STATUTORY RULES OF NORTHERN IRELAND

No.

POLICE

The Police (Conduct) (Amendment) Regulations (Northern Ireland) 2026

Made - - - - ***

Coming into operation

The Department of Justice makes these Regulations in exercise of the powers conferred by sections 25, 26 and 59(8) of the Police (Northern Ireland) Act 1998.

In accordance with sections 25(8) and 26(6) of that Act the Department has consulted the Northern Ireland Policing Board and relevant Police Association.

Citation and commencement

1. These regulations may be cited as the Police (Conduct) (Amendment) Regulations (Northern Ireland) 2026 and shall come into operation on xxth XXXX 2026.

Amendment of the Police (Conduct) Regulations (Northern Ireland) 2016

2. The Police (Conduct) Regulations (Northern Ireland) 2016(**a**) shall be amended as follows—

(a) in regulation 3(2) after the definition of "referred matter" insert—

""reflective practice review process" means the process set out in Part 8;".

(b) in regulation 7(4)(b), for "where the member concerned chooses to be legally represented" substitute "whether or not the member concerned chooses to be legally represented".

(c) in regulation 7, after paragraph 7 insert—

"(8) The unavailability of one or more preferred legal representatives is not a valid reason to delay a misconduct hearing or special case hearing where an alternative legal representative is available.".

(d) in regulation 8(1) for "shall be given to him in person." substitute—

"shall be provided by any of the following methods—

(a) given to the member in person;

(b) left with a person at, or sent by recorded delivery to, the member's last known address;

(**a**) S.R. 2016 No.41

(c) given to the member in person by the member's police friend where the police friend has agreed with the appropriate authority to deliver the notice or document; or

(d) given to the member in any other manner agreed between the person who is required to give the notice or document and the member.".

(e) in regulation 12(3) after sub paragraph (b)(ii) insert—

"(iii) refer the matter to be dealt with the reflective practice review process.".

(f) in regulation 19, after paragraph 2 insert—

"(3) Where a date and time is specified under paragraph (2) and—

(a) the member concerned or the member's police friend will not be available, and

(b) the member concerned proposes an alternative date or time which satisfies paragraph (4), the interview must be postponed to the date or time proposed by the member concerned.

(4) An alternative time must—

(a) be reasonable, and

(b) fall before the end of the period of 5 working days beginning with the first working day after the day specified by the investigator.

(5) The member concerned shall be given written notice of the date, time and place of the interview.

(6) The investigator shall, in advance of the interview, provide the member concerned with such information as the investigator considers appropriate in the circumstances of the case to enable the member concerned to prepare for the interview.

(7) The member concerned shall attend the interview and shall remain until the interview is concluded.

(8) A police friend may not answer any questions asked of the member concerned during the interview, however at any time during the interview the member concerned may consult with his friend. The interview may be stopped to allow consultation to take place.".

(g) in regulation 20, after paragraph 3 insert—

"(4) If at any time during the investigation the investigator believes that, in light of evidence made available to the investigator that was not available to the appropriate authority when it made its assessment of conduct or any revised assessment of conduct under regulation 12, the appropriate authority would, on further consideration of the matter, be likely to determine that the conduct which is the subject matter of the allegation, if proved, would amount to neither misconduct nor gross misconduct, the investigator shall, whether or not the investigation is complete, submit to the appropriate authority—

(a) a statement of the investigator's belief and the grounds for it;

(b) a written report on the investigation to that point; and

(c) a statement of the investigator's opinion as to whether the matter should be referred to be dealt with under the Performance and Attendance Regulations or the reflective practice review process.

(5) Where a report is submitted to the appropriate authority under paragraph (4) the appropriate authority shall make a further assessment of conduct under regulation 12.

(6) If the appropriate authority assesses that the conduct if proved would amount to misconduct or gross misconduct, the investigator shall continue to proceed with the investigation that has been commenced.

(7) If the appropriate authority makes an assessment other than that the conduct if proved would amount to misconduct or gross misconduct—

(a) the case shall be dealt with in accordance with regulation 12;

(b) the investigation shall be promptly concluded;

(c) the appropriate authority shall as soon as practicable and in addition to any notice required under regulation 12(6), give the member concerned notice in writing that—

(i) the notice given to the member under regulation 16(1) has been withdrawn and no further action will be taken pursuant to that notice; and

(ii) the investigation has concluded.".

(h) after regulation 21 insert—

"Joint misconduct proceedings

21A.—(1) Subject to paragraphs (6) and (7), where under the regulation 21 the appropriate authority refers two or more cases arising from the same matter or incident, which relate to more than one member, to a misconduct hearing, the cases may be referred to a joint misconduct hearing.

(2) Subject to paragraph (6), where under regulation 21 the appropriate authority refers two or more cases arising from the same matter or incident, which relate to more than one member, to a misconduct meeting, the cases may be referred to a joint misconduct meeting.

(3) Where cases are referred to joint misconduct proceedings, a reference to "the member concerned" in regulations 22 to 38, if the context so requires, means—

(a) any of the members concerned; or

(b) each of the members concerned.

(4) Where cases are referred to joint misconduct proceeding, the member concerned in any of the cases may object and request separate proceedings.

(5) The person conducting or chairing the misconduct proceedings shall consider any objection under paragraph (4) and determine whether the request for separate proceedings should be allowed.

(6) Cases may only be referred to joint misconduct proceedings where all or none of the officers concerned are senior officers.

