
STATUTORY INSTRUMENTS

1987 No. 938

Police (Northern Ireland) Order 1987

PART II

POLICE COMPLAINTS

Handling of complaints, etc.

Supervision of investigations by Commission

- 9.—(1) The Commission shall supervise the investigation—
- (a) of any complaint alleging that the conduct of a member of the police force resulted in the death of or serious injury to some other person; and
 - (b) of any other description of complaint specified for the purposes of this Article in regulations made by the Secretary of State; and in sub-paragraph (a) “serious injury” means a fracture, damage to an internal organ, impairment of bodily function, a deep cut or a deep laceration.
- (2) The Commission shall supervise the investigation of any matter referred to it under Article 8(2) if required to do so by the Secretary of State or the Police Authority.
- (3) The Commission may supervise the investigation—
- (a) of any complaint the investigation of which it is not required to supervise under paragraph (1); and
 - (b) of any matter referred to it under Article 8(1), if the Commission considers that it is desirable in the public interest that it should supervise that investigation.
- (4) Where the Commission decides to supervise an investigation under paragraph (3), it shall be the duty of the Commission to notify the appropriate authority to that effect.
- (5) Where an investigation is to be supervised by the Commission it may require—
- (a) that no appointment of a person to conduct the investigation shall be made unless the Commission has given notice to the appropriate authority that it approves the person whom that authority proposes to appoint; or
 - (b) if such an appointment has already been made and the Commission is not satisfied with the person appointed, that—
 - (i) the appropriate authority shall, as soon as is reasonably practicable, select another member of the police force or member of another United Kingdom police force and notify the Commission that it proposes to appoint him; and
 - (ii) the appointment shall not be made unless the Commission gives notice to the appropriate authority that it approves that person.
- (6) It shall be the duty of the Secretary of State by regulations to provide that the Commission shall have power, subject to any restrictions or conditions specified in the regulations, to impose requirements as to a particular investigation additional to any requirements imposed by virtue of

paragraph (5); and it shall be the duty of a member of the police force or a member of another United Kingdom police force to comply with any requirement imposed on him by virtue of the regulations.

(7) At the end of an investigation which the Commission has supervised the person appointed to conduct the investigation—

- (a) shall submit a report on the investigation to the Commission; and
- (b) shall send a copy to the appropriate authority.

(8) After considering a report submitted to it under paragraph (7), the Commission shall submit to the appropriate authority a statement—

- (a) whether the investigation was or was not conducted to the Commission's satisfaction;
- (b) specifying any respect in which it was not so conducted; and
- (c) dealing with any such other matters as the Secretary of State may by regulations provide.

(9) If it is practicable to do so, the Commission, when submitting the statement under paragraph (8), shall send a copy to the member of the police force whose conduct has been investigated.

(10) If—

- (a) the investigation related to a complaint; and
- (b) it is practicable to do so,

the Commission shall also send a copy of the statement under paragraph (8) to the complainant.

(11) The power to issue a statement under paragraph (8) includes power to issue separate statements in respect of the disciplinary and criminal aspects of an investigation.

(12) No disciplinary charge shall be brought before the statement under paragraph (8) is submitted to the appropriate authority.

(13) Subject to paragraph (14), neither the appropriate authority nor the Director of Public Prosecutions for Northern Ireland shall bring criminal proceedings before the statement under paragraph (8) is submitted to the appropriate authority.

(14) The restriction imposed by paragraph (13) does not apply if it appears to the Director that there are exceptional circumstances which make it undesirable to wait for the submission of the statement under paragraph (8).