
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 41

The Police (Conduct) Regulations (Northern Ireland) 2016

PART 5

Fast Track Procedure for Special Cases

Procedure at special case hearing

53.—(1) Subject to these Regulations, the person conducting or chairing the special case hearing shall determine the procedure.

(2) Subject to regulation 52, the special case hearing shall be in private.

(3) The special case hearing shall not proceed unless the member concerned has been notified of the effect of regulation 7(1) to (3) in relation to a special case hearing.

(4) Subject to paragraph (5), the person conducting or chairing the special case hearing may from time to time adjourn the hearing if it appears to him to be necessary or expedient to do so.

(5) The special case hearing shall not, except in exceptional circumstances, be adjourned solely to allow the complainant or any interested person to attend.

(6) No witnesses other than the member concerned shall give evidence at the special case hearing.

(7) The person representing the member concerned may—

(a) address the hearing in order to do any or all of the following—

(i) put the case of the member concerned;

(ii) sum up that case;

(iii) respond on behalf of the member concerned to any view expressed at the proceedings; and

(iv) make representations concerning any aspect of proceedings under these Regulations; and

(b) if the member concerned is present at the proceedings or is participating in them by video link or other means in accordance with regulation 50(2), confer with the member concerned.

(8) Where the person representing the member concerned is counsel or a solicitor, the police friend of the member concerned may also confer with the member concerned in the circumstances mentioned at paragraph (7)(b).

(9) The police friend or counsel or solicitor of the member concerned may not answer any questions asked of the member concerned during the special case hearing.

(10) The person conducting or chairing the special case hearing may allow any document to be considered at the hearing notwithstanding that a copy of it has not been supplied—

(a) by the member concerned to the appropriate authority in accordance with regulation 46(2); or

(b) to the member concerned in accordance with regulation 44(1).

(11) Where evidence is given or considered at the special case hearing that the member concerned—

(a) on being questioned by an investigator, at any time after he was given written notice under regulation 16(1) or 17(1); or

(b) in submitting any information or by not submitting any information at all under regulation 46 (or, where paragraph (13) applies, regulation 18(1) or 24(2) or (3)),

failed to mention any fact relied on in his case at the special case hearing, being a fact which in the circumstances existing at the time, the member concerned could reasonably have been expected to mention when so questioned or when providing such information, paragraph (12) applies.

(12) Where this paragraph applies, the person or persons conducting the special case hearing may draw such inferences from the failure as appear proper.

(13) This paragraph applies where the case was certified as a special case following a determination made under regulation 42(3).

(14) The person or persons conducting the special case hearing shall review the facts of the case and decide whether or not the conduct of the member concerned amounts to gross misconduct.

(15) The person or persons conducting the special case hearing shall not find that the conduct of the member concerned amounts to gross misconduct unless—

(a) he is or they are satisfied on the balance of probabilities that this is the case; or

(b) the member concerned admits it is the case.

(16) At a special case hearing conducted by a panel, any decision shall be based on a majority but shall not indicate whether it was taken unanimously or by a majority.

(17) Where the member concerned is a senior officer, the persons conducting the special case hearing shall, as soon as practicable after the hearing, submit a report to the Board, together with a copy to the senior officer concerned, setting out—

(a) the finding of the persons conducting the hearing under paragraph (14);

(b) the reasons for that finding;

(c) if the finding was that the conduct of the senior officer concerned amounted to gross misconduct, a recommendation as to any disciplinary action which in their opinion should be imposed; and

(d) any other matter arising out of the hearing which they desire to bring to the notice of the Board.

(18) In any case in which the Ombudsman was entitled to attend as an observer or to present the case under regulation 51(1), the person or persons conducting the special case hearing shall send a copy of any report submitted under paragraph (17) to the Ombudsman.

(19) The Board shall send a copy of the report submitted under paragraph (17) to the Department of Justice and the Chief Constable.