1977 No. 236

POLICE

Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1977

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To be laid before Parliament

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The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970(**a**), as amended by article 13 of the Police (Northern Ireland) Order 1977(**b**), modified by article 2 of the Northern Ireland (Modification of Enactments—No. 1) Order 1973(**c**) and extended by article 15 of that Order of 1977, and after consulting the Police Authority and the Police Association in accordance with section 34(2) of that Act and article 9(3) of that Order of 1977, hereby makes the following regulations:—

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1977 and shall come into operation on 1st September 1977.

Revocations and transitional provisions

2.—(1) Subject to paragraph (2), the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1973(**d**) (hereinafter referred to as the Regulations of 1973) are hereby revoked.

(2) In relation to a charge preferred before 1st September 1977 against a member or to an appeal against a decision of which the appellant was notified before that date—

(*a*) nothing in these regulations shall apply, and

(*b*) the regulations revoked by paragraph (1) shall, so far as applicable, continue to have effect.

(3) Where the facts alleged in a charge against a member holding a rank of or below superintendent were alleged in a complaint received by the chief constable from a member of the public in respect of the accused's conduct before 1st September 1977, regulation 20 shall apply in relation to the hearing of the charge notwithstanding that it was not in respect of a complaints matter as defined in regulation 3(1).

(4) Where the facts alleged in the charge as respects which an appeal is brought were alleged in a complaint received by the chief constable from a member of the public in respect of the appellant's conduct before 1st September 1977, regulation 58 shall apply in relation to that appeal notwithstanding that the charge was not in respect of a complaints matter as defined in regulation 3(1).

(5) Where, in the case of a member—

(*a*) in whose case anything has been done before 1st September 1977 for the purpose of any provision of the Regulations of 1973, but

(*b*) who has not been charged with an offence before that date under those regulations,

anything done before 1st September 1977 for the purpose of any provision of the Regulations of 1973 shall have effect on and after that date as if it had been done for the purpose of the corresponding provision of these regulations, and, in particular, where a member is immediately before 1st September 1977 suspended under the Regulations of 1973, he shall be treated on and after that date as if he had been suspended under these regulations.

(**a**) 1970 c. 9 (N.I.)
(**b**) S.I. 1977/53 (N.I. 2)
(**c**) S.I. 1973/2163 (1973, III, p. 7541)
(**d**) S.R. & O. (N.I.) 1973 No. 248 (I, p. 1234)

(6) Where a member has been charged with an offence before 1st September 1977 under the Regulations of 1973, then without prejudice to paragraph (2), in connection with the charge and offence in question the provisions of the Regulations of 1973 relating to suspension from duty and to punishment shall continue to have effect.

Interpretation and application

3.—(1) Without prejudice to section 33 of the Interpretation Act (Northern Ireland) 1954(e), in these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

in Part IV "appeal tribunal" means the person or persons appointed under regulation 47(1);

in Part IV "appellant" and "respondent" have the same meaning as in regulation 47;

"chairman" in relation to an appeal tribunal, means the member thereof whom the Secretary of State has appointed to act as such except that, where the tribunal consists of a single person, it means that person.

"chief constable" means the Chief Constable of the Royal Ulster Constabulary and in Part II and Schedule 4 "chief constable" shall be construed as including a reference to a deputy chief constable acting as chief constable;

"complaints matter" means a matter or matters referred to in paragraph (1) of article 6 of the Order of 1977 in respect whereof the provisions of that article have effect, or for the purposes of Part IV in relation to a senior officer a matter or matters complained of in a complaint against him received from a member of the public.

"conclusion of the hearing" does not include the termination of a hearing on a case being remitted under regulation 14 or paragraph 7 of Schedule 4;

"discipline code" means the code of offences contained in Schedule 1;

"discipline form" means such a form as is mentioned in regulation 8(3) or 28(4) as the case may be;

in Part IV, "hearing" has the meaning assigned thereto by regulation 53;

"home police force" has the same meaning as in the Police Act 1969(f);

in Part IV, "inquiry" means an inquiry held in pursuance of regulation 47(1);

"force" means the Royal Ulster Constabulary;

"inspector" includes chief inspector;

"member" means a member of the Royal Ulster Constabulary;

"member subject to investigation" has the meaning assigned thereto by regulation 6(1);

"offence" or "disciplinary offence" means an offence against discipline within the meaning of regulation 5;

"officer conducting the hearing" has the meaning assigned thereto by regulation 13;

(e) 1954 c. 33 (N.I.)
(f) 1969 c. 63

in Part IV, "original hearing" means the hearing at the conclusion of which the appellant was found guilty of the charge as respects which the appeal is brought;

"Police Regulations" means the regulations from time to time in force under section 25 of the Act of 1970 other than these regulations;

"representative" means, in relation to a member other than a senior officer, the member of a police force conducting his case or appeal in pursuance of regulation 16(6) or paragraph 9(6) of Schedule 4, and, in relation to a senior officer, the person conducting his case in pursuance of regulation 32(5).

"senior officer" means a member above the rank of superintendent.

"superintendent" includes chief superintendent;

in Part IV, "supporting statement" has the meaning assigned thereto by regulation 44(3) and, accordingly, means such a written statement as is mentioned in paragraphs 7, 8 and 9 of the notice of appeal set out in Schedule 5.

"the Act of 1970" means the Police Act (Northern Ireland) 1970;

"the Complaints Board" means the Police Complaints Board for Northern Ireland established in pursuance of Article 3 of the Order of 1977;

"the Order of 1977" means the Police (Northern Ireland) Order 1977.

(2) Part II shall apply only to a member of or below the rank of superintendent, and Part III shall apply only to a senior officer.

(3) The appropriate disciplinary authority referred to in subsection (3) of section 25 of the Act of 1970 shall, subject to article 7 of the Order of 1977 and to regulation 14(4) and (5), be—

(*a*) in relation to a senior officer, the Police Authority;

(*b*) in relation to any other member—

(i) in a case to which Schedule 4 applies, a disciplinary board as defined in paragraph 2 of that Schedule, or the officer referred to in paragraph 4(*a*) or 5(*a*) of that Schedule, as the case may be;

(ii) in any other case, the chief constable or a deputy chief constable, as the case may be.

Modification of regulations in respect of section 13(2) *of the Act of* 1970

4.—(1) Where a complaint made by a member of the public against a senior officer is referred by the chief constable to a tribunal under section 13(2) of the Act of 1970 for consideration and report, the chief constable shall forward the report to the Police Authority who shall deal with it as if it were the report of a tribunal received under regulation 37.

(2) The chief constable shall send a copy of the report of the tribunal to the accused.

Disciplinary offences

5. A member commits an offence against discipline if he commits an offence set out in the discipline code contained in Schedule 1.

PART II

DISCIPLINE AND INTERNAL APPEALS: RANKS OF AND BELOW CHIEF SUPERINTENDENT

Investigation of charges

6.—(1) Where a report, allegation or complaint is received from which it appears that an offence may have been committed by a member of or below the rank of superintendent (hereinafter referred to as "member subject to investigation"), the matter shall be referred to an investigating officer who shall cause it to be investigated:

Provided that the matter shall not be so referred where it arises—

(*a*) otherwise than from a complaint received from a member of the public, or

(*b*) from such a complaint but the requirements of section 13 of the Act of 1970 are dispensed with by or under regulation 10 or 11 of the Royal Ulster Constabulary (Complaints) Regulations 1977(g)

and the chief constable decides that no disciplinary proceedings need to be taken.

(2) The investigating officer shall be—

(*a*) a member other than the chief constable, deputy chief constable, or a member serving in the same division or branch as the member subject to investigation, except that, if the chief officer of another force is requested and agrees to provide an investigating officer he shall be a member of that other force, and

(*b*) of or above the rank of inspector, provided that such officer shall be of a rank not lower than two ranks above that of the member subject to investigation where such member is of or below the rank of inspector.

Personal explanation

7. The investigating officer shall, as soon as is practicable (without prejudicing his or any other investigation of the matter), in writing inform the member subject to investigation of the report, allegation or complaint and give him a written notice—

(*a*) informing him that he is not obliged to say anything concerning the matter, but that he may, if he so desires, make a written or oral statement concerning the matter to the investigating officer or to the chief constable, and

(*b*) warning him that if he makes such a statement it may be used in any subsequent disciplinary proceedings.

Formulation of charges

8.—(1) The decision whether or not the member subject to investigation should be charged with an offence shall (subject, as respects a complaints matter, to article 6(2) of the Order of 1977) be taken by the chief constable after considering the report of the investigating officer and any statement made under regulation 7.

(2) Where the chief constable decides (or, as respects a complaints matter, the Complaints Board directs under article 6(2) of the Order of 1977) that a charge be preferred, the chief constable shall, as soon as possible, cause—

(g) S.R. 1977 No. 235

(*a*) to be entered on a discipline form the offence in question together with such particulars as will leave the member subject to investigation in no doubt as to the precise offence alleged, and

(*b*) the member to be charged by being served with a copy of the discipline form.

(3) A discipline form shall be in the form set out in Schedule 2.

Withdrawal of charges

9.—(1) At any time before the beginning of the hearing of a charge, the chief constable may (subject, as respects a complaints matter, to the leave of the Complaints Board required by article 6(4) of the Order of 1977) direct that the charge be withdrawn.

(2) Where the chief constable so directs he shall, as soon as possible, cause—

(*a*) his direction to be noted on the discipline form, and

(*b*) the member subject to investigation to be served with written notice of his direction.

