1988 No. 11

POLICE

Royal Ulster Constabulary (Complaints) (Informal Resolution) Regulations 1988

Made	*15th January 1988*
Coming into operation	*29th February 1988*
To be laid before Parliament	

The Secretary of State, in pursuance of Article 19(2)(*b*) and (*c*) of the Police (Northern Ireland) Order 1987(**a**), and after consulting the Police Authority and the Police Association for Northern Ireland in accordance with Article 19(4) of that Order hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Royal Ulster Constabulary (Complaints) (Informal Resolution) Regulations 1988 and shall come into operation on 29th February 1988.

Interpretation

2. The following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the appointed member" means the member appointed for the informal resolution of complaints under Article 5(4) of the Order of 1987;

"the Commission" means the Independent Commission for Police Complaints for Northern Ireland established under Article 3 of the Order of 1987;

"complaint" means a complaint to which the Order of 1987 applies and "copy of the complaint" in the case of a complaint made orally, shall include a copy of the record of the complaint;

"complainant" means the person by or on behalf of whom a complaint is submitted;

"member" means a member of the Royal Ulster Constabulary, or of the Royal Ulster Constabulary Reserve;

"member concerned" in relation to a complaint, means the member about whose conduct the complaint is made;

"the Order of 1987" means the Police (Northern Ireland) Order 1987;

"senior officer" means an officer above the rank of chief superintendent.

(a) S.I. 1987/938 (N.I. 10)

Application of regulations

3.—(1) Subject to the following provisions, these regulations apply to a complaint received by the chief constable on or after 29th February 1988, being a complaint which he considers to be suitable for informal resolution.

(2) Nothing in these regulations applies in the case of a complaint against a senior officer.

(3) Where under the Order of 1987 the Commission is required or determines to supervise the investigation of a complaint it shall not be dealt with or, as the case may be, continue to be dealt with by way of informal resolution.

Procedure for informal resolution of complaints

4.—(1) Subject to paragraph (2) below, for the purpose of informally resolving a complaint to which these regulations apply about the conduct of a member, the appointed member shall as soon as practicable—

(*a*) seek the views of the complainant and the member concerned about the matter;

(*b*) give the member concerned an opportunity to comment orally or in writing on the complaint; and

(*c*) take such other steps as appear to him appropriate,

and, without prejudice to the foregoing, where it appears to the appointed member that the complaint had in fact already been satisfactorily dealt with at the time it was brought to his notice, he may, subject to any representation made by the complainant, treat it as having been informally resolved.

(2) The appointed member shall not, for the purpose of informally resolving a complaint, tender on behalf of the member concerned an apology for his conduct unless he has admitted the conduct in question.

Records

5.—(1) When a complaint is dealt with by way of informal resolution under these regulations a record shall be made of the outcome of the procedure and a complainant shall be entitled to obtain a copy thereof from the chief constable if he applies for such a copy not later than the end of three months from the day on which—

(*a*) the informal resolution of his complaint was achieved; or

(*b*) for whatever other reason, it was determined that the complaint should no longer be subject to the said procedure.

(2) The chief constable shall forward to the Commission, at the end of each four month period following 29th February 1988, a record of the outcome of all those complaints dealt with by way of informal resolution under these regulations, together with a copy of the complaint in any such case.

Tom King
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
15th January 1988

EXPLANATORY NOTE

(This note is not part of the regulations.)

These regulations provide for the informal resolution of complaints against police officers in accordance with Article 5 of the Police (Northern Ireland) Order 1987.

By regulation 3 the regulations apply only to complaints received by the chief constable on or after 29th February 1988. They do not apply in the case of senior officers (officers above the rank of chief superintendent).

Regulation 4 sets out the procedure for informal resolution. Regulation 5(1) requires a record to be kept of the outcome of the procedure and enables the complainant to obtain a copy of the record; 5(2) ensures that the Commission is supplied with copies of complaints dealt with by way of informal resolution together with a record of their outcome.