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THE ISLE OF MAN POLICE (DISCIPLINE) REGULATIONS, 1960

ISLE OF MAN
TO WIT

By His Excellency SIR RONALD HERBERT GARVEY, K.C.M.G., K.C.V.O., M.B.E.,
Lieutenant Governor of the said Isle, etc., etc., etc.

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THE ISLE OF MAN POLICE (DISCIPLINE) REGULATIONS, 1960

I, the said Lieutenant Governor, in pursuance of the powers vested in me hereby make the following Regulations :—

Disciplinary offences

1.—(1) A member of the police force commits an offence against discipline (hereafter in these Regulations referred to as "an offence") if he commits one or more of the offences set out in the First Schedule hereto (hereafter in these Regulations referred to as the "Discipline Code") or such additions thereto as may be made by the Governor.

(2) The list of offences shall be published to the police force by delivering a copy of such list of offences to each member of the police force.

Price 11d.

Investigation of charges

2.—(1) Where a report or allegation is received from which it appears that a member of the police force may have committed an offence, the matter shall be referred to an investigating officer except in cases in which the Chief Constable decides that no disciplinary proceedings under these Regulations need be taken.

(2) The investigating officer shall be an Inspector who is a member of the Police Force other than the Deputy Chief Constable.

Personal explanation

3.—The investigating officer shall, as soon as possible, inform the member of the police force in writing of the report or allegation and give him a written notice 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 to the investigating officer or to the Chief Constable concerning the matter.

Discipline form

4.—(1) The Chief Constable, after considering the report of the investigating officer and any statement made under Regulation 3 of these Regulations, shall decide whether the member of the police force shall be charged with an offence and, if he decides that the member shall be so charged, he shall, as soon as possible, cause to be entered on a discipline form the offence with which the member is charged and such particulars as will leave the member in no doubt as to the precise nature of the alleged offence.

(2) A discipline form shall be in the form set out in the Second Schedule hereto or in a form to the like effect.

Documents to be supplied to accused

5.—Where a member of the police force is charged with an offence, he shall, as soon as possible

(a) be given any written statement he may have made under Regulation 3 of these Regulations and all written copies or accounts of any statement made by him under that Regulation ;

(b) be supplied with—

(i) a copy of the discipline form ;

(ii) a copy of the report or allegation on which the charge is founded, and any reports thereon notwithstanding that they may be confidential ;

(iii) a copy of 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 ;

(iv) a copy of 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.

Questions in the discipline form to be answered by accused

6.—(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 of a police force shall be ordered to attend at the hearing of the case and any other such witness shall be given due notice that his attendance is desired and of the time and place of the hearing.

Procedure at hearing

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

(2) The Chief Constable shall hear the case.

(3) The case against the accused shall be presented by a member of the police force other than the Chief Constable or Deputy Chief Constable.

(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 Chief Constable if he upholds that submission shall dismiss the charge to which the submission relates.

(6) The accused may conduct his defence either in person or by a member of the Isle of Man police force or of any police force in the United Kingdom :

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

Adjournment of hearing

8.—The hearing of any case may be adjourned from time to time as may appear necessary for due hearing of the case.

Hearing in absence of accused

9.—(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—

(i) if the accused is detained in pursuance of the sentence of a court in a prison or other institution to which the Prison Acts apply, and desires to make representations in person at the hearing, no decision shall be made until the accused has been enabled to make such representations ;

(ii) if good reason is given to the Chief Constable 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 the procedure described in Regulations 3, 5 and 6 and paragraph (1) of Regulation 7 of these Regulations, that procedure shall be dispensed with.

Inadmissibility of personal explanation at hearing

10.—A statement by a member of a police force under Regulation 3 of these Regulations and any oral or written account or copy of any such statement shall not be admissible at any hearing unless the statement or account or copy thereof is put in evidence at the hearing by the member.

Decision of Chief Constable

11.—(1) The decision of the Chief Constable shall be either to dismiss the case or to impose one of the following punishments, namely :—

(a) dismissal ;

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

(c) reduction in rank ;

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

(e) fine ,

(f) reprimand ;

(g) caution.

(2) As soon as possible after the hearing the decision of the Chief Constable shall be recorded on the discipline form and notified to the accused.

Provided that no punishment imposed by the Chief Constable other than a caution, shall have effect unless and until it is confirmed by the Governor.