Delegation of functions by chief constable

10.—(1) Subject to paragraph (3), the chief constable may delegate to such officer as is mentioned in paragraph (2) the duty of deciding under regulation 8 whether a member should be charged with an offence, and where he does so delegate that duty, any reference in regulation 6(1), 7, 8 or 9 to the chief constable shall be taken as a reference to the officer to whom that duty is delegated.

(2) The said duty may be delegated to a deputy chief constable or to an assistant chief constable acting in the place of a deputy chief constable who is himself either acting in the place of the chief constable under section 23 of the Constabulary (Ireland) Act 1839(**h**) or section 18(3) of the Interpretation Act (Northern Ireland) 1954 or for any reason absent.

(3) A member who has acted as investigating officer in a case shall not, as respects that case, exercise any duty or function in pursuance of a delegation under paragraph (1).

Documents to be supplied to accused

11.—(1) Where a member is charged with an offence, he shall, as soon as possible, be supplied with copies of—

(*a*) any statement he may have made under regulation 7;

(*b*) the report, allegation or complaint on which the charge is founded (or so much thereof as relates to the accused) and of any reports thereon (other than the report of the investigating officer) notwithstanding that they may be confidential;

(*c*) any statement relating to the charge made by any witness to be called in support of the charge, together with the witness's name and address, and

(*d*) any statement relating to the charge made by any person, other than a witness to be called in support of the charge, to the investigating officer or to anybody on his behalf, together with the person's name and address.

(**h**) 1839 c. 75

(2) Where the charge is founded on a report, allegation or complaint and a statement arising therefrom made by the same person, the reference in paragraph (1)(*b*) to the report, allegation or complaint shall, without prejudice to paragraph (1)(*c*) or (*d*), be construed as including a reference to that statement.

(3) In this regulation any reference to a copy of a statement, report, allegation or complaint shall, where it was not made in writing, be construed as a reference to a copy of an account thereof.

Questions in the discipline form to be answered by accused

12.—(1) The accused shall be invited to state in writing on the discipline form whether he admits or denies the charge.

(2) The accused shall be invited to state in writing on the discipline form the names and addresses of any witnesses to relevant facts whose attendance at the hearing of the case he wishes the chief constable to take steps to secure.

(3) Any such witness who is a member shall be ordered to attend at the hearing of the case and the chief constable shall cause any other such witness to be given due notice that his attendance is desired and of the time and place of the hearing.

Hearing

13.—(1) Subject to paragraph (2) and to regulation 14(1), (2) and (3), a charge against a member shall be heard as provided in paragraph 3, 4, 5 or 7 of Schedule 4 by such an officer as is mentioned in the paragraph in question or, as the case may be, by such a disciplinary board as is mentioned in paragraph 2 of that Schedule, the provisions whereof shall apply except that where a case has been remitted under regulation 14(4) or (5) the charge shall be heard by the chief officer to whom it has been so remitted; and any reference in these regulations to the officer conducting the hearing shall be construed as a reference to that officer, board, or chief officer.

(2) Paragraph (1) shall not apply to a complaint as defined in article 2(2) of the Order of 1977, and in the case of any such complaint any reference in these regulations to the officer conducting the hearing shall be construed as a reference to the chief constable or deputy chief constable: except that where article 7 of the Order of 1977 applies, such a reference shall be construed as a reference to the disciplinary tribunal under that article.

Remission of cases

14.—(1) The case of a member charged with an offence other than one arising from a complaint as defined in article 2(2) of the Order of 1977

(*a*) shall, in the circumstances mentioned in paragraph (2), or

(*b*) may, in the circumstances mentioned in paragraph (3),

be remitted by the officer referred to in paragraph 4(*a*) or 5(*a*) of Schedule 4 to such a disciplinary board as is mentioned in paragraph 2 of that Schedule.

(2) A case shall be so remitted if the said officer—

(*a*) is interested in the case otherwise than in his capacity as such; or

(*b*) is a material witness.

(3) A case not falling within paragraph (2) may be so remitted if, either before or during the hearing, the said officer considers remission appropriate and directs that the function of determining whether the accused has committed an offence against discipline should be discharged by a disciplinary board as is mentioned in paragraph 2 of Schedule 4.

(4) In any case in which the chief constable is interested otherwise than in his capacity as such or in which he is a material witness, these regulations shall apply as if for any references in regulation 13(1), 16, 17, 18, 19, 20, 21 or 22 to the officer conducting the hearing there were substituted a reference to such chief officer of another police force as has consented to act in the case at the request of the chief constable.

(5) Without prejudice to paragraph (4), in any other case where the chief constable considers it appropriate to do so, he may direct that his function under this Part of determining questions as to whether offences against discipline have been committted shall be discharged by the chief officer of another police force; and where such a direction is given, the punishment, if any, shall be determined by the chief constable after considering any recommendation relating thereto made by that chief officer.

Disciplinary tribunal cases

15.—(1) This regulation shall apply where article 7 of the Order of 1977 (disciplinary tribunals) applies to the hearing of a case.

(2) Where this regulation applies and the chief constable remits the case to another chief officer under regulation 14(4) or (5) he shall inform the Complaints Board that he has done so and that the other chief officer will, in pursuance of article 7(1) of the Order of 1977, be the chairman of the tribunal.

(3) Where this regulation applies and the Complaints Board, in pursuance of article 7(1) of the Order of 1977, nominate two members of the Board to be members of the tribunal, they shall inform the chief constable of their nominations and, if the chief constable will not be the chairman of the tribunal, shall similarly inform the officer who will be the chairman.

Procedure at hearing

16.—(1) The accused shall be ordered to attend at the hearing of the case.

(2) The hearing shall be in private:

Provided that it shall be within the discretion of the officer conducting the hearing to allow such member or members as he considers desirable to attend the whole or such part of the hearing as he may think fit, subject to the accused or his representative not objecting to the attendance of the member or members in question.

(3) The case against the accused shall be presented by a member not being the chief constable nor the officer on whom, by virtue of regulation 10, fell the duty of deciding whether the member in question should be charged with an offence.

(4) If the accused does not admit the charge, the hearing shall proceed as though he denied the charge.

(5) Before the case against the accused is presented, the accused may submit that the facts alleged in the charge are not such as to constitute the offence with which he is charged and the officer conducting the hearing, if he upholds that submission, shall dismiss the charge to which the submission relates.

(6) The accused may conduct his case either in person or by a member or by a member of a home police force selected by him:

Provided that if the accused is represented by a member or by a member of a home police force the accused, as well as his representative, may cross-examine the witnesses called in support of the case against him.

(7) Any question as to whether any evidence is admissible, or whether any question should or should not be put to a witness, shall be determined by the officer conducting the hearing.

(8) Where any decision falls to be taken under these regulations or otherwise for the purpose of the hearing by such a tribunal as is mentioned in article 7 of the Order of 1977, the decision may be a majority decision but it shall not be indicated whether it was taken unanimously or by a majority.

(9) Where a decision as to whether a charge is found proved falls to be taken by such a disciplinary board as is mentioned in paragraph 2 of Schedule 4, the charge shall be dismissed unless the board is unanimous in finding that the charge is proved.

(10) A verbatim record of the proceedings at the hearing of the case shall be taken and, if the charge is found proved and the accused contemplates an appeal to the chief constable or the Secretary of State then, at his request made within the period during which notice of appeal may be given, a transcription of the record shall be made and a copy thereof supplied to him.

Statements in lieu of oral evidence

17.—(1) Subject to the provisions of this regulation, the officer conducting the hearing may admit evidence by way of a written statement made by a person, notwithstanding that he may not be called as a witness, so, however, that evidence shall not be admissible hereunder if it would not have been admissible had it been given orally.

(2) For the purposes hereof, a written statement purporting to be made and signed by a person and witnessed by another person shall be presumed to have been made by that person unless the contrary be shown.

(3) If either the accused or the presenting officer (in this regulation referred to as "the parties") proposes to adduce written evidence, in pursuance of this regulation, at a hearing, he shall give the other party a copy of the statement at least 21 days before the date of that hearing and invite that party to agree or object, in writing, to the admission of the statement in evidence without the maker thereof being called as a witness and being available for cross-examination and, if that party within 14 days from the receipt by him of the copy of the statement has so objected, the statement shall only be admitted in evidence if the maker thereof is called and is available as aforesaid:

Provided that if the parties in writing so agree in the case of a particular statement, this paragraph shall have effect in relation to that statement as though—

(*a*) the reference to a period of 21 days were a reference to such shorter period as they may agree;

(*b*) the reference to a period of 14 days were a reference to such shorter period, expiring before the date of the hearing, as they may agree.

(4) Where, notwithstanding that the other party has not so objected and a written statement has been admitted in evidence without the maker thereof being called and being available as aforesaid, the officer conducting the hearing is of the opinion that oral evidence should be given, he may request that the maker be called as a witness and, in such case, unless the maker gives oral evidence, the officer conducting the hearing shall be entitled to disregard the written evidence.

(5) Nothing in this regulation shall prejudice the admission of written evidence which would be admissible apart from the provisions thereof.

Adjournment of hearing

18. The officer conducting the hearing of a case may from time to time adjourn the hearing if it appears to him necessary or expedient so to do for the due hearing of the case.

