

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE
No. 3799 of 22 July, 2010**

LEGAL NOTICE NO. 129 OF 2010.

POLICE ACT 2006

POLICE (DISCIPLINE) (AMENDMENT) REGULATIONS 2010

In exercise of the powers conferred upon him by section 79 of the Police Act 2006 and with the approval of the Government, and all other enabling powers, the Commissioner of Police has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Police (Discipline) (Amendment) Regulations 2010 and shall come into operation on the date of publication.

Amendment of the Police (Discipline) Regulations 1991.

2.(1) The Police (Discipline) Regulations 1991 are amended in accordance with the provisions of this regulation.

(2) In regulation 2—

- (a) delete “or the Deputy Commissioner”; and
- (b) for “section 7(2) of the Police Act” substitute “section 32(1) of the Police Act 2006”.

(3) In regulation 5—

- (a) in paragraph (b), for “the Deputy Commissioner” substitute “a Superintendent designated by the Commissioner of Police as having responsibility for complaints and discipline for the purposes of these Regulations (hereinafter referred to as the “Superintendent”)”;
- (b) in paragraph (c) for “regulation 7(c)” substitute “regulation 7(d)”; and

- (c) in paragraph (c)(i) for “Deputy Commissioner of Police” substitute “Superintendent”.
- (4) In regulation 6 for “Deputy Commissioner” substitute “Superintendent”.
- (5) In regulation 7–
- (a) in paragraph (a) for “Governor” substitute “Gibraltar Police Authority”;
 - (b) in paragraph (b) for “complainant” substitute “complaint”; and
 - (c) in paragraphs (c) and (g) for “Deputy Commissioner of Police” substitute “Superintendent”.
- (6) In regulation 8–
- (a) in paragraphs (c), (e) and (f) for “Governor” substitute “Gibraltar Police Authority”; and
 - (b) in paragraphs (e) and (h) for “Personnel Manager” substitute “Human Resources Manager”.
- (7) In regulation 11 for “Deputy Commissioner” substitute “Superintendent” in the two places where it occurs.
- (8) In regulation 13 for “Deputy Commissioner” substitute “Superintendent” in the two places where it occurs.
- (9) In regulation 14–
- (a) in subregulation (2) for “Deputy Commissioner” substitute “Superintendent”;
 - (b) in subregulation (3)(b)(ii) for “a justice of the peace appointed by the Governor in consultation with the Gibraltar Magistrates’ Association” substitute “a member of the Gibraltar Police Authority”; and
 - (c) in subregulation 3(c) for “Governor” substitute “Gibraltar Police Authority”.

(10) In regulation 15 for “Deputy Commissioner” substitute “Superintendent”.

(11) In regulation 19–

(a) in subregulation (1)–

(i) for “Governor, who may delegate his responsibility to the Deputy Governor” substitute “Gibraltar Police Authority”,

(ii) at the end of the subregulation for “Governor” substitute “Gibraltar Police Authority”,

(iii) for “Part II” substitute “Part III”; and

(b) in subregulations (2) and (3) for “Governor” substitute “Gibraltar Police Authority”.

(12) For the heading “Part II- Appeals” after regulation 19 substitute “Part III – Appeals”.

(13) In regulation 20 for “Governor” substitute “Gibraltar Police Authority” in the two places where it occurs.

(14) In regulation 21 for “Deputy Governor for onward transmission to the Governor” substitute “Gibraltar Police Authority” in the two places where it occurs.

(15) For regulation 22 and its heading substitute–

“Advice of the Public Service Commission.

22.(1) The Gibraltar Police Authority may refer an appeal under this Part to the Public Service Commission for their advice.

(2) After considering the appeal the Public Service Commission shall forward the appeal back to the Gibraltar Police Authority with its advice.

(3) The Gibraltar Police Authority shall either allow or dismiss the appeal and shall inform the appellant of its decision.”.

(16) For the heading “Part III - Revocation” substitute “Part IV – Revocation” after regulation 22.

(17) In Schedule 1–

- (a) in paragraphs 6(b) and (c) insert “the Chief Minister, the Gibraltar Police Authority,” after “the Governor,”; and
- (b) in paragraph 6(d) for “House of Assembly” substitute “Gibraltar Parliament”.

(18) In Schedule 6–

- (a) for “Deputy Commissioner” substitute “Superintendent” in the five places where it occurs; and
- (b) for “Governor” substitute “Gibraltar Police Authority” in the four places where it occurs.

