
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 242

Police Powers for Designated Staff (Complaints and Misconduct) Regulations (Northern Ireland) 2008

PART I
INTRODUCTORY

Citation and commencement

1.—(1) These regulations may be cited as the Police Powers for Designated Staff (Complaints and Misconduct) Regulations (Northern Ireland) 2008.

(2) These regulations shall come into operation on 1st July 2008.

Interpretation

2.—(1) In these regulations, except where the context otherwise requires—

“the 1998 Act” means the Police (Northern Ireland) Act 1998(1);

“the 2000 Act” means the Police (Northern Ireland) Act 2000(2);

“the 2003 Act” means the Police (Northern Ireland) Act 2003;

“allegation” includes a matter referred to the Ombudsman under section 55 of the 1998 Act;

“appointed officer” means an officer—

(i) appointed under regulation 29(1) to prepare a report on a case concerning the relevant conduct of a designated person employed by a contractor, or

(ii) appointed under regulation 35(1) to investigate a case concerning the relevant conduct of a designated person who is a member of the police support staff, or

(iii) appointed by the Ombudsman to investigate a case concerning the relevant conduct of a designated person under section 56 or 57 of the 1998 Act;

“the appropriate officer” means an Assistant Chief Constable;

“the appropriate standard” means the standard of conduct contained in the code of ethics;

“the Board” means the Northern Ireland Policing Board;

“the code of ethics” means the code of ethics issued by the Board under section 52 of the 2000 Act, and applied to designated persons by virtue of the Police Powers for Designated Staff (Code of Ethics) Order (Northern Ireland) 2008(3);

(1) 1998 c. 32. Relevant amendments were made to Part 7 by sections 62 to 65 of, and paragraph 23(5) of Schedule 6 to, the Police (Northern Ireland) Act 2000 (c. 32), section 13 of the Police (Northern Ireland) Act 2003 (c. 6), section 6 of the Justice (Northern Ireland) Act 2004 (c. 4), section 55 of the Serious Organised Crime and Police Act 2005 (c. 15), Schedule 2 to the Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (NI 2) and Article 11(2) of the Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (NI 6).

(2) 2000 c. 32.

(3) S.R. 2008 No. 243

“contractor” means a person with whom the Chief Constable, on behalf of and in the name of the Board, has entered into a contract under section 5A of the 2000 Act for the provision of services relating to the detention or escort of persons who have been arrested or are otherwise in custody;

“the contractor concerned” means, in relation to a designated person, the contractor responsible for supervising the designated person in the carrying out of the functions to which the relevant conduct related;

“copy of a complaint”, in the case of a complaint made orally, includes a copy of the record of the complaint;

“designated person” means a person designated under section 30, 30A or 31 of the 2003 Act;

“the designated person concerned” means the designated person in relation to whose conduct there has been a report, complaint or allegation;

“designation” means, in relation to a designated person, his designation under section 30, 30A or 31 of the 2003 Act;

“the Director” means the Director of Public Prosecutions for Northern Ireland;

“an interested party”, in relation to a case, means a witness or any person involved in the conduct which is the subject of the case or who otherwise has a direct interest in the case;

“misconduct proceedings” means proceedings under Part VII;

“Ombudsman” means the Police Ombudsman for Northern Ireland established by section 51 of the 1998 Act;

“other matter” means a matter (not being a complaint) which the Ombudsman may investigate under section 55 of the 1998 Act (as it applies by virtue of regulation 14);

“police force in Great Britain” means a police force within the meaning of the Police Act 1996(4) or the Police (Scotland) Act 1967(5);

“presenting officer” means, in relation to a case, a police officer appointed under regulation 50(1) to present the case;

“register” includes the holding of information by electronic means;

“relevant conduct” means, in relation to a designated person, conduct relating to the carrying out of a function for the purpose of which any power or duty is conferred or imposed on him by his designation;

“supervising member” has the meaning given by regulation 28 or (as the case may be) regulation 34.

(2) Other expressions used in these regulations and in the 2000 Act have the same meanings in these regulations as they have in that Act.

(3) Any reference in these regulations to a complaint, except in regulation 5(1) or (2), 8(1), 28 or 34, is a reference to a complaint in relation to which the Ombudsman has made a determination under section 52(8) of the 1998 Act, as it applies by virtue of regulation 8, that it—

- (a) is about the relevant conduct of a designated person, and
- (b) is made by, or on behalf of, a member of the public.

Delegation of functions by Chief Constable

3.—(1) The Chief Constable may not delegate any function conferred on him under or by virtue of these regulations, except to—

(4) 1996 c. 16.
(5) 1967 c. 77.

- (a) a police officer of at least the rank of chief inspector, or
 - (b) an employee holding an appropriate position in the police support staff.
- (2) A person who has conducted an investigation in a case, or who has acted in relation to it in pursuance of an attempt to resolve it by way of informal resolution shall not, as respects that case, exercise any function in pursuance of a delegation under paragraph (1).
- (3) Any reference in the following provisions of these regulations to the Chief Constable shall be construed as including a reference to a person discharging the functions of the Chief Constable.