Hearing in absence of accused

19.—(1) If the accused does not attend the hearing of the case, the hearing may be proceeded with and concluded in his absence:

Provided that—

(*a*) if the accused is detained in pursuance of the sentence of a court in a prison or other institution to which the Prison Act (Northern Ireland) 1953(i) applies, and desires to make representations in person at the hearing, the hearing shall not be concluded until the accused has been enabled to make such representations;

(*b*) if good reason is given to the officer conducting the hearing by, or on behalf of, the accused why the accused is unable to attend the hearing, other than that the accused is detained as aforesaid, the hearing shall be postponed or adjourned, as the case may be.

(2) Where, owing to the absence of the accused, it is impossible to comply with any of the procedure described in regulations 7, 8, 11, 12 and 16(1), that procedure shall be dispensed with.

Attendance of complainant at hearing

20.—(1) This regulation shall apply in relation to the hearing of a charge against a member where the charge is in respect of a complaints matter.

(2) Notwithstanding anything in regulation 16(2) but subject to paragraph (4), the officer conducting the hearing shall allow the complainant to attend the hearing while witnesses are being examined, or cross-examined, on the facts alleged in the charge and, if he considers it appropriate so to do on account of the age of the complainant or otherwise, shall allow him to be accompanied by a personal friend or relative who is not to be called as a witness at the hearing:

Provided that—

(*a*) where the complainant is to be called as a witness at the hearing, he and any person allowed to accompany him shall not be allowed to attend before he gives his evidence, and

(i) 1953 c. 18 (N.I.)

(*b*) where it appears to the officer conducting the hearing that a witness may, in giving evidence, disclose information which, in the public interest, ought not to be disclosed to a member of the public, he shall require the complainant and any person allowed to accompany him to withdraw while that evidence is given.

(3) Where the accused gives evidence, then, after the presenting officer has had an opportunity of cross-examining him the officer conducting the hearing shall put to him any questions which the complainant requests should be so put and might have been properly so put by the presenting officer or, at his discretion, may allow the complainant himself to put such questions to the accused.

(4) Subject as aforesaid, the complainant and any person allowed to accompany him shall neither intervene in, nor interrupt, the hearing; and if he or such a person should behave in a disorderly or abusive manner, or otherwise misconduct himself, the officer conducting the hearing may exclude him from the remainder of the hearing.

(5) In this regulation a reference to the complainant is a reference to the originator of the complaint notwithstanding that it was transmitted to the chief constable by some other person or by the Complaints Board or some other body.

Finding

21.—(1) The officer conducting the hearing of a charge shall, at its conclusion, dismiss the charge or find it proved.

(2) The said decision shall, as soon as possible, be recorded on the discipline form and notified in writing to the accused.

Punishment

22.—(1) Subject to regulation 23, where a charge is found to be proved one of the following punishments shall be imposed, namely:—

(*a*) dismissal from the force;

(*b*) requirement to resign from the force as an alternative to dismissal, taking effect (subject, where applicable, to paragraph 8 of Schedule 4) either forthwith or on such date as may be specified in the decision;

(*c*) reduction in rank;

(*d*) reduction in the accused's rate of pay for such period, not exceeding 12 months, as shall be specified in the decision;

(*e*) fine;

(*f*) reprimand;

(*g*) caution;

and separate punishments shall be imposed for separate offences.

(2) Subject to paragraphs (3) and (4), the punishment shall be imposed by the officer conducting the hearing.

(3) Paragraph (2) shall not apply where the case has been remitted under regulation 14(5); and in such a case, subject to paragraph (4), the officer conducting the hearing shall recommend to the chief constable the punishment which, in his opinion, should be imposed.

(4) Paragraphs (2) and (3) shall not apply where article 7 of the Order of 1977 (disciplinary tribunals) applies to the hearing and, in pursuance thereof, it falls to the chief constable as chairman of the tribunal, after consulting the other members thereof, to impose the punishment or, in the circumstances mentioned in paragraph (3), it falls to the chairman, after so consulting, to recommend the punishment.

(5) Where a chief officer to whom a case has been remitted under regulation 14(5) or the chairman of a tribunal not being the chief constable, recommends a punishment in pursuance of paragraph (3) or article 7(3) of the Order of 1977, he shall send a report to the chief constable and a copy thereof to the accused, which report shall in addition to the recommendation include—

(*a*) a statement as to the charge found proved;

(*b*) a statement of the facts admitted or found to be proved, so far as they appear to him material to the question of punishment, and

(*c*) any other matter arising out of the hearing which appears to him so material;

and, after considering the report, the chief constable shall impose a punishment.

(6) Where the question of the punishment to be imposed or recommended is being considered by the officer conducting the hearing, the chief constable or the chairman of the disciplinary tribunal—

(*a*) he shall have regard to the accused's record of police service as shown on his personal record and may receive evidence from any witness whose evidence would, in his opinion, assist him in determining the question, and

(*b*) the accused, or his representative, shall be afforded an opportunity to make oral or, if he thinks fit, written representations as respects the question or to adduce evidence relevant thereto.

(7) Any proceedings at which such evidence as is referred to in paragraph (6)(*a*) or (*b*) or such oral representations as are referred to in paragraph (6)(*b*) is given or are made shall be treated for the purposes of regulation 16(10) as proceedings at the hearing.

(8) As soon as possible after a decision to impose a punishment has been taken that decision shall be recorded on the discipline form and notified in writing to the accused.

Limitations on punishments

23.—(1) The punishment of a reduction in the accused's rate of pay or of a fine shall not be imposed for the offence set out in paragraph 16 of the discipline code.

(2) The punishment of a reduction in the accused's rate of pay shall not be such as to reduce the accused's rate of pay below the minimum of the scale of pay for his rank in the force.

(3) A fine imposed in respect of any one offence shall be such that, if it were recovered by way of deductions from the accused's pay during the period of thirteen weeks following the imposition of the punishment, in pursuance of the Police Regulations, the aggregate sum which might be so deducted in respect of any one week (whether on account of one or more fines) would not exceed a seventh of his weekly pay.

(4) Where a charge against a member is heard by such a disciplinary board as is defined in paragraph 2 of Schedule 4 consisting of two assistant chief constables, or by such an officer as is mentioned in paragraph 4(*a*) or 5(*a*) of that Schedule, that board's or officer's powers of punishment shall be restricted as mentioned in paragraph 6 thereof.

Suspension

24.—(1) Where a report, allegation or complaint is received from which it appears that a member may have committed a disciplinary or criminal offence the chief constable may suspend that member from duty, whether or not the matter has then been investigated, and in such case he shall be suspended until—

(*a*) the chief constable decides otherwise;

(*b*) it is decided that the member shall not be charged with a disciplinary offence; or

(*c*) the member has been so charged and either all the charges have been dismissed or, subject to paragraph (2), punishments have been imposed:

whichever first occurs.

(2) Where a punishment is imposed by such an officer as is mentioned in paragraph 4(*a*) or 5(*a*) of Schedule 4, or by such a disciplinary board as is mentioned in paragraph 2 of that Schedule, on a member suspended under this regulation, his period of suspension shall not terminate under paragraph (1)(*c*) unless and until the period for giving notice of an internal appeal under paragraph 9(3) of that Schedule has expired, or where such notice is given, the appeal has been determined.

Discipline book

25. The chief constable shall cause a discipline book to be kept in which shall be entered every charge made against a member, together with the decision thereon and a record of the decision in any further disciplinary proceedings in connection therewith.

PART III

DISCIPLINE: SENIOR OFFICERS

Personal explanation

26. Where, following the investigation of a report, allegation or complaint, it appears that a senior officer may have committed an offence, the Police Authority shall, unless they decide that no disciplinary proceedings need be taken, inform him in writing of the report, allegation or complaint and give him a written notice—

(*a*) asking him whether or not he admits that he has committed an offence;

(*b*) informing him that he is not obliged to saying anything concerning the matter but that he may, if he so desires, make a written or oral statement concerning the matter to the Police Authority, and

(*c*) warning him that if he makes such a statement it may be used in any subsequent disciplinary proceedings.

Punishment without a hearing

27. If the senior officer admits that he has committed an offence, the Police Authority may impose a punishment in accordance with regulation 39 without the case being dealt with in accordance with regulations 28 to 38.

Formulation of charges

28.—(1) This regulation shall apply where the senior officer—

(*a*) admits that he has committed an offence but the Police Authority do not proceed as mentioned in regulation 27; or

(*b*) does not admit that he has committed an offence but any statement he may have made to the Police Authority under regulation 26 does not satisfy them that he has not committed an offence.

(2) Where this regulation applies the Police Authority shall—

(*a*) instruct an independent solicitor to draw up, and enter on a discipline form, the offence with which the senior officer is to be charged, together with such particulars as will leave him in no doubt as to the precise offence alleged, and

(*b*) cause the senior officer to be charged with that offence by being served with a copy of the discipline form.

(3) The reference in paragraph (2) to an independent solicitor is a reference to a solicitor who is not a member, officer or servant of the Police Authority or a Crown servant.

(4) A discipline form shall be in the form set out in Schedule 3.

Withdrawal of charges

29. At any time before the beginning of the hearing of a charge, the Police Authority may direct that the charge be withdrawn; and, where they so direct, they shall, as soon as possible, cause—

(*a*) their direction to be noted on the discipline form, and

(*b*) the senior officer to be served with written notice of their direction.

