1990 No. 404

POLICE

Royal Ulster Constabulary (Complaints etc.) (Amendment) Regulations 1990

Made . . . . . 16th November 1990

Coming into operation . . 1st January 1991

To be laid before Parliament

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

Citation and commencement

1.—(1) These regulations may be cited as the Royal Ulster Constabulary (Complaints etc.) (Amendment) Regulations 1990 and shall come into force as on and from 1st January 1991.

(2) These regulations apply to a complaint received by the chief constable on or after 1st January 1991.

Interpretation

2. In these regulations, "the principal regulations" means the Royal Ulster Constabulary (Complaints etc.) Regulations 1988(**b**).

3. The principal regulations shall be amended as follows:

(*a*) there shall be inserted in regulation 17(1)(*a*), after the word "Schedule", the words "or that a complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints";

(*b*) there shall be substituted for the word "and" at the end of regulation 17(1)(*a*) the following provision—

"or

(*aa*) that more than 12 months have elapsed between the incident, or the latest incident, giving rise to the complaint and the making of the complaint and either that no good reason for the delay has been shown or that injustice would be likely to be caused by the delay, and";

(a) S.I. 1987/938 (N.I. 10)
(b) S.R. 1988 No. 9

(*c*) there shall be inserted at the beginning of regulation 17(1)(*b*) the words "in either case,";

(*d*) the word "and" at the end of regulation 17(2)(*b*) shall be omitted;

(*e*) there shall be added after regulation 17(2)(*c*) the following provision—

"; and

(*d*) where the appropriate authority is of the opinion that the complaint is a repetitious complaint and the previous complaint has been informally resolved in accordance with the provisions of Article 5 of the Order of 1987, a copy of the record of the outcome of the informal resolution procedure made under regulation 5 of the Royal Ulster Constabulary (Complaints) (Informal Resolution) Regulations 1988(**a**).''; and

(*f*) there shall be inserted in the Schedule, after paragraph 3(2)(*a*) the following provision—

"(*aa*) the complaint was informally resolved in accordance with the provisions of Article 5 of the Order of 1987;".

P. L. Brooke
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
16th November 1990

(a) S.R. 1988 No. 11

EXPLANATORY NOTE

(This note is not part of the regulations.)

These regulations amend the Royal Ulster Constabulary (Complaints etc.) Regulations 1988 with effect from 1st January 1991 to enable the Independent Commission for Police Complaints for Northern Ireland to dispense with the requirements of Part II of the Police (Northern Ireland) Order 1987 (which relates to the investigation of complaints about the conduct of police officers) in a wider range of circumstances. The additional circumstances are where a complaint is repetitious following the informal resolution of a previous similar complaint; where a complaint is vexatious; or where there has been unreasonable delay in making a complaint.