police Authority and the Police Association, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) (Amendment No. 2) Regulations 1994 and shall come into operation on 1st September 1994.

Interpretation

2. In these regulations any reference to the principal regulations is a reference to the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1988(b).

Delegation of functions by chief constable

3. In regulation 15(2) of the principal regulations there shall be added at the end the words “or to the chief superintendent for the time being in charge of Complaints and Discipline Branch”.

Punishment

4. Regulation 23 of the principal regulations shall be amended as follows—

(a) in paragraph (9) for the word “Where” there shall be substituted the words “Subject to paragraph (10), where”; and

(b) there shall be added after paragraph (9) the following paragraph—
“(10) Paragraph (9) does not apply where a punishment specified in paragraph (1)(a), (b) or (c) is imposed.”.

(a) 1970 c. 9 (N.I.) as amended by S.I. 1977/53 (N.I. 2) and S.I. 1987/938 (N.I. 10) and modified by S.I. 1973/2163

(b) S.R. 1988 No. 10, as amended by S.R. 1989 No. 471 and S.R. 1994 No. 48

Discipline Code

5. In paragraph 3(c) of Schedule 1 to the principal regulations the words “, unless such proceedings are precluded by Article 22 of the Order of 1987” shall be omitted.

Northern Ireland Office
26th July 1994

P. B. B. Mayhew
One of Her Majesty's Principal
Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1988 (the principal regulations).

Regulation 3 extends the chief constable's powers of delegation, in relation to the charging of a member with an offence, to permit delegation to the chief superintendent for the time being in charge of Complaints and Discipline Branch.

Regulation 4 amends regulation 23 of the principal regulations by providing that paragraph (9) of that regulation (which provides that a punishment imposed by an officer, other than the chief constable, conducting a disciplinary hearing shall not take effect until the period for giving notice of appeal has expired or the appeal has been determined) shall not apply where the punishment imposed is dismissal, requirement to resign or reduction in rank.

Regulation 5 makes a drafting correction to a provision inserted in the principal regulations by the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) (Amendment) Regulations 1989, and effects no change of substance.