Documents to be supplied to accused

30.—(1) Where a senior officer is charged with an offence, he shall, as soon as possible, be supplied with copies of—

(*a*) any statement he may have made under regulation 26;

(*b*) the report, allegation or complaint on which the charge is founded (or so much thereof as relates to the accused) and of any reports thereon (other than the report arising out of the investigation referred to in regulation 26) notwithstanding that they may be confidential;

(*c*) any statement relating to the charge made by any witness to be called in support of the charge, together with the witness's name and address, and

(*d*) any statement relating to the charge made by any person, other than a witness to be called in support of the charge, in the course of the investigation referred to in regulation 26, to the Police Authority or to anybody acting on their behalf, together with the person's name and address.

(2) Where the charge is founded on a report, allegation or complaint and a statement arising therefrom made by the same person, the reference in paragraph (1)(*b*) to the report, allegation or complaint shall, without prejudice to paragraph (1)(*c*) or (*d*), be construed as including a reference to that statement.

(3) In this regulation any reference to a copy of a statement, report, allegation or complaint shall, where it was not made in writing, be construed as a reference to a copy of an account thereof.

Hearing by tribunal

31.—(1) A charge against a senior officer shall be heard by a tribunal consisting of a single person selected and appointed by the Police Authority with the approval of the Secretary of State.

(2) To assist the tribunal on matters pertaining to the police there shall also be appointed by the Police Authority one or more assessors selected by that Authority with the approval of the tribunal one at least of whom shall be a person engaged or experienced in police administration, so, however, that there shall not be so appointed—

(*a*) a person who is one of Her Majesty's inspectors of constabulary;

(*b*) the chief constable; or

(*c*) a member, officer or servant of the Police Authority or a Crown servant.

Procedure at hearing

32.—(1) The hearing shall be in private.

(2) The case against the accused shall be presented by counsel or a solicitor, not being a member, officer or servant of the Police Authority or a Crown servant.

(3) If the accused does not admit the charge, the hearing shall proceed as though he denied the charge.

(4) Before the case against the accused is presented, the accused may submit that the facts alleged in the charge are not such as to constitute the offence with which he is charged and the tribunal, if it upholds that submission, shall determine that the charge to which the submission relates should be dismissed.

(5) The accused may conduct his case either in person or by counsel, a solicitor, a member, or a member of a home police force selected by him:

Provided that if the accused is represented by a member or a member of a home police force the accused, as well as his representative, may cross-examine the witnesses called in support of the case against him.

(6) Any question as to whether any evidence is admissible, or whether any question should or should not be put to a witness, shall be determined by the tribunal.

(7) A verbatim record of the proceedings before the tribunal shall be taken and a transcription of the record shall be made and sent to the Police Authority and, if a punishment is imposed by that Authority and the accused comtemplates an appeal to the Secretary of State, at his request made within the period during which notice of appeal may be given, a copy thereof shall be supplied to him.

Statements in lieu of oral evidence

33.—(1) Subject to the provisions of this regulation, the tribunal may admit evidence by way of a written statement made by a person, notwithstanding that he may not be called as a witness, so, however, that evidence shall not be admissible hereunder if it would not have been admissible had it been given orally.

(2) For the purposes hereof, a written statement purporting to be made and signed by a person and witnessed by another person shall be presumed to have been made by that person unless the contrary be shown.

(3) If either the accused or the person presenting the case against him (in this regulation referred to as "the parties") proposes to adduce written evidence in pursuance of this regulation at a hearing, he shall give the other party a copy of the statement at least 21 days before the date of that hearing and invite that party to agree or object, in writing, to the admission of the statement in evidence wihout the maker thereof being called as a witness and being available for cross-examination and, if that party within 14 days from the receipt by him of the copy of the statement has so objected, the statement shall only be admitted in evidence if the maker thereof is called and is available as aforesaid:

Provided that if the parties in writing so agree in the case of a particular statement, this paragraph shall have effect in relation to that statement as though—

(*a*) the reference to a period of 21 days were a reference to such shorter period as they may agree;

(*b*) the reference to a period of 14 days were a reference to such shorter period, expiring before the date of the hearing, as they may agree.

(4) Where, notwithstanding that the other party has not so objected and a written statement has been admitted in evidence without the maker thereof being called and being available as aforesaid, the tribunal is of the opinion that oral evidence should be given, it may request that the maker be called as a witness and, in such case, unless the maker gives oral evidence, the tribunal shall be entitled to disregard the written evidence.

(5) Nothing in this regulation shall prejudice the admission of written evidence which would be admissible apart from the provisions thereof.

Adjournment of hearing

34. The tribunal may from time to time adjourn the hearing if it considers it necessary or expedient so to do for the due hearing of the case.

Hearing in absence of accused

35.—(1) It shall be within the discretion of the tribunal to proceed with the hearing of the case in the absence of the accused if it appears just and proper so to do.

(2) Where, owing to the absence of the accused, it is impossible to comply with any of the procedure described in regulations 26, 28 and 30, that procedure shall be dispensed with.

Attendance of complainant at hearing

36.—(1) Without prejudice to regulation 4 (modification of regulations in respect of section 13(2) of the Act of 1970) this regulation shall apply in relation to the hearing of a charge against a senior officer where the charge is in respect of a matter or matters complained of in a complaint against him received from a member of the public.

(2) Notwithstanding anything in regulation 32(1) but subject to paragraph (4), the tribunal shall allow the complainant to attend the hearing while witnesses are being examined, or cross-examined, on the facts alleged in the charge and, if the tribunal considers it appropriate so to do on account of the age of the complainant, or otherwise, shall allow him to be accompanied by a personal friend or relative who is not to be called as a witness at the hearing:

Provided that—

(*a*) where the complainant is to be called as a witness at the hearing, he and any person allowed to accompany him shall not be allowed to attend before he gives his evidence, and

(*b*) where it appears to the tribunal that a witness may, in giving evidence, disclose information which, in the public interest, ought not to be disclosed to a member of the public, it shall require the complainant and any person allowed to accompany him to withdraw while that evidence is given.

(3) Where the accused gives evidence, then, after the person presenting the case against him has had an opportunity of cross-examining him, the tribunal shall put to him any questions which the complainant requests should be so put and might have been properly so put by way of cross-examination and, at its discretion, may allow the complainant himself to put such questions to the accused.

(4) Subject as aforesaid, the complainant and any person allowed to accompany him shall neither intervene in, nor interrupt, the hearing; and if he or such a person should behave in a disorderly or abusive manner, or otherwise misconduct himself, the tribunal may exclude him from the remainder of the hearing.

(5) In this regulation a reference to the complainant is a reference to the originator of the complaint notwithstanding that it was transmitted by some other person or body.

Tribunal's report

37.—(1) The tribunal shall, as soon as possible after the hearing, submit a report to the Police Authority setting out—

(*a*) a statement of the facts admitted or found to be proved so far as they are material to the case;

(*b*) a statement as to whether the tribunal considers that the charges are proved;

(*c*) if the tribunal considers that any charges are proved, a recommendation as to the punishment which, subject to regulation 39, in its opinion should be imposed therefor;

(*d*) any other matter arising out of the hearing which it desires to bring to the notice of the Police Authority.

(2) The tribunal shall send to the accused a copy of the report.

Decision of Police Authority

38.—(1) On receipt of the report of the tribunal the Police Authority shall decide either to dismiss the case or, subject to regulation 39, to impose a punishment.

(2) As soon as possible after a decision to dismiss the case or impose a punishment has been taken that decision shall be recorded on the discipline form and notified in writing to the accused.

Punishment

39.—(1) For the purposes of regulation 37(1)(*c*) or 38(1), the punishments which may be recommended or imposed shall be—

(*a*) dismissal from the force;

(*b*) requirement to resign from the force as an alternative to dismissal, either forthwith or on such date as may be specified in the recommendation or decision;

(*c*) reprimand.

(2) Where the question of the punishment to be imposed is being considered by the Police Authority under regulation 38(1)—

(*a*) they shall have regard to the accused's record of police service and may receive evidence from any witness whose evidence would, in their opinion, assist them in determining the question, and

(*b*) the accused, or his representative, shall be afforded an opportunity to make oral, or if he thinks fit, written representations as respects the question or to adduce evidence relevant thereto.

(3) Regulation 32(7) shall apply to proceedings at which such evidence as is referred to in paragraph (2)(*a*) or (*b*) or such oral representations as are referred to in paragraph (2)(*b*) is given or are made as it applies to the proceedings before the tribunal.

Copy of report and decision to be sent to the Secretary of State

40. A copy of the report of the tribunal together with the decision of the Police Authority shall be sent by the Police Authority to the Secretary of State.

Suspension

41.—(1) When a report, allegation or complaint is received from which it appears that a senior officer may have committed a disciplinary or criminal offence, the Police Authority may suspend that officer from duty, whether or not the matter has been investigated, and in such case he shall be suspended until—

(*a*) the Police Authority decide otherwise;

(*b*) it is decided that the officer shall not be charged with a disciplinary offence; or

(*c*) the officer has been so charged and either all the charges have been dismissed or a punishment has been imposed:

whichever first occurs.

(2) In case of urgency, the like power of suspension may be exercised in relation to a deputy chief constable or an assistant chief constable by the chief constable but, in such case, the Police Authority shall as soon as possible decide whether to continue the period of suspension or terminate it under paragraph (1)(*a*).

In this paragraph the reference to the chief constable shall be construed as including a reference to a deputy chief constable acting as chief constable.