(7) A case in respect of which the Ombudsman has made the decision to present a case under regulation 31(2) may only be referred to a joint misconduct hearing on the direction of the Ombudsman, following consultation with the appropriate authority.

(8) The appropriate authority must comply with a direction given under paragraph (7).".

(i) in regulation 23(c)(ii) for "relevant document gathered in the course of the investigation" substitute "document which might reasonably be considered capable of undermining or assisting the case.".

(j) after regulation 25 insert—

"Misconduct pre-hearing

25A.—(1) Where the person chairing a misconduct hearing ("the chair") has decided under regulation 28A(3) to conduct a misconduct pre-hearing, the chair must as soon as practicable—

(a) specify a date and time for a misconduct pre-hearing, which must be within a period of 15 working days, or such extended period as the chair may specify under

paragraph 10(a), beginning with the first working day after the day on which the documents were supplied to the chair under regulation 29(1), and

(b) give written notice of the date, time and place of the misconduct pre-hearing to—

(i) the member concerned;

(ii) the appropriate authority;

(iii) the originating authority, where functions have been delegated under regulation 3(7);

(iv) the Ombudsman, where the Ombudsman—

(aa) is presenting the case; or

(bb) would be entitled to attend the misconduct hearing under regulation 31(1).

(2) Subject to paragraph (4), where a date and time is specified under paragraph (1) and—

(a) the member concerned or their police friend will not be available; and

(b) the member concerned proposes an alternative date or time which satisfies paragraph (3);

the misconduct pre-hearing shall be postponed to the date or time proposed by the member concerned and agreed by the chair.

(3) An alternative time shall—

(a) be reasonable; and

(b) fall before the end of 5 working days beginning with the first working day after the day specified by the chair.

(4) In the case of joint misconduct proceedings, where a date and time is specified under paragraph (1) and one or more of the members concerned or their police friend will not be available at that time, the chair shall—

(a) consult each of the members concerned as regards the timing of the misconduct pre-hearing; and

(b) determine the date and time of the misconduct pre-hearing, which must fall within the period specified in paragraph (3)(b).

(5) The following are entitled to attend the misconduct pre-hearing—

(a) those listed in paragraph (1)(b);

(b) the member concerned's police friend;

(c) the member concerned's legal representative;

(d) the appropriate authority's legal representative and, as the case may be, the originating authority, and

(e) the Ombudsman's legal representative, where the Ombudsman is presenting the case or would be entitled to attend the misconduct hearing under regulation 31(1).

(6) Subject to paragraph (5), a misconduct pre-hearing shall be held in private.

(7) A misconduct pre-hearing may be conducted by such electronic means as may be agreed between the parties, or, where the parties fail to agree, as decided by the chair.

(8) At the misconduct pre-hearing the chair shall—

(a) determine the date, time and duration of the misconduct hearing, following consultation with the parties;

(b) consider any lists of the proposed witnesses supplied under regulation 24(5) and, in accordance with regulation 25(3), determine which, if any, witnesses should attend the misconduct hearing;

(c) consider any documents supplied under regulation 29(1);

(d) consider any procedural or preliminary legal arguments or points of law raised and whether it is appropriate for those matters to be dealt with at the misconduct pre-hearing or misconduct hearing;

(e) consider any issues related to disclosure of documents for the purposes of the misconduct hearing, and

(9) Subject to paragraph (10)(b) and (11), the misconduct hearing must take place before the end of 30 working days beginning with the date of the misconduct pre-hearing.

(10) Where the chair considers that it would be in the interests of justice to do so, the chair may extend—

(a) the period of 15 working days specified in paragraph (1)(a);

(b) the period of 30 working days specified in paragraph (9).

(11) Any of the parties may apply to the chair for the misconduct hearing to take place later than provided for in paragraph (9).

(12) Any such application shall set out the reasons for the application.

(13) The chair shall determine whether it would be in the interests of justice for the application to be granted, provided that the date fixed for the commencement of the hearing shall be within the period specified in regulation 28A(2), or such extended period as the chair may specify under regulation 28A(6)(a).

(14) At the misconduct pre-hearing the chair may issue directions including, but not limited to, the matters set out in this regulation.

(15) Within the period of 5 working days beginning with the date of the misconduct pre-hearing, the chair must serve on the parties a summary of the key matters discussed and a record of any directions issued.

(16) The parties shall comply with any directions issued under paragraph (15).

(17) For the purposes of the regulation "parties" means the appropriate authority or, as the case may be, the originating authority, the member concerned, the member concerned's legal representative, and, where the ombudsman is presenting the case, the Ombudsman.".

(k) after regulation 28 insert—

"Role of chair of misconduct hearing

28A.—(1) The chair of the panel appointed under regulation 27 and 28 must take appropriate action to ensure the efficient and effective bringing of the proceedings and that they are conducted in a timely, fair and transparent manner.

(2) In particular, and subject to paragraph (6)(a), the chair shall ensure that the first day of the misconduct hearing is not more than 100 working days beginning with the day after the date on which notice is given under regulation 23(1).

(3) The chair shall decide, before the end of 5 working days beginning with the first working day after the day on which the documents were supplied to the chair under regulation 29(1), whether to conduct a misconduct pre-hearing, in order to agree directions and to fix a date for the hearing in accordance with regulation 25A.

(4) Where the chair decides not to conduct a misconduct pre-hearing, the chair shall determine the date, time and duration of the misconduct hearing, following consultation

with the parties by telephone or by such other electronic means as may be agreed between the parties or, where the parties fail to agree, as decided by the chair.