(3) Subject to the provisions of paragraph (2) of regulation 14 of these regulations, any punishment imposed by the Chief Constable which requires confirmation by the Governor may be confirmed with a reduction in the punishment.

(4) The decision of the Governor either under this regulation or under regulation 14 shall as soon as possible be recorded on the discipline form and notified to the accused.

Reference to accused's personal record in considering punishment

12.—In considering which punishment should be imposed, if any charge is found to be proved, regard shall be had to the accused's record of police service as shown on his personal record.

Limitations on punishments

13.—(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 17 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 police force.

(3) A fine imposed in respect of any one offence shall not continue after the expiration of thirteen weeks from the date on which the imposition of the punishment takes effect and the amount of any fines (whether in respect of one or more offences) shall not exceed in the aggregate in any week one-seventh of the weekly pay of the accused except in the event of the accused leaving the police force when the whole amount of any fine then unpaid may be deducted from any pay then due.

Appeals

14.—(1) The accused may, within seven days of the notification to him of the decision of the Chief Constable to impose a punishment other than a caution, appeal to the Governor by giving notice in writing to that effect to the Chief Constable, and no decision shall be confirmed by the Governor until the expiration of the said seven days.

(2) After considering such an appeal the decision of the Governor shall be either to allow the appeal or to confirm the punishment imposed by the Chief Constable with or without an increase or reduction in the punishment.

(3) If, in any case, the Governor requires further information to enable him to make a decision, he may at his discretion appoint a tribunal to take evidence and report to him.

Suspension from duty

15.—(1) Where a report or allegation is received from which it appears that a member of the police force, may have committed an offence against discipline or a criminal offence, the Chief Constable may suspend that member from duty until such time as either :—

(a) it is decided that the member shall not be charged with an offence against discipline, or

(b) the disciplinary proceedings referred to in these Regulations are concluded :

Provided that the Chief Constable may delegate the power of suspension from duty conferred by this paragraph to the Deputy Chief Constable.

(2) A member of the police force suspended from duty shall, in respect of the period of suspension from duty, be paid a suspension allowance at such rate not less than half and not exceeding two-thirds of his pay as the Chief Constable may determine :

Provided that in the case of a member who—

(i) is detained in pursuance of the sentence of a court in a prison or other institution to which the Prison Acts apply, or is in custody (whether in prison or elsewhere) between conviction by a court and sentence, no suspension allowance shall be payable in respect of any such period in detention or custody ;

(ii) has absented himself from duty and whose whereabouts are unknown to the Chief Constable, no suspension allowance shall be payable in respect of the period during which his whereabouts are unknown to the Chief Constable unless the Chief Constable so directs.

(3) A member of the police force suspended from duty shall not, in respect of the period of suspension from duty, be entitled to pay or to any allowance by virtue of the Isle of Man Police Regulations then in force, except a rent allowance, supplementary rent allowance, or compensatory grant.

(4) (a) A member of the police force who having been suspended from duty returns to duty shall receive, as from the date of his suspension from duty, the pay and allowances to which he would have been entitled by virtue of the Isle of Man Police Regulations then in force, but for his suspension from duty, if—

(i) it has been decided that he shall not be charged with an offence against discipline, or

(ii) he has been so charged and all the charges have been dismissed, or

(iii) he has been so charged and has been punished by a reduction in his rate of pay, fine, reprimand or caution, unless the Chief Constable directs that he shall not receive the said pay and allowances.

(b) From the said pay and allowances there shall be deducted any amount paid to him under this Regulation.

Chief Constable's discipline book

16.—There shall be kept in the office of the Chief Constable a discipline book in which shall be entered every charge made against a member of the police force, together with the decision of the Chief Constable thereon and a record of the decision in any further disciplinary proceedings in connection therewith.

Complaints book

17.—There shall be kept in Headquarters Office a complaints book in which shall be entered every report or allegation from which it appears that a member of the police force may have committed an offence, together with an account of the action taken in connection therewith.

Regulations not to apply to offences committed by the Chief Constable or Deputy Chief Constable

18.—These Regulations shall not apply to offences committed by the Chief Constable or Deputy Chief Constable.

Interpretation

19.—(1) The Interpretation Act, 1949, shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Tynwald.

(2) In these Regulations the expression "police force" means the Isle of Man Constabulary.