Expenses of hearing

42.—(1) All the expenses of a hearing under this Part, including the costs of the accused, shall be defrayed by the Police Authority.

(2) Any costs payable under this regulation shall be subject to taxation in such manner as the Secretary of State may direct.

PART IV

APPEALS TO THE SECRETARY OF STATE

Disciplinary appeal

43.—(1) Subject to paragraph (2), a member (in this Part referred to as "the appellant") who is dealt with for an offence against discipline may appeal under this Part to the Secretary of State.

(2) Where an appeal against a decision may be made to the chief constable in accordance with the provisions of paragraph 9 of Schedule 4, no appeal shall lie under this Part against that decision unless it has been affirmed or varied on appeal to the chief constable.

Notice of appeal

44.—(1) An appeal under this Part shall be instituted by the appellant giving the Secretary of State written notice of appeal, in the form set out in Schedule 5.

(2) The notice of appeal shall be given within the period of 22 days beginning with the day on which the appellant was notified in writing of the relevant decision.

In this and the next following paragraph the expression "relevant decision" means (in the case of an appeal against both finding and punishment or against punishment only) the decision as to punishment which is subject to appeal except that where by virtue of regulation 43(2) no appeal thereunder lies against a decision unless it has been affirmed or varied on appeal under paragraph 9 of Schedule 4, the said expression means the decision on such appeal to affirm or vary the said punishment.

(3) If the appellant does not annex to the notice of appeal all the written statements mentioned in paragraphs 7, 8 and 9 thereof (hereinafter referred to as "the supporting statements"), he shall supply the Secretary of State with the statements not annexed to the notice of appeal within the period of 60 days beginning with the day on which he was notified in writing of the relevant decision; and, if he fails to do so, the Secretary of State shall be entitled to treat the notice of appeal as having been withdrawn and, due enquiries having been made, no further action in connection with the appeal shall be taken.

(4) The appellant shall send copies of the notice of appeal and of the supporting statements—

(*a*) within the period within which the notice falls to be given under paragraph (2) or, as the case may be, within which the statements fall to be supplied under paragraph (3), to the chief constable; and

(*b*) if and when so required by the Secretary of State, to such other person as is the respondent to the appeal by virtue of a direction given under regulation 45(1)

except that, where the appellant is a senior officer, sub-paragraph (*b*) above shall not apply and sub-paragraph (*a*) shall have effect as if the reference therein to the chief constable were a reference to the Police Authority.

(5) Where the Secretary of State is satisfied, on the application of the appellant, that by reason of the special circumstances of the case it is just and right so to do, he may extend either or both of the periods mentioned in paragraphs (2) and (3) and, in such case this regulation shall have effect as if for the period in question there were substituted such extended period as he may specify.

Respondent

45.—(1) On any appeal by a member other than a senior officer, the chief constable or such other person as the Secretary of State may direct shall be made the respondent, and the Secretary of State may require any respondent to act in relation to the appeal in consultation with such other person or persons as he may specify.

(2) On any appeal under this Part against the decision of the Police Authority, the respondent shall be that Authority.

Statement by respondent

46.—(1) The respondent, when so required by the Secretary of State, shall send him a written statement as to whether or not he desires to oppose the appeal and, where he desires to oppose it, as to—

(*a*) the facts and contentions on which he relies and the documentary or other evidence, if any, which he desires to submit;

(*b*) whether, in the event of an appeal tribunal being appointed and evidence heard, he desires to appeal by a legal or other representative; and

(*c*) whether (unless the appeal is against punishment only), in such event, the hearing would be one to which regulation 58 applies and, if so, the name and address of the complainant within the meaning of that regulation.

(2) The respondent, if so required by the Secretary of State, shall also send him such number of copies as he may require of—

(*a*) the statement referred to in paragraph (1), and

(*b*) such papers, reports, records and other documents as the Secretary of State may specify.

(3) The respondent shall send to the appellant—

(*a*) a copy of the statement referred to in paragraph (1), and

(*b*) a list of the documents copies of which have been sent to the Secretary of State in accordance with paragraph (2)(*b*) together with copies of all such documents save in so far as they have previously been given to the appellant.

Inquiries

47.—(1) The Secretary of State may in any case appoint one or more persons (one at least of whom shall be a person engaged or experienced in police administration) ("an appeal tribunal") to hold an inquiry and report to him and shall do so where it appears to him that the case cannot be properly determined without taking evidence.

(2) Any person or persons appointed under this regulation may, if so requested by the Secretary or State, deal in the report with any particular matter specified in that request.

(3) The Secretary of State shall, before making an order under regulation 48, consider any report made to him under this regulation, as well as the notice of appeal and any other documents submitted to him by the appellant and the respondent in accordance with the provisions of this Part.

(4) The Secretary of State may, before making an order under regulation 48, remit the case for further investigation by—

(*a*) the person or persons who held the inquiry; or

(*b*) if he thinks fit the person or persons whose decision is the subject of the appeal; or

(*c*) when the case is one in which a complaint has been considered and reported on by a tribunal under section 13(2) of the Act of 1970, by that tribunal.

Decision of the Secretary of State

48.—(1) On an appeal under this Part the Secretary of State may make an order—

(*a*) allowing the appeal;

(*b*) dismissing the appeal; or

(*c*) varying the punishment by substituting some other punishment appearing to him to be less severe which could have been imposed on the appellant.

(2) The Secretary of State may direct the appellant to pay the whole or any part of his own costs, but, subject to any such direction, all the costs and expenses of an appeal under this Part, including the costs of the parties, shall be defrayed by the Police Authority.

Notice and effect of orders

49.—(1) A copy of any order made by the Secretary of State under regulation 48 shall as soon as it is made be sent to the appellant and the respondent together with, if an enquiry was held, a copy of the report of the person holding the inquiry, and the order shall be final and binding upon all parties.

(2) Where an appeal is allowed or the punishment is varied by the Secretary of State, the order shall take effect by way of substitution for the decision appealed from, and as from the date of that decision; and where the effect of the order is to reinstate the appellant in the force or in his rank he shall, for the purpose of reckoning service for pension and, to such extent (if any) as may be determined by the order, for the purpose of pay, be deemed to have served in the force or in that rank, as the case may be, continuously from the date of the decision to the date of his reinstatement and, if he was suspended for a period immediately preceding the date of the decision, the order shall deal with the suspension.

(3) Any costs payable under regulation 48 shall be subject to taxation in such manner as the Secretary of State may direct.

Documents to be sent to appeal tribunal

50.—(1) Where the Secretary of State appoints an appeal tribunal to hold an inquiry he shall send to each member thereof—

(*a*) copies of the notice of appeal and of the supporting statements, and

(*b*) subject to paragraph (2), a copy of the respondent's statement referred to in regulation 46(1) and of each document a copy of which has been sent to the Secretary of State in accordance with regulation 46(2)(*b*).

(2) Except where the appeal is against punishment only, unless and until the Secretary of State is satisfied that the inquiry will not proceed by way of a rehearing, he shall, so far as is practicable, withhold so much of the statement and documents mentioned in paragraph (1)(*b*) as appear to him to relate to the appellant's general character and record of police service.

Withdrawal and amendment of notice of appeal, etc.

51.—(1) At any time before an appeal is decided by the Secretary of State he may, on written application in that behalf, allow the appellant to withdraw his notice of appeal and, accordingly, where he so allows no further action in connection with the appeal shall be taken.

(2) Where the Secretary of State—

(*a*) under paragraph (1) allows an appellant to withdraw his notice of appeal, and

(*b*) has appointed an appeal tribunal to hold an inquiry, but it has not reported to him

he shall send to the chairman of the tribunal a copy of the application for withdrawal.

(3) Subject to paragraph (4), at any time before an appeal is decided by the Secretary of State he may, in his discretion and subject to such conditions, if any, as he thinks fit, allow—

(*a*) the appellant to amend his notice of appeal or any of the supporting statements;

(*b*) the respondent to amend his statement under regulation 46(1) or the documentary material sent to the Secretary of State in accordance with regulation 46(2)(*b*).

(4) Where the Secretary of State has appointed an appeal tribunal to hold an inquiry and it has not reported to him, the powers conferred by paragraph (3) shall not be exercisable by him but shall be exercisable by the chairman of the tribunal.

Form of inquiry

52.—(1) This regulation shall apply where the Secretary of State appoints an appeal tribunal to hold an inquiry.

(2) If the Secretary of State so determines as respects a particular charge, then, as respects that charge, the tribunal shall take evidence and, for that purpose, hold a hearing.

(3) As respects any other charge, the tribunal shall take evidence and, for that purpose, hold a hearing, unless—

(*a*) it seems likely to the chairman of the tribunal that the inquiry can properly be carried out without taking evidence, and

(*b*) subject to paragraph (4), after considering the matter and consulting the other members of the tribunal, the chairman determines that it shall be so carried out.

(4) It shall not be determined under paragraph (3)(*b*) to conduct an inquiry without taking evidence unless both the appellant and the respondent have been afforded an opportunity to make written or, if either so requests, oral representations in the matter to the tribunal and any such representations have been considered; and, subject to any necessary modifications, the provisions of regulations 53, 54 and 55 shall apply in relation to the hearing of any such oral representations as they apply in relation to a hearing for the purpose of taking evidence.

(5) Where as respects a particular charge the appeal is against both finding and punishment, then, as respects that charge, a hearing in pursuance of paragraph (2) or (3) shall be by way of a rehearing of that charge.