(5) Subject to paragraphs (6)(b) and (7), where paragraph (4) applies, the misconduct hearing shall take place before the end of the period of 35 working days beginning with the first working day after the documents were supplied to the member concerned under regulation 23(1).

(6) Where the chair considers that it would be in the interests of justice to do so, the chair may extend—

(a) the period of 100 working days specified in paragraph (2);

(b) the period of 35 working days specified in paragraph (5).

(7) Any of the parties may apply to the chair for the misconduct hearing to take place later than is provided for in paragraph (5).

(8) Any such application shall set out the reasons for the application.

(9) The chair shall determine whether it would be in the interests of justice for the application to be granted, provided that the date fixed for the commencement of the hearing shall be within the period specified in paragraph (2), or such period as extended under paragraph (6)(a).

(10) For the purposes of this regulation "parties" means the appropriate authority, the member concerned, the member concerned's representatives and, where the Ombudsman is the presenting the case, the Ombudsman.".

(l) in regulation 36 after regulation 36(1)(b) for "but take no further action" substitute—

"and—

(i) take no further action; or

(ii) direct that the matter is referred to be dealt with under the reflective practice review process.".

(m) in regulation 36 after regulation 36(1)(b) insert—

"(c) where the finding is that the conduct amounts to neither gross misconduct nor misconduct, following a misconduct meeting or hearing, record a finding of no misconduct and—

(i) take no further action; or

(ii) direct that the matter is referred to be dealt with under the reflective practice review process.".

(n) in regulation 44(1)(c)(ii) for "any other relevant document gathered during the course of the investigation." substitute "any other document which might reasonably be considered capable of undermining or assisting the case."

(o) in regulation 36 for paragraph 5 to 12 substitute—

"(5) Where a reduction in rank sanction is given, that sanction remains in force for a period of 24 months beginning with the day on which it was notified to the member concerned.

(6) Where a written warning or final written warning is given, that warning remains in force for—

(a) a period of 12 months beginning with the day on which it was notified to the member concerned, in the case of a written warning; or

(b) a period of 24 months beginning with the day on which it was notified to the member concerned, in the case of a final written warning.

(7) Where a final written warning is given under paragraph (2), the period in paragraph (6)(b) may be extended, by the person considering the question of disciplinary action, up to a maximum period of 5 years.

(8) Where the member concerned had a written warning in force on the date of the assessment of the conduct under regulation 12(1), or on the date of the recommendation under section 59(2) of the 1998 Act that disciplinary proceedings should be brought, or on the date of the direction under section 59(5) of that Act, as the case may be, a written warning shall not be given.

(9) Where the member concerned had a final written warning in force on the date of the assessment of the conduct under regulation 12(1), or on the date of the recommendation under section 59(2) of the 1998 Act that disciplinary proceedings should be brought, or on the date of the direction under section 59(50 of that Act, as the case may be—

(a) neither a written warning nor a final written warning shall be given; but

(b) subject to paragraph (7), in exceptional circumstance, the final written warning may be extended.

(10) A final written warning may be extended on one occasion only.

(11) Where the member concerned is a senior officer, the persons conducting the misconduct proceedings shall, as soon as practicable after the meeting or hearing, submit a report to the Board, or, in any case where the Ombudsman is entitled to attend as an observer under regulation 31, to the Board with a copy sent to the Ombudsman, together with a copy to the senior officer concerned, setting out—

(a) the finding of the persons conducting the misconduct proceedings;

(b) the reasons for that finding;

(c) if that finding was that the conduct of the member concerned amounted to misconduct or gross misconduct, a recommendation as to any disciplinary action which in their opinion should be imposed; and

(d) any other matter arising out of the proceedings which they desire to bring to the notice of the Board.

(12) Where the member concerned is a senior officer, on receipt of the report submitted under paragraph (11), the Board shall either—

(a) dismiss the case; or

(b) record a finding that the conduct of the senior officer concerned amounted to misconduct or gross misconduct, but take no further action; or

(c) record a finding that the conduct of the senior officer concerned amounted to misconduct or gross misconduct and impose disciplinary action under paragraph (2)(a) or (b) or (9)(b) as appropriate.

(13) Where the member concerned is a senior officer and the Ombudsman was entitled to attend as an observer under regulation 31 the Board shall not take the action referred to in paragraph (12) without the agreement of the Ombudsman.

(14) Where the question of disciplinary action is being considered, the person or persons considering it—

(a) shall have regard to the record of the police service of the member concerned as shown on their personal record;

(b) may receive evidence from any witness whose evidence would, in their opinion, assist them in determining the question; and

(c) shall give—

(i) the member concerned, their police friend or, at a misconduct hearing, their counsel or solicitor; and

(ii) the appropriate authority or the person appointed to represent the appropriate authority in accordance with regulation 7(4);

an opportunity to make oral or written representation before any such question is determined.".

(p) in regulation 54 for paragraphs 3 to 10 substitute—

"(3) Where a reduction in rank sanction is given, that sanction remains in force for a period of 24 months beginning with the day on which it was notified to the member concerned.

(4) Where a written or final written warning is given, that warning remains in force for—

(a) a period of 12 months beginning with the day on which it was notified to the member concerned, in the case of a written warning; or

(b) a period of 24 months beginning with the day on which it was notified to the member concerned, in the case of a final written warning.