(3) In these Regulations the expression "chief constable" includes the Deputy Chief Constable and also any Inspector of police carrying out any duties under these Regulations deputed to him by the chief constable or deputy chief constable.

Revocations

20.—(1) The Isle of Man Police (Discipline) Regulations, 1953 are hereby revoked.

(2) The said Regulations shall, notwithstanding anything in these Regulations, continue to apply in respect of proceedings for an offence against discipline which, before the date on which these Regulations come into operation, have been initiated but not completed, as though these Regulations had not been made.

(3) Any punishment imposed under the Regulations revoked by these Regulations shall be deemed to have been imposed under these Regulations.

Citation and commencement

21.—(1) These Regulations may be cited as the Isle of Man Police (Discipline) Regulations, 1960.

(2) These Regulations shall come into operation on the 1st day of March, 1960.

GIVEN under my hand this 29th day of August, 1960.

R. H. GARVEY,

Lieutenant Governor.

Regulation 1

FIRST SCHEDULE DISCIPLINE CODE

1. **Discreditable conduct**, that is to say, if a member of a police force 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. **Insubordinate or oppressive conduct**, that is to say, if a member of a police force—

- (a) is insubordinate by word, act or demeanour, or
- (b) is guilty of oppressive or tyrannical conduct towards an inferior in rank, or
- (c) uses obscene, abusive or insulting language to any other member of the force, or
- (d) wilfully or negligently makes any false complaint or statement against any member of the force, or
- (e) assaults any other member of the force, or
- (f) improperly withholds any report or allegation against any member of the force.

3. **Disobedience to orders**, that is to say, if a member of a police force disobeys or without good and sufficient cause omits or neglects to carry out any lawful order, written or otherwise, or contravenes any requirement of the Third Schedule to the Isle of Man Police Regulations, 1953.

4. **Neglect of duty**, that is to say, if a member of a police force—

- (a) neglects, or without good and sufficient cause omits, promptly and diligently to attend to or carry out anything which is his duty as a constable, or
- (b) idles or gossips while on duty, or
- (c) fails to work his beat in accordance with orders, or leaves his beat, point or other place of duty to which he has been ordered, without due permission or sufficient cause, or
- (d) by carelessness or neglect permits a prisoner to escape, or
- (e) fails, when knowing where any offender is to be found, to report the same or to make due exertions for making him amenable to justice, or
- (f) fails to report any matter which it is his duty to report, or
- (g) fails to report anything which he knows concerning a criminal charge, or fails to disclose any evidence which he, or any person within his knowledge, can give for or against any prisoner or defendant to a criminal charge, or
- (h) omits to make any necessary entry in any official document or book, or

(i) neglects, or without good and sufficient cause omits, to carry out any instructions of a medical officer appointed by the police authority or, while absent from duty on account of sickness, is guilty of any act or conduct calculated to retard his return to duty.

5. **Falsehood or prevarication**, that is to say, if a member of a police force—

(a) knowingly makes or signs any false statement in any official document or book, or

(b) wilfully or negligently makes any false, misleading or inaccurate statement, or

(c) without good and sufficient cause destroys or mutilates any official document or record, or alters or erases any entry therein.

6. **Breach of confidence**, that is to say, if a member of a police force—

(a) divulges any matter which it is his duty to keep secret, or

(b) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of such warrant or service of such summons, or

(c) without proper authority communicates to the public press, or to any unauthorised person, any matter connected with the force, or

(d) without proper authority shows to any person outside the force any book or written or printed document the property of the police authority, or

(e) makes any anonymous communication to the police authority or the Chief Constable or any superior officer, or

(f) canvasses any member of the police authority or of any county, city or borough council with regard to any matter concerning the force, or

(g) signs or circulates any petition or statement with regard to any matter concerning the force, except through the proper channel of correspondence to the Chief Constable or the police authority, or in accordance with the constitution of the Police Federation, or

(h) calls or attends any unauthorised meeting to discuss any matter concerning the force.

7. **Corrupt practice**, that is to say, if a member of a police force—

(a) receives any bribe, or

(b) fails to account for or to make a prompt and true return of any money or property received by him in his official capacity, or

(c) directly or indirectly solicits or receives any gratuity, present, subscription or testimonial, without the consent of the Chief Constable or the police authority, or

(d) places himself under pecuniary obligation to any publican, beer-retailer, spirit-grocer, or any person who holds a licence concerning the granting or renewal of which the police may have to report or give evidence, or

(e) improperly uses his character and position as a member of the force for his private advantage, or

(f) in his capacity as a member of the force writes, signs or gives, without the sanction of the Chief Constable, any 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, or

(g) without the sanction of the Chief Constable, supports an application for the grant of a licence of any kind.

