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STATUTORY INSTRUMENTS

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**1987 No. 938**

**Police (Northern Ireland) Order 1987**

**PART II**

**POLICE COMPLAINTS**

*Handling of complaints, etc.*

**Powers of Commission as to disciplinary charges**

**13.**—(1) Where a memorandum under Article 10 states that the Chief Constable has not preferred disciplinary charges or does not propose to do so, the Commission may recommend him to prefer such disciplinary charges as it may specify.

(2) Subject to paragraph (6), the Chief Constable may not withdraw charges which he has preferred in accordance with a recommendation under paragraph (1).

(3) If after the Commission has made a recommendation under this Article and consulted the Chief Constable he is still unwilling to prefer such charges as the Commission considers appropriate, it may direct him to prefer such charges as it may specify.

(4) Where the Commission gives the Chief Constable a direction under this Article, it shall furnish him with a written statement of its reasons for doing so.

(5) Subject to paragraph (6), it shall be the duty of the Chief Constable to prefer and proceed with charges specified in such a direction.

(6) The Commission may give the Chief Constable leave—

- (a) not to prefer charges which Article 10(10) or paragraph (5) would otherwise oblige him to prefer; or
- (b) not to proceed with charges with which Article 10(10) or paragraph (2) or (5) would otherwise oblige him to proceed.

(7) The Commission may request the Chief Constable to furnish it with such information as it may reasonably require for the purpose of discharging its functions under this Article.

(8) It shall be the duty of the Chief Constable to comply with any such request.