(5) Where a final written warning is given under paragraph (1), the period in paragraph (4)(b) may be extended, by the person considering the question of disciplinary action, up to a maximum period of 5 years.

(6) Where the member concerned had a final written warning in force on the date of the assessment of the conduct under regulation 12(1) or on the date of the recommendation under section 59(2) of the 1998 Act that disciplinary proceedings should be brought—

(a) a final written warning shall not be given; but

(b) subject to paragraph (5), in exceptional circumstances, the final written warning may be extended.

(7) A final written warning may be extended on one occasion only.

(8) Where the person conducting the special case hearing in the case of a member other than a senior officer finds that the conduct of the member concerned does not amount to gross misconduct, they may—

(a) dismiss the case; or

(b) return the case to the Chief Constable to deal with in accordance with part 4 at a misconduct meeting or, if the member concerned had a final written warning in force at the date of the assessment of the conduct under regulation 12(1) or at the date of the recommendation under section 59(2) of the 1998 Act that disciplinary proceedings should be brought or at the date of the direction under section 59(5), as the case may be, at a misconduct hearing.

(9) Where the member concerned is a senior officer and the Board has received a report under regulation 53(17) to the effect that the conduct of the senior officer concerned does not amount to gross misconduct the Board may, in agreement with the Ombudsman where the Ombudsman was entitled to attend as an observer under regulation 51—

(a) dismiss the case; or

(b) deal with it in accordance with Part 4 at a misconduct meeting or, if the member concerned had a final written warning in force at the date of the assessment of conduct under regulation 12(1) or on the date of the recommendation under section

59(2) of the 1998 Act that disciplinary proceedings should be brought, at a misconduct hearing.

(10) Where the case is returned to the Chief Constable under paragraph (8)(b) or dealt with by the Board under paragraph (9)(b), the appropriate authority shall proceed in accordance with Part 4, subject to regulation 21(1) being read as if the words "regulation 42 and paragraphs (6) and (7), on receipt of the investigator's written report" were omitted and replaced with "paragraphs (8) and (9), on receipt of a determination under regulation 54(8)(b) or (9)(b)".

(11) Except in the case of extending a final written warning, the disciplinary action shall have effect from the date on which it is notified to the member concerned.

(12) Where the question of disciplinary action is being considered, the person or persons conducting the special case hearing—

(a) shall have regard to the record of police service of the member concerned as shown on their personal record;

(b) may consider such documentary evidence as would, in their opinion, assist them in determining the question; and

(c) shall give—

(i) the member concerned; and

(ii) their police friend or their counsel or solicitor,

an opportunity to make oral or written representations.".

(q) after regulation 58 insert—

"PART 8

Reflective practice review process

Interpretation and application

59.—(1) In this Part—

"participating member" means the member whose actions or behaviour are subject to the reflective practice review process; and

"reviewer" means the person who is conducting the reflective review process.

(2) The reviewer shall be—

(a) the line manager of the participating member;

(b) another officer who is senior to the participating member;

(c) a police staff member who, in the opinion of the appropriate authority, is more senior than the participating member.

(3) This Part applies where a matter has been referred to be dealt with under the reflective practice review process under these regulations.

General

60.—(1) Where a matter is dealt with under this Part, regulation 6(2)(b) to (d) does not apply.

(2) Where more than one member is involved in a matter that has been referred to be dealt with under the reflective practice review process, a joint reflective practice review

discussion may take place, provided that individual reflective review development reports are produced.

(3) A participating member shall not be prevented from applying for or obtaining a promotion by reason of the member's participation in the reflective review process.

(4) Any account given by the participating member under regulation 61(1)(b) or during the reflective practice review discussion held under regulation 63 is not admissible in any subsequent disciplinary proceedings brought against the participating member, except to the extent that is consists of an admission relating to a matter that has not been referred to be dealt with under the reflective practice review process.

Referral to reflective practice review process

61.—(1) Where a matter is referred to the reflective practice review process, the reviewer shall as soon as practicable provide the following to the participating member—

(a) details of the matter that has been referred and the circumstances that are being considered; and

(b) an invitation to provide an account of the matter that has been referred for review.

(2) The participating member shall provide an account under paragraph (1)(b) within 5 working days beginning with the first working day after the day on which the invitation to do so is received, unless a longer period is agreed with the reviewer.

(3) The reflective practice review process consists—

(a) a fact-finding stage;

(b) a discussion stage;

(c) followed by the production of a reflective review development report.

Fact-finding stage

62.—(1) Enquiries made by the reviewer during the fact-finding stage must be reasonable, proportionate and relevant to the purpose, which is to establish the facts of the matter subject to the review process.

(2) Paragraphs (3) and (4) apply to a matter that has been referred under these Regulations to be dealt with under the reflective practice review process.

(3) If at any time during the fact-finding stage substantial evidence becomes available to the reviewer, which was not available to the appropriate authority when the matter was referred to be dealt with under the reflective practice review process, the reviewer must refer the matter to the appropriate authority for a further assessment under regulation 12.

(4) Where a matter is so referred for a further assessment, unless such further assessment is that the conduct, if proved, would amount to practice requiring improvement, the reflective practice review process must not be continued.

Discussion stage

63.—(1) The reviewer shall, following completion of the fact-finding stage, invite the participating member to attend a reflective practice review discussion.

(2) Such discussion should take place as soon as reasonably practicable.

(3) The discussion shall include, in particular—

(a) a discussion of the practice requiring improvement and related circumstances that have been identified; and

(b) the identification of key lessons to be learnt by the participating member, line management or the police service, to address the matter and prevent a reoccurrence of the matter.