Procedure at hearing

53.—(1) This regulation and regulations 54 to 58 shall apply where the Secretary of State appoints an appeal tribunal to hold an inquiry and, in pursuance of regulation 52(2) or (3) a hearing falls to be held (hereinafter referred to as "the hearing").

(2) After consulting the chairman of the tribunal, the Secretary of State shall fix the day for the opening of the hearing and shall cause notice thereof to be sent to the appellant and the respondent not less than 28 days before the day in question so, however, that with the agreement of the parties shorter notice may be given.

(3) It shall be within the discretion of the tribunal to proceed with the hearing in the absence of either party, whether represented or not, if it appears to be just and proper so to do, and to adjourn it from time to time as may appear necessary for the due hearing of the case.

(4) Subject to this Part, the procedure at a hearing shall be determined by the tribunal.

Representation at hearing

54.—(1) The appellant shall have the right to appear at the hearing in person, by a serving member or a serving member of a home police force or by counsel or a solicitor.

(2) The respondent shall have the right to appear at the hearing by a serving member, by counsel or a solicitor or by the secretary or other officer of the Police Authority.

Hearing to be in private

55.—(1) Unless the Secretary of State otherwise directs, the hearing shall be held in private:

Provided that it shall be within the discretion of the appeal tribunal to allow such person or persons as it considers desirable to attend the whole or such part of the hearing as it may think fit.

(2) Notwithstanding that the Secretary of State has directed that a hearing should be held in public or that the appeal tribunal has allowed a person to attend the hearing, where it appears to the tribunal that a witness may in giving evidence disclose information which, in the public interest, ought not to be disclosed publicly, the tribunal shall require any member of the public present to withdraw while that evidence is given.

Evidence at hearing

56.—(1) Unless the tribunal otherwise determines, the evidence adduced by the respondent shall be given first.

(2) All oral evidence given at the hearing shall be given on oath.

(3) All witnesses giving evidence at the hearing shall be subject to examination and cross-examination.

(4) Any question as to whether any evidence is admissible, or whether any question should or should not be put to a witness, shall be determined by the appeal tribunal.

(5) A verbatim record of the evidence given at the hearing shall be taken and a transcription of the record shall be made.

Statements in lieu of oral evidence

57.—(1) Subject to the provisions of this regulation, the appeal tribunal may admit evidence by way of a written statement made by a person, notwithstanding that he may not be called as a witness, so, however, that evidence shall not be admissible hereunder if it would not have been admissible had it been given orally.

(2) For the purposes hereof, a written statement purporting to be made and signed by a person and witnessed by another person shall be presumed to have been made by that person unless the contrary be shown.

(3) If either the appellant or the respondent (in this regulation referred to as "the parties") proposes to adduce written evidence in pursuance of this regulation at a hearing, he shall give the other party a copy of the statement at least 21 days before the date of that hearing and invite that party to agree or object, in writing, to the admission of the statement in evidence without the maker thereof being called as a witness and being available for cross-examination and, if that party within 14 days from the receipt by him of the copy of the statement has so objected, the statement shall only be admitted in evidence if the maker thereof is called and is available as aforesaid:

Provided that if the parties in writing so agree in the case of a particular statement, this paragraph shall have effect in relation to that statement as though—

(*a*) the reference to a period of 21 days were a reference to such shorter period as they may agree;

(*b*) the reference to a period of 14 days were a reference to such shorter period, expiring before the date of the hearing, as they may agree.

(4) Where, notwithstanding that the other party has not so objected and a written statement has been admitted in evidence without the maker thereof being called and being available as aforesaid, the appeal tribunal is of the opinion that oral evidence should be given, it may request that the maker be called as a witness and, in such case, unless the maker gives oral evidence, the tribunal shall be entitled to disregard the written evidence.

(5) Nothing in this regulation shall prejudice the admission of written evidence which would be admissible apart from the provisions thereof.

Attendance of complainant at hearing

58.—(1) This regulation shall apply in relation to a hearing where the charge as respects which the appeal is brought is in respect of a complaints matter and the appeal is not against punishment only.

(2) The Secretary of State shall cause notice of the opening of the hearing to be sent to the complainant, at the same time as such notice is sent to the respondent in pursuance of regulation 53(2).

(3) Notwithstanding anything in regulation 55(1) but subject to paragraph (5), the appeal tribunal shall allow the complainant to attend the hearing while witnesses are being examined, or cross-examined, on the facts alleged in the charge and, if the tribunal considers it appropriate so to do on account of the age of the complainant, or otherwise, shall allow him to be accompanied by a personal friend or relative who is not to be called as a witness at the inquiry:

Provided that—

(*a*) where the complainant is to be called as a witness at the hearing he and any person allowed to accompany him shall not be allowed to attend before he gives his evidence, and

(*b*) where it appears to the appeal tribunal that a witness may in giving evidence disclose information which, in the public interest, ought not to be disclosed to a member of the public, it shall require the complainant and any person allowed to accompany him to withdraw while that evidence is given.

(4) Where the appellant gives evidence, then, after the person representing the respondent has had an opportunity of cross-examining him, the chairman of the tribunal shall put to him any questions which the complainant requests should be so put and might have been properly so put by way of cross-examination and, at his discretion, may allow the complainant himself to put such questions to the accused.

(5) Subject as aforesaid, the complainant and any person allowed to accompany him shall neither intervene in, nor interrupt the hearing; and if he or such a person should behave in a disorderly or abusive manner, or otherwise misconduct himself the chairman of the tribunal may exclude him from the remainder of the hearing.

(6) In this regulation a reference to the complainant is a reference to the originator of the complaint notwithstanding that it was transmitted by some other person or body.

Report of appeal tribunal

59.—(1) The appeal tribunal shall draw up and submit to the Secretary of State, as soon as may be after the completion of the inquiry, a report, in triplicate, of its findings, setting out—

(*a*) a statement of the facts (so far as material to the case) found to be admitted or proved, either in the course of a hearing or the consideration by the tribunal of the documents sent to it in accordance with regulation 50;

(*b*) except where the appeal is against punishment only, a statement as to the charge or charges so found to be proved;

(*c*) a statement as to whether the punishment was, in its opinion, just and proper having regard to all the circumstances before it and, if not, whether any and if so what, punishment should, in its opinion, be substituted therefor;

(*d*) its observations on any matter with which the Secretary of State requested it to deal under regulation 47(2) and on any other matter which it desires to bring to his notice.

(2) The appeal tribunal shall send to the Secretary of State, with its report—

(*a*) the documents sent to it in accordance with regulation 50 and any other documents furnished in connection with the inquiry, and

(*b*) where there has been a hearing, the verbatim record of the evidence given at the hearing, the transcription thereof and (without prejudice to sub-paragraph (*a*), above) the documents, if any, produced at the hearing.

Further investigation by appeal tribunal

60. Where the Secretary of State remits a case for further investigation by an appeal tribunal, in accordance with regulation 47(4), this Part shall apply in relation to that further investigation, subject to any necessary modifications, as they apply in relation to an inquiry.

Service of documents

61. Where any notice or other document is required by this Part to be submitted or sent by or to the Secretary of State or any other person or authority, it shall be a sufficient compliance with this Part if such notice or other document is sent, by registered letter post or the recorded delivery service, within such time, if any, as is prescribed by this Part, in a letter directed to the person or authority for whom it is intended at his or its usual office or other ordinary address or, in the case of a notice or other document intended for the Secretary of State, to the Secretary of State at his official address in Northern Ireland.

Determination of questions

62. If any question arises as to the proper compliance with any provision of this Part it shall be determined by the Secretary of State whose decision shall be final.

Roy Mason
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
29th July 1977

SCHEDULE 1 Regulation 5

Discipline code

1. *Discreditable conduct,* which offence is committed where a member acts in a disorderly manner or any manner prejudicial to discipline or reasonably likely to bring discredit on the reputation of the force or of the police service.

2. Misconduct towards a member, which offence is committed where—

(*a*) the conduct of a member towards another member is oppressive or abusive, or

(*b*) a member assaults another member.

3. *Disobedience to orders,* which offence is committed where a member, without good and sufficient cause, disobeys or omits or neglects to carry out any lawful order, written or otherwise, or contravenes any provision of the Police Regulations containing restrictions on the private lives of members, or requiring him to notify the chief constable that he, or a relation included in his family, has a business interest, within the meaning of those regulations.

4. *Neglect of duty,* which offence is committed where a member, without good and sufficient cause—

(*a*) neglects or omits to attend to or carry out with due promptitude and diligence anything which it is his duty as a member to attend to or carry out, or

(*b*) fails to work his beat in accordance with orders, or leaves the place of duty to which he has been ordered, or having left his place of duty for an authorised purpose fails to return thereto without undue delay, or

(*c*) is absent without leave from, or is late for, any duty, or

(*d*) fails properly to account for, or to make a prompt and true return of, any money or property received by him in the course of his duty.

5. *Wilful or careless falsehood,* which offence is committed where a member—

(*a*) knowingly or through neglect makes any false, misleading or inaccurate oral or written statement or entry in any record or document made, kept or required for police purposes, or

(*b*) either wilfully and without proper authority or through lack of due care destroys or mutilates any record or document made, kept or required for police purposes, or

(*c*) without good and sufficient cause alters or erases or adds to any entry in such a record or document, or

(*d*) has knowingly or through neglect made any false, misleading or inaccurate statement in connection with his appointment to the force.