8. **Unlawful or unnecessary exercise of authority**, that is to say, if a member of a police force—

(a) without good and sufficient cause makes any unlawful or unnecessary arrest, or

(b) uses any unnecessary violence to 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.

9. **Malingering**, that is to say, if a member of a police force feigns or exaggerates any sickness or injury with a view to evading duty.

10. **Absence without leave or being late for duty**, that is to say, if a member of a police force without reasonable excuse is absent without leave from, or is late for, parade, court or any other duty.

11. **Uncleanliness**, that is to say, if a member of a police force while on duty or while off duty in uniform in a public place is improperly dressed or is dirty or untidy in his person, clothing or accoutrements.

12. **Damage to clothing or other articles supplied**, that is to say, if a member of a police force—

(a) wilfully or by carelessness causes any waste, loss or damage to any article of clothing or accoutrement, or to any book, document or other property of the police authority, served out to him or used by him or entrusted to his care, or

(b) fails to report any loss or damage as above however caused.

13. **Drunkenness**, that is to say, if a member of a police force, while on or off duty, is unfit for duty through drink.

14. **Drinking on duty or soliciting drink**, that is to say, if a member of a police force—

(a) without the consent of his superior officer, drinks, or receives from any other person, any intoxicating liquor while he is on duty, or

(b) demands, or endeavours to persuade any other person to give him, or to purchase or obtain for him, any intoxicating liquor while he is on duty.

15. **Entering licensed premises**, that is to say, if without permission a member of a police force enters—

(a) while on duty any premises licensed under the liquor licensing laws or any other premises where liquors are stored or distributed when his presence there is not required in the execution of his duty, or

(b) any such premises in uniform while off duty.

16. **Lending, borrowing or accepting presents**, that is to say, if a member of a police force lends money to any superior in rank or borrows money or accepts any present from any inferior in rank.

17. **Conviction for a criminal offence**, that is to say, if a member of a police force has been found guilty by a court of law of a criminal offence.

18. **Being an accessory to a disciplinary offence**, that is to say, if a member of a police force connives at or is knowingly an accessory to any offence against discipline.

Regulation 4

**SECOND SCHEDULE
DISCIPLINE FORM**

CHARGE AGAINST Name

No. Rank Rate of Pay

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
	
	

Questions to be answered by accused

1. Do you admit or deny the charge ?

2. Do you wish—

(a) to select a member of the police force to assist you in presenting your case? If so, give his name and rank. If not, write "No."

.....

(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.† If not, write "None."

‡ This information may be furnished later.

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Date Signature of accused

Hearing

Date Time Place
and by adjournment on—

Date Time Place
Notified to accused

..... Initials

..... Date

Chief Constable's decision

I find the accused guilty/not guilty of the disciplinary offence with which he has been charged. I have referred to and taken note of the personal record of the accused.

Punishment imposed

Date Signature.....

Lieutenant Governor's decision

*1.—(1) The Lieutenant Governor (on appeal)† confirms the punishment imposed by the Chief Constable—

*(a) without variation ;

*(b) with the substitution of the following punishment, namely :—

(2) The Lieutenant Governor (on appeal)† finds the accused not guilty of the offence with which he has been charged.

*2.—The Lieutenant Governor on appeal, having considered the report of the tribunal appointed by him under Regulation 14 (3) finds the accused guilty/not guilty of the offence with which he has been charged.

Punishment imposed

Date

Signature of Lieutenant Governor

*Delete whichever is inapplicable.

†Delete where inapplicable.

For office use only

- | | |
|---|----------------|
| 1. Copy of discipline form supplied to accused. | Initials |
| | Date |
| 2. Decision of Chief Constable notified to accused. | Initials |
| | Date |
| 3. Decision of Lieutenant Governor notified to accused. | Initials |
| | Date |
| 4. Case entered in Chief Constable's discipline book. | Initials |
| | Date |

Particulars of any appeal to the Governor.

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.....
.....

Report or allegation on which the charge is based

(If contained on separate papers, each should be numbered consecutively, and summary entered here.)