Reflective review development report

64.—(1) The reviewer shall, following completion of the discussion stage, produce a reflective review development report.

(2) A reflective review development report must contain—

(a) a summary of the issue and any relevant background circumstances;

(b) a summary of the reflective practice review discussion;

(c) key actions to be undertaken within a specified time period;

(d) any lessons identified for the participating member;

(e) any lessons identified for the line management or police service;

(f) a specified period of time for reviewing the report and the actions taken.

(3) The reviewer must send a copy of the report to the appropriate authority.

(4) The appropriate authority must take appropriate action to ensure that any lessons identified for the line management or police service are addressed.

(5) A copy of the report, together with a note of the review of the report and of actions taken, must be retained.

(6) The report and review notes must be discussed as part of the participating member's performance and development review during the 12 month period following agreement of the report.

Failure to engage with the reflective practice review process

65. If the reviewer considers that the participating member is failing to engage with the reflective practice review process, the reviewer may refer that failure for assessment by the appropriate authority under regulation 12.".

(r) the Schedule to the Regulations is substituted for the Schedule set out in these Regulations.

Sealed with the Official Seal of the Department of Justice on

L.S.

Naomi Long
Minister of Justice
Department of Justice

SCHEDULE

Regulation 3(2)

CODE OF ETHICS FOR THE POLICE SERVICE OF NORTHERN IRELAND

PART 1

PREAMBLE

(a) Policing is an honourable profession that plays an important part in the maintenance of a just and fair society. The people of Northern Ireland have the right to expect the Police Service to protect their human rights by safeguarding the rule of law and providing a professional Police Service.

(b) Police officers are required to respect and obey the law at all times and will be held personally responsible and accountable for their own actions and omissions.

(c) Effective policing requires the co-operation of the public. Police officers, when carrying out their duties in accordance with the provisions of this Code, have the right to expect the respect and support of the public and elected representatives.

(d) Public confidence in the Police Service is closely related to the attitude and behaviour of officers towards members of the public, in particular their respect for the human rights and fundamental freedoms of the individuals as enshrined in the European Convention on Human Rights.

(e) Police officers have the same right to respect for their human rights and fundamental freedoms and to work in an environment free of harassment of discrimination in any form.

(f) This Code of Ethics is intended;

  (i) to lay down standards of conduct and practice for police officers; and

  (ii) to make police officers aware of the rights and obligations under the Human Rights Act 1998 and the European Convention on Human Rights.

(g) The standards in this Code are to be applied to;

  (i) relationships between police officers and the general public, sections of the public and particular individuals;

  (ii) relationships between police officers and other professional in the criminal justice system;

  (iii) relationships between individual police officers and their colleagues; and

  (iv) relationships between individual police officers and the Police Service.

(h) The statutory authority for the Code of Ethics can be found in section 52 of the Police (Northern Ireland) Act 2000. The Code is informed by a number of sources including:

  (i) the Police Service attestation set out in section 38(1) of the Police (Northern Ireland) Act 2000;

  (ii) the European Convention on Human Rights;

  (iii) the Victim Charter and Witness Charter issued under the Justice Act (Northern Ireland) 2015;

(iv) whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998);

(v) other relevant human rights instruments including:

(aa) the United Nations Code of Conduct for Law Enforcement Officials;

(bb) the United Nations Basic Principles of the Use of Force and Firearms by Law Enforcement Officials;

(cc) the European Police Code of Ethics; and

(dd) the UN Convention on the Rights of the Child.

(i) Police officers are required at all times, to carry out their duties in accordance with the provision of the Code of Ethics. In the event that a Police Service Instruction, policy or procedure conflicts with the provisions of the Code of Ethics, officers are required to comply with the provisions of this Code.

(j) Any conduct, whether on or off duty, which brings or is likely to bring discredit on the Police Service may be investigated in order to establish whether or not a breach of the Code has occurred. A breach of the Code may result, in appropriate circumstances in a criminal or disciplinary investigation, either by the Office of the Police Ombudsman or the Police Service.

(k) Where police officers are investigated for a breach of this Code, whether by the Office of the Police Ombudsman or the Police Service, they have the right to expect that the investigation will be conducted in a prompt, thorough, impartial and careful manner.

(l) This Code shall be applied in any investigation, hearing or decision relating to misconduct in a reasonable and objective manner. Due regard shall be given to the degree of negligence or deliberate fault of an officer and the nature and circumstances of the officer's misconduct. A lack of deliberate fault, intention or premeditation shall be given consideration and balance against other factors.

PART 2

POLICE SERVICE OF NORTHERN IRELAND CODE OF ETHICS

Article 1 Professional Duty

1.1. Police officers have a duty under section 32 of the Police (Northern Ireland) Act 2000—

(a) to protect life and property;

(b) to preserve order;

(c) to prevent the commission of offences; and

(d) where an offence has been committed, to take measures to bring the offender to justice;

When carrying out these duties, police officers shall obey and uphold the law, protect human dignity and uphold the human rights and fundamental freedoms of all persons as enshrined in the Human Rights Act 1998, the European Convention on Human rights and other relevant international human rights instruments.

(Sourced from: Section 32(1) Police (Northern Ireland) Act 2000; Article 2 United Nations Code of Conduct for Law Enforcement Officials; Article 1 European Code of Police Ethics.)