6. *Improper disclosure of information,* which offence is committed where a member—

(*a*) without proper authority communicates to any person any information which he has in his possession as a member, or

(*b*) makes any anonymous communication to the Police Authority or any member of the force, or

(*c*) without proper authority, makes representations to the Police Authority with regard to any matter concerning the force, or

(*d*) canvasses any member of that Authority with regard to any such matter.

7. *Corrupt practice,* which offence is committed where a member—

(*a*) in his capacity as a member and without the consent of the chief constable or the Police Authority, directly or indirectly solicits or accepts any gratuity, present or subscription, or

(*b*) places himself under a pecuniary obligation to any person in such a manner as might affect his properly carrying out his duties as a member, or

(*c*) improperly uses, or attempts so to use, his position as a member for his private advantage.

8. *Improper practice,* which offence is committed where a member in his capacity as such and without the consent of the chief constable, writes, signs or gives a testimonial of character or other recommendation with the object of obtaining employment for any person or of supporting an application for the grant of a licence of any kind.

9. *Abuse of authority,* which offence is committed where a member—

(*a*) without good and sufficient cause makes an arrest, or

(*b*) uses any unnecessary violence towards any prisoner or other person with whom he may be brought into contact in the execution of his duty, or

(*c*) is uncivil to any member of the public.

10. *Neglect of health,* which offence is committed where a member without good and sufficient cause, neglects to carry out any instructions of a medical officer appointed by the Police Authority or, while absent from duty on account of sickness, commits any act or adopts any conduct calculated to retard his return to duty.

11. *Improper dress or untidiness,* which offence is committed where without good and sufficient cause a member while on duty, or while off duty but wearing uniform in a public place, is improperly dressed or is untidy in his appearance.

12. *Damage to police property,* which offence is committed where a member—

(*a*) wilfully or through lack of due care causes any waste, loss or damage to any police property, or

(*b*) fails to report as soon as reasonably practicable any loss of or damage to any such property issued to, or used by him, or entrusted to his care.

13. *Drunkenness or drug-taking,* which offence is committed where a member renders himself unfit through drink or drugs or a combination thereof for duties which he is or will be required to perform or which he may reasonably foresee having to perform.

14. *Drinking on duty or soliciting drink,* which offence is committed where a member while on duty—

(*a*) without proper authority, drinks, or receives from any other person, any intoxicating liquor, or

(*b*) demands or endeavours to persuade any other person to give him, or to purchase or obtain for him, any intoxicating liquor.

15. *Entering licensed premises,* which offence is committed where a member—

(*a*) while on duty, or

(*b*) while off duty but wearing uniform,

without good and sufficient cause, enters any premises in respect of which a licence or permit has been granted in pursuance of the law relating to liquor licensing or betting and gaming or regulating places of entertainment.

16. *Criminal conduct,* which offence is committed where a member has been found guilty by a court of law of a criminal offence.

17. *Being an accessory to a disciplinary offence,* which offence is committed where a member connives at or is knowingly an accessory to any offence against discipline.

SCHEDULE 2 Regulation 8(3)

Discipline Form: Ranks of and below Chief Superintendent

CHARGE(S) AGAINST Name .....

No. ..... Rank ..... Rate of Pay .....

Particulars of Service .....

Charge(s)

Offence(s) of which member is accused	Particulars of alleged offence(s), including time, date and place	Names and addresses of witnesses in support of charge(s) and whose statements are attached
(1)	(1)	(1)(*a*) .... (*b*) ....
(2)	(2)	(2)(*a*) .... (*b*) ....
(3)	(3)	(3)(*a*) .... (*b*) ....

[*Where applicable.* The charge(s) numbered ..... has/have been brought on the direction of the Police Complaints Board for Northern Ireland in accordance with Article 6(2) of the Police (Northern Ireland) Order 1977]

QUESTIONS WHICH THE ACCUSED IS INVITED TO ANSWER

1. Do you admit or deny the charge(s)? (give a separate answer as respects each charge). (1) .....
(2) .....
(3) .....

2. Do you wish—

(*a*) to select a member of the R.U.C. or a member of a home police force to assist you in presenting your case? If so, give his name, rank and police force or indicate that this information will be given later.

Yes/No

(particulars of friend)

.....

(*b*) the chief constable to take steps with a view to securing the attendance of any witnesses for you at the hearing* of the case? If so, give their names and addresses or indicate that this information will be given later. If not, write "None".

.....

.....

.....

Date ..... Signature of accused .....

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*You will be notified as soon as possible of the date and nature of the hearing. It will normally be conducted by your divisional commander or a disciplinary board. However, in accordance with the provisions of regulation 14(4) or (5) of the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1977 it may be by the chief officer of another force, and if one or more charges denied by you arises out of a complaint made by a member of the public the hearing may, under article 6(5) or 7(4) of the Police (Northern Ireland) Order 1977, be by a tribunal appointed under article 7.

HEARING

Date ..... Time ..... Place .....
and by adjournment on

Date ..... Time ..... Place .....

Hearing to be conducted by [the chief constable] [the chief constable of police force to whom the case has been remitted under regulation 14(4) or (5) of the R.U.C. (Discipline and Disciplinary Appeals) Regulation 1977] [a disciplinary board comprising .....] [the divisional commander] [a tribunal constituted as provided in article 7 of the Police (Northern Ireland) Order 1977]

Above information notified to accused

..... Initials

..... Date

[*Where applicable.* Particulars of any subsequent hearing before the Chief Constable solely on punishment

Date ..... Time ..... Place .....

Subsequent hearing notified to accused

..... Initials

..... Date]

DECISIONS ON FINDING AND PUNISHMENT

Finding

The finding[s] as respects the disciplinary offence[s] specified below, with which the accused has been charged, is/are as specified opposite thereto.

Signature ..... [Divisional Commander]
[Chairman of disciplinary board]
[Chief Constable of the
.....]
[Chairman of the tribunal]

Date .....

Punishment

I have referred to and taken note of the personal record of the accused. The punishment(s) imposed as respects the disciplinary offence(s) specified below, with which the accused has been charged and of which he has been found guilty, is/are specified opposite thereto.

Signature ..... [Divisional Commander]
[Chairman of disciplinary board]
[Chief Constable of the ..... police force]
[Chairman of the tribunal]

Date .....

DECISIONS REFERRED TO ABOVE

Offence(s) charged	Finding	Punishment imposed where accused has been found guilty
(1)	Guilty/Not guilty	.....
(2)	Guilty/Not guilty	.....
(3)	Guilty/Not guilty	.....

Decisions on finding and punishment notified to accused

I have been notified of the decisions above

Signature of accused .....

Date .....

FOR OFFICE USE ONLY

1. Copy of discipline form served on accused. Initials ..... Date .....

[2. Case entered in complaints register. Initials ..... Date .....]

3. Decisions notified in writing to accused. Initials ..... Date .....

4. Case entered in discipline book. Initials ..... Date .....

PARTICULARS OF ANY APPEAL TO THE SECRETARY OF STATE

.....

.....

.....

SCHEDULE 3 Regulation 28(4)

Discipline Form: Senior Officers

CHARGE AGAINST Name .....

Rank .....

Particulars of Service .....

CHARGE

Offence of which member is accused	Particulars of alleged offence, including time, date and place	Names and addresses of witnesses in support of charge and whose statements are attached
		1. .... 2. .... 3. .... 4. .... 5. .... 6. ....

POLICE AUTHORITY'S DECISIONS ON FINDING AND PUNISHMENT

The Police Authority have found the accused guilty/not guilty of the disciplinary offence with which he has been charged and have taken note of the accused's record of police service.

Punishment imposed .....

Date ..... Signature .....

Police Authority's decisions notified to accused

I have been notified of the Police Authority's decisions.

Date ..... Signature of accused .....

FOR OFFICE USE ONLY

1. Copy of discipline form served on the accused.	Initials ..... Date .....
2. Decisions of Police Authority notified in writing to accused.	Initials ..... Date .....

PARTICULARS OF ANY APPEAL TO THE SECRETARY OF STATE

.....

.....

.....

SCHEDULE 4 Regulations 13(1), 16(9), 23(4) and 24(2)

Disciplinary Hearings: Ranks of and below chief superintendent

1. The provisions of this Schedule shall have effect in the case of a member, not being a senior officer, accused of an offence except—

(*a*) where the charge or charges arise from a complaint as defined in article 2(2) of the Order of 1977, or

(*b*) where, in the circumstances mentioned in regulation 14(4) or (5), his case has been remitted by the chief constable to the chief officer of another force.

2. In this Schedule the following expressions have the meanings hereby respectively assigned to them, that is to say—

"the chief constable" includes a deputy chief constable acting in his place;

"disciplinary board" means the chief constable sitting as a board for the purposes of paragraph 3, 4, 5 or 7 or a board appointed by the chief constable for the aforesaid purposes, consisting of 2 members being officers of the force of a rank not lower than that of assistant chief constable;

"internal appeal" means such an appeal as mentioned in paragraph 9.

3. A charge against a superintendent shall be heard by a disciplinary board.

4. A charge against an inspector shall be heard—

(*a*) subject to paragraph 7, by an officer of the force not below the rank of assistant chief constable appointed for the purpose by or on behalf of the chief constable, or

(*b*) if it is so determined by or on behalf of the chief constable, by a disciplinary board.