1.2. Police officers shall, as far as is practicable, carry out their functions in cooperation with, and with the aim of securing the support of, the local community.

(Sourced from: Section 32(5) Police (Northern Ireland) Act 2000.)

1.3. Police officers shall carry out their duties in accordance with the Police Service attestation set out in section 38(1) of the Police (Northern Ireland) Act 2000, which states—

> "I hereby do solemnly and sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable, with fairness, integrity, diligence and impartiality, upholding fundamental human rights and according equal respect to all individuals and their traditions and beliefs: and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof according to law.".

1.4. Police officers shall not subject any person to torture or to cruel, inhuman or degrading treatment or punishment. No circumstances whatsoever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment.

(Sourced from: Article 5 United Nations Universal Declaration of Human Rights; Article 3 European Convention of Human Rights; Principle 6 United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.)

1.5. The Police Service is a disciplined body. Unless there is good and sufficient cause to do otherwise, police officers shall obey all lawful orders and abide by the provisions of Police Service Policy and procedures. They shall refrain from carrying out any orders they know, ought to know, are unlawful. No disciplinary action shall be taken against a police officer who refuses to carry out an unlawful order and it shall have no adverse impact on the officer's career in policing.

(Sourced from: Paragraph A(4) and A(7) Council of Europe Declaration on the Police.)

1.6. Police officers shall not take any active part in politics.

(Sourced from: Schedule 1, regulation 6 Police Service of Northern Ireland Regulations 2005.)

1.7. Police officers shall notify the Chief Constable of any membership, conflict of interest or association which might reasonably be regarded as affecting their ability to discharge their duties effectively and impartially in accordance with Police Service policies on Conflicts of Interest. Where in doubt an officer should make a declaration.

(Sourced from: Section 51 Police (Northern Ireland) Act 2000.)

1.8. Police officers will be supported when they report conduct that falls below the standards expected.

1.9. The police service will not tolerate discrimination or victimisation or any disadvantageous treatment against colleagues who makes a report of unprofessional behaviour or wrongdoing. Police officers must never ignore unethical or unprofessional behaviour irrespective of rank, grade or role.

(Sourced from: article 8 United Nations Code of Conduct for Law Enforcement Officials.)

1.10. Police officers shall ensure that accurate records are kept of their duties as required by relevant Code of Practice and Police Service policy and procedure. This is particularly important when police officers are using their powers and in relation to people who are detained. Police officers shall not make any false, misleading or deliberately inaccurate statement or entry in any record or document made, kept or required for police purposes. Nor shall they omit to take any oral or written statement or entry in any such record or document. They shall not alter, deface, erase, conceal or destroy any record or document that should be or needs to be retained for official police purposes. The use of recording equipment, when available, should be used and considered in accordance with service instructions, when police officers are using their powers in their interactions with members of the public. recordings of intimate searches are exempt.

1.11. Whether on or off duty, and including in their personal life and personal relationships, police officers shall not behave in a way that is likely to bring discredit upon the Police Service.

1.12. Police officers have a positive obligation to ensure their own individual awareness and compliance with these codes and all Service Procedures along with ensuring mandatory accreditations are up to date.

1.13. Police officers have a Duty of Candour and shall at all times act in accordance with their duty to assist court proceedings, official inquiries and investigations with transparency and frankness. police officers should build and maintain the confidence of the public they serve by being open and transparent and should communicate the reasons for the decisions and actions they take.

1.14. Police officer shall be mindful of the risks of using web-based or mobile communications, social networking sites or other social media. Police officers shall use social media responsibly and ensure that nothing is published that is discriminatory, abusive, oppressive, harassing, bullying, victimising, offensive or otherwise incompatible with their role as a professional police officer. Police officers should note that this provision also applies to their private messages and group chats.

Article 2 Police Investigations

2.1. Police investigations shall, as a minimum, be based upon reasonable suspicion of an actual or possible offence or crime. They shall be conducted in a prompt, thorough, impartial and careful manner so as to ensure accountability and responsibility in accordance with the law.

2.2. Police officers shall follow the principle that everyone who is subject of a criminal investigation shall be presumed innocent until found guilty by a court.

2.3. Police officers shall treat all victims of crime and disorder with sensitivity and respect their dignity. Police officers shall consider any particular needs, vulnerabilities and concerns which victims have. police officers must not take advantage of a victim's vulnerabilities, for example, by establishing an improper relationship. Subject to the rules governing confidentiality, victims shall be updated on the progress of any relevant investigations in accordance with Police Service policy and procedure.

(Note: The term 'victims' includes the relatives of a deceased person where the circumstances of the death are being investigated by the police.)

2.4. Police officers shall take account of the particular needs of the witnesses and shall be guided by Police Service policy and procedure for their protection and support, in particular, where the intimidation of witnesses is a risk.

(Sourced from: Victim Charter and Witness Charter issued under the Justice Act (Northern Ireland) 2015, Article 4 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; Article 1 united Nations Code of Conduct for Law Enforcement Officials; Paragraphs 47, 48 and 51 of The European Code of Police Ethics.) (Whistleblowing law is located in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998.)

2.5. Police officers shall approach every investigation with an open mind and with an active professional curiosity. Police officers should be aware that everyone has their own preconceptions and, occasionally, unconscious and unintended sexism, misogyny, racism, homophobia or other bias which can prevent thorough and effective investigations.

2.6. Police officers shall use covert tactics only where appropriately and lawfully authorised.

Article 3 Privacy and Confidentiality

3.1. Police officer shall gather, retain, use and disclose information or data in accordance with the right to respect for private and family life contained in Article 8 of the European Convention on Human Rights and shall comply with all relevant legislation and Police Service policy and procedure governing the gathering, retention, use and disclosure of information or data.

(Note: Relevant legislation included the Data Protection Act 1998, the Regulation of Investigatory Powers Act 2000 and the Freedom of Information Act 2000 and associated regulations.)

3.2. Police officer shall exercise powers of search and surveillance only when it is lawful, necessary and proportionate to do so.

3.3. Information or date of a personal or confidential nature in the possession or control of police officers shall be kept confidential, unless the performance of duty, compliance with legislation or the needs of justice require otherwise. Police officers shall not view or share material held by the PSNI unless they have a legitimate reason for doing so and it is in the course of their duties.

(Sourced from: Article 4 United nations Code of Conduct for Law Enforcement Officials.)

3.4. Police officers shall not gather, retain, use or disclose information or data of a personal or confidential nature for personal benefit. they shall comply with Police Service policy governing contact with the media.

Article 4 Use of Force

4.1. Police officers, in carrying out their duties, shall as far as possible apply non-physical methods and attempt to de-escalate the situation before resorting to any use of force. Any use of force shall be reasonable and proportionate in the circumstances and shall reflect a graduated and flexible response to the threat and police officers shall take into account any known or apparent vulnerabilities of the individual. Police officers may use force only if other means remain ineffective or have no realistic chance of achieving the intended result. No use of force must be used as a punishment, no matter what the provocation is.

(Sourced from: Article 4 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.)

4.2. Police officers responsible for the planning and control of operations where the use of force is a possibility shall so far as possible plan and control them to minimise recourse to the use of force, in particular, potentially lethal force. Lethal force must only be used where it is absolutely necessary. Consideration shall be given during the planning of an operation to the need for medical assistance to be available.

(Source from: European Court of Human Rights: McCann -v- UK (1995) 21 EHRR para. 194.)

4.3. Whenever it is necessary for police officers to resort to the lawful use of force or firearms, they shall—

(a) exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate object to be achieved;

(b) minimise damage and injury, and respect and preserve human life;

(c) ensure that assistance and medical aid are secured to any injured person at the earliest possible opportunity;

(d) ensure that relatives or close friends of the injured or affected person are notified at the earliest possible opportunity;

(e) report the incident promptly to their supervisors;

(f) comply with Police Service policy, procedure and guidance.

(Sourced from: Article 5(A) – (C), Article 6 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.)

4.4. A police officer shall discharge a firearm only where the officer honestly believes it is absolutely necessary to do so in order to save life or prevent serious injury, unless the discharge is for training purposes or the destruction of animals.

(Sourced from: European Court of Human Rights: Andronicou and Constantinuo -v- Cyprus (1997) 25 EHRR; Article 9 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.)

4.5. Before police officers resort to the use of firearms, they shall identify themselves and give a clear warning of their intent to use firearms, with sufficient time for the warnings to be observed, unless to do so—

(a) would unduly place any person at a risk of death or serious injury; or

(b) would be clearly inappropriate or pointless in the circumstances of the incident.

(Sourced from: Article 10 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.)

Article 5 Detained Persons

5.1. Police officer shall ensure that all detained person for whom they have responsibility are treated in a humane and dignified manner. Arrest and detention shall only be carried out in accordance with the provisions of the European Convention on Human Rights, relevant legislation and associated Codes of Practice.

(Sourced from: Principles 1 and 2 United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; Articles 3, 5, 6, 8 and 14 European Convention on Human Rights; Police and Criminal Evidence (Northern Ireland) Order 1989 and its Codes of Practice C-E; Section 99 and Schedule 8 Terrorism Act 2000.)

5.2. In their dealings with detained persons, police officers shall, as far as possible, apply non-physical methods before resorting to any use of force. Where force is required, such use of force shall be reasonable and proportionate in the circumstances, police officers shall take into account any known or apparent vulnerabilities of the individual and shall be lawful, proportionate and necessary for the maintenance of security and order; to prevent escape, injury, damage to property or the destruction of evidence; or where the detained person resists the taking of items or samples for criminal justice purposes as authorised by law.

(Sourced from: Articles 5 and 8 European Convention on Human Rights; Police and Criminal Evidence (Northern Ireland) Order 1989 and its Codes of Practice C-E.)

5.3. Police officers shall take every reasonable step to protect the health and safety of detained persons and shall take immediate action to secure medical assistance for such persons where required.

(Sourced from: Article 6 United Nations Code of Conduct for Law Enforcement Officials.)

Article 6 Equality

6.1. Police officers shall act with fairness, self-control, tolerance and impartiality. they shall use appropriate language and behaviour in their dealings with members of the public, groups from within the public and their colleagues. they shall give equal respect to all individuals and their traditions, beliefs and lifestyles provided that such are compatible with the rule of law.

(Sourced from: Section 38 Police (Northern Ireland) Act 2000.)

6.2. In carrying out their duties police officers shall treat all persons or classes of persons equally regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, association with national minority, disability, age, sexual orientation, gender identity, marital or family status, property, birth or any other status. Any difference must be required to be justified and proportionate.

(Sourced from: Article 14 European Convention on Human Rights, Sections 75 and 76 Northern Ireland Act 1998.) (sex Discrimination (Northern Ireland) order 1976 as amended.)