5. A charge against a sergeant or constable shall be heard—

(*a*) subject to paragraph 7, by an officer of the force not below the rank of chief superintendent appointed for the purpose by or on behalf of the chief constable, or

(*b*) if it is so determined by or on behalf of the chief constable, by a disciplinary board.

6. The limitations, if any, on the imposition of punishments under regulation 22 shall be as follows:

Description of officer or disciplinary board conducting the hearing	*Punishments which may not be imposed under regulation* 22
chief constable; deputy chief constable acting as chief constable; disciplinary board consisting of a deputy chief constable and an assistant chief constable conducting a hearing in pursuance of paragraph 3, 4(*b*) or 5(*b*) of this Schedule;	none.
a deputy chief constable conducting a hearing in pursuance of paragraph 4(*a*) or 5(*a*) hereof; disciplinary board consisting of two assistant chief constables conducting a hearing in pursuance of paragraph 3, 4(*b*) or 5(*b*) hereof;	as specified in paragraph 1(*a*) or (*b*) of regulation 22.

Description of officer or disciplinary board conducting the hearing	*Punishments which may not be imposed under regulation 22*
assistant chief constable conducting a hearing in pursuance of paragraph 4(*a*) or 5(*a*) hereof;	as specified in paragraph 1(*a*), (*b*) or (*c*) thereof; a reduction in accused's rate of pay for a period in excess of 13 weeks; or a fine in excess of 7 days' pay.
chief superintendent conducting a hearing in pursuance of paragraph 5(*a*) hereof.	as specified in paragraph 1(*a*), (*b*) or (*c*) thereof; a reduction in accused's rate of pay for a period in excess of 6 weeks; or a fine in excess of 3 days' pay.

7.—(1) An officer by whom a case falls to be heard in pursuance of paragraph 4(*a*) or 5(*a*) may remit the case to a disciplinary board if, either before or during the hearing, he considers that, by reason of paragraph 6, his powers of punishment would be insufficient for the case if he were to find the charge proved.

(2) An officer remitting a case under this paragraph shall not give the disciplinary board any indication of his assessment of the case or of the punishment which might be imposed in the event of the charge being found proved.

(3) Where a case has been remitted to a disciplinary board under this paragraph the board shall proceed by way of a hearing or rehearing of the charge.

8. Where an officer or disciplinary board conducting a hearing in pursuance of this Schedule imposes a punishment specified in regulation 22(1)(*a*), (*b*) or (*c*) then, without prejudice to the accused giving notice of appeal under paragraph 9, that punishment shall not take effect unless and until the period for giving such notice under paragraph 9(3) has expired or, where such notice is given, the appeal has been determined.

9.—(1) Where a charge has been found proved and a punishment imposed otherwise than by the chief constable, the accused may appeal in accordance with this paragraph against—

(*a*) both the finding and punishment, or

(*b*) the punishment only.

(2) The appeal shall be instituted by the appellant giving written notice of appeal to the chief constable specifying whether he is appealing as mentioned in sub-paragraph (1)(*a*) or (1)(*b*) above.

(3) The notice of the appeal shall be given within the 14 days following the day on which the accused was notified of the punishment in accordance with regulation 22(8) and, within the 21 days following the day in which—

(*a*) he receives the transcription of the record of the proceedings at the hearing at which the charge was found proved ("the original hearing"), where he has requested under regulation 16(10) to be supplied with such a transcription, or

(*b*) he gave the notice of appeal, where he has not so requested,

he shall furnish the chief constable with a statement setting out the grounds of his appeal:

Provided that where the chief constable is satisfied that by reason of the special circumstances of the case it is just and right so to do, he may extend either or both of the periods mentioned in this sub-paragraph and, in such case, this sub-paragraph shall have effect as if for the period in question there were substituted such extended period as he may specify.

(4) The appeal shall be considered by the chief constable or, if he so directs, by a deputy chief constable appointed by him:

Provided that such deputy chief constable shall not have been—

(*a*) a deputy chief constable who conducted, or, as the case may be,

(*b*) a member of the disciplinary board which conducted,

the hearing out of which the appeal arose.

(5) The appellant shall be given reasonable notice of the time and place at which the appeal be considered ("the appellate proceedings").

(6) The appellant may attend the appellate proceedings and conduct his appeal either in person or by a member or a member of a home police force selected by him; but the provisions of regulation 19(1) relating to a hearing in the absence of the accused shall have effect, subject to any necessary modifications, in relation to appellate proceedings in the absence of the appellant.

(7) The appellant or his representative may make oral or written representations in support of the appeal but may only adduce evidence which could not have been adduced, or which was not adduced for reasons which satisfy the person considering the appeal, at the hearing at which the charge was found proved ("the original hearing"); and where evidence is adduced in support of the appeal the officer who was the presenting officer at the original hearing or an officer acting in his place ("the presenting officer") may adduce evidence in rebuttal.

(8) Notwithstanding anything in sub-paragraph (7) above, where the person considering the appeal is considering the question of punishment, he may receive evidence from any witness whose evidence would, in his opinion, assist him in determining the question.

(9) A witness giving oral evidence may be cross-examined by the presenting officer or, as the case may be, by the appellant and his representative; but the person considering the appeal may, in his discretion, admit written evidence which would not be admissible but for this sub-paragraph but which would have been admissible if given orally.

(10) As soon as possible after the conclusion of the appellate proceedings the decision shall be recorded on the discipline form and notified in writing to the appellant; and a decision to allow an appeal against the finding at the original hearing or vary the punishment imposed shall have effect from the date of the decision appealed against except that, where the punishment as varied is such as is specified in regulation 22(1)(*b*) or (*c*), that punishment shall have effect from a date not earlier than, or from the date of, the decision in the appellate proceedings.

(11) A verbatim record of the appellate proceedings shall be taken and, if the appellant is dissatisfied with the decision and contemplates an appeal to the Secretary of State, then, at his request made within the period during which notice of appeal may be given, a transcription of the record shall be made and a copy thereof supplied to him.

10. An officer who has, in relation to a case—

(*a*) acted as investigating officer;

(*b*) exercised any duty or function in pursuance of a delegation under regulation 10(1)

shall not, as respects that case, conduct a hearing under paragraph 4 or 5, be a member of a disciplinary board dealing with the case or conduct appellate proceedings under paragraph 9.

SCHEDULE 5

Form of Notice of Appeal to the Secretary of State

1. I, ... (name and number) was, on..... (insert date) and while holding the rank of ..... in the Royal Ulster Constabulary found to have committed the disciplinary offence(s) mentioned in the first column below with which I had been charged and was punished therefor as mentioned in the second column below:—

Disciplinary offence found proved	*Punishment therefor*
(1)	.....
(2)	.....
(3)	.....

2. The hearing of the charge(s) was conducted, and the finding(s) reached, by [.....] [a tribunal within the meaning of article 7 of the Police (Northern Ireland) Order 1977 of which the chairman was the chief constable of the .....]

3. Punishment was imposed by [ ].

4. I was notified in writing of the said punishment(s) on ..... (insert date).

5. I desire to appeal against [the said finding(s) and punishment(s)] [the said punishment(s) but not against the said finding(s)].

6. I [desire] [do not desire] to submit additional evidence not taken into consideration at the original hearing of the charge(s) against me.

7. I [annex] [do not annex] a concise statement (marked A) of the grounds on which I desire to appeal.

8. I [annex] [do not annex] a statement (marked B) comprising either a list of the documents which I desire to submit in support of the appeal (other than documents produced at the original hearing) or a statement that I do not wish to submit any such documents.

9. I [annex] [do not annex] a statement (marked C) comprising either a list of the names and addresses of the witnesses I desire to call in support of my appeal and a concise statement of the facts which each witness will prove or a statement that I do not desire to call any witnesses.

10. I understand that any such statement as is referred to in paragraph 7, 8 or 9 which is not annexed must be supplied to the Secretary of State within the period of 60 days beginning with the date mentioned in paragraph 4.

11. At the date on which punishment was imposed I was in receipt of pay at the rate of £..... a year.

12. [I was suspended on ..... (insert date) and was still suspended immediately before punishment was imposed.]

13. I declare that a copy of this notice of appeal and of any statement annexed thereto has been sent to the chief constable of the Royal Ulster Constabulary.

Signature .....

Address .....

.....

Date 19

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations replace the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1973, and come into operation on 1st September 1977. The principal changes are described below:

Provision is made as respects the withdrawal of charges and appeals (regulations 9, 29 and 51).

The regulations take account of the provisions of the Police (Northern Ireland) Order 1977 relating to the functions of the Police Complaints Board for Northern Ireland and to disciplinary tribunals in complaints cases (regulations 13(2), 14(1), 15, 16(8), 22(4) and (5) and Schedule 2).

With the agreement of the other party, either the accused officer or the officer presenting the case against him may adduce evidence by way of a written statement (regulations 17, 33 and 57).

Provision is made for the hearing of disciplinary cases by officers other than the chief constable, sitting alone or as members of disciplinary boards, both to determine the finding, and, if the charge is found proved, to impose a punishment, subject to defined limitations (regulations 13(1), 16(8) and (9), 23(4) and Schedule 4).

Regulations 23, 24 and 41 make no provision for the recovery of fines from pay nor as respects emoluments payable in respect of a period of suspension, such provision being now made in the Royal Ulster Constabulary Regulations 1973 as amended by the Royal Ulster Constabulary (Amendment No. 3) Regulations 1977.