6.3. Police officers must not communicate with each other or others, whether through online, private or public platforms, in a way that is discriminatory, unprofessional, or biased against any person or protected group. This includes, but is not limited to, remarks concerning sexism, misogyny, race, gender, sexual orientation, religion, disability, or any characteristic protected by law.

Article 7 Integrity

7.1. Police officer shall act with integrity towards all persons so that confidence in the Police Service is secured and maintained. They shall avoid all forms of behaviour that may reasonably be perceived to be abuse, harassment, bullying, victimisation, degradation or inappropriate behaviour.

7.2. Police officers shall at all times respect and obey the law and maintain the standards stated in this Code. They shall to the best of their ability respect and support their colleagues in the execution of their lawful duties.

7.3. Police officers shall at all times prevent and oppose any violation of this Code. They shall report all violations or potential violations of the Code, as well as any violations which they reasonably believe are about to occur.

(Sourced from: Article 8 United Nations Code of Conduct for Law Enforcement Officials.)

7.4. Police officers shall report to the Chief Constable any legal proceedings or investigations initiated against them, whether in relation to a criminal or motoring offence or a civil action. this includes any out of court disposals and proceedings or investigations that are initiated in any jurisdiction.

7.5. Police officers shall not commit any act of corruption or dishonesty. They shall oppose and report all such acts coming to their attention and shall be supported by their colleagues and senior officers in doing so.

(Sourced from: Article 7 United Nations Code of Conduct for Law Enforcement Officials.)

7.6. Police officers shall not establish or continue a sexual or improper relationship with any victim, witness, suspect, detained person or defendant arising from their duties. Where any off duty contact is of a material or ongoing nature that could reasonably be perceived to create a conflict of interest, it should be reported as soon as practicable.

Article 8 Property

8.1. Police officers shall ensure that property, monies or equipment entrusted to them in their role as police officers are handled and maintained as required by law and Police Service policy.

8.2. Police officers shall ensure that any gift or gratuity that they personally accept complies with, and has been authorised according to, Police Service policy.

Article 9 Fitness for Duty

9.1. Police officers shall be fit to carry out their responsibilities when on call, commencing duty or on duty. Police officers shall not be unfit or impaired when report for or while on duty as a result of drinking alcohol, using a drug for non-medical purposes, intentionally misusing a prescription drug or solvent or substance abuse.

9.2. Police officers on duty shall not, without proper authority, consume alcohol.

9.3. Police officers shall attend work promptly when rostered for duty. unless on duties that dictate otherwise, officers shall be clean and tidy when on duty whether in uniform or in plain clothes.

Article 10 Duty of Supervisors

10.1. Supervisors shall be the primary promoters and positive agents of good conduct in relation to accepting and working within the spirit of the Code of Ethics. They shall be role models for delivering a truly professional, impartial and effective Police Service.

10.2. Supervisors shall support and guide the professional development of their staff, having regard to the performance, conduct and development needs of each officer, in line with organisational priorities and available opportunities.

10.3 . Supervisors shall ensure that their staff carry out their professional duties correctly. They shall challenge and address any behaviour that is in violation of this Code, reporting violations where appropriate.

10.4. Supervisors have a particular responsibility to secure, promote and maintain professional standards and integrity through the provision of advice and guidance, or other remedial or appropriate action.

10.5. Supervisors shall be accountable for the discharge of policing duties within their areas of leadership and influence, consistent with their positions of management and responsibility.

10.6. Police supervisors shall ensure that Post Incident or wellbeing Volunteer Peer Support is available to police officers and staff who have been involved in an incident that has had or may have had an emotional or psychological impact on them or involved the discharge of a firearm, where they have requested it.

(Influenced by: Article 21 United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police (Conduct) Regulations (Northern Ireland) 2016 (S.R. 2016 No. 41).

Regulation 2 replaces the Code of Ethics in the schedule of the 2016 regulations with the Code of Ethics 2026 contained in the schedule to these regulations.

For provisions relating to legal and other representation: Regulation 3(a) permits the Appropriate Authority to be legally represented, whether the member concerned chooses to be legally represented or not. Regulation 3(b) prevents the unavailability of one or more of the member concerned's preferred legal representatives from being grounds to delay a misconduct hearing or special case hearings.

For provisions relating to service of notices or documents: Regulation 3(c) allows for additional means by which the member concerned can receive written notice or document.

For provisions relating to interviews during investigation: Regulation 3(d) amends the provision so that the member concerned shall remain for the duration of an interview.

For provisions relating to report of investigation: Regulation 3(e) inserts provision for investigators to submit a closing report in light of new evidence during the investigation.

Regulation 3(f) inserts provision for referral to joint misconduct proceedings.

For provisions relating to notice of referral to misconduct proceedings and panel membership: Regulation 3(g) amends provisions to allow for the disclosure of any documents that might reasonably be considered to undermine or assist the case.

Regulation 3(h) inserts provisions for a Misconduct pre-hearing.

Regulation 3(i) inserts provisions that define the role of chair of the misconduct hearing.

For provisions relating to the outcome of the misconduct proceedings: Regulation 3(j) inserts provision the outcome of referral to reflective practice review process. Regulation 3(l) defines the period for which a reduction in rank sanction is applicable.

For provisions relating to notice of referral to special case hearing: Regulation 3(k) amends provisions to allow for the disclosure of any documents that might reasonably be considered to undermine or assist the case.

For provisions relating to outcome of special case hearing: Regulation 3(m) defines the period for which a reduction in rank sanction is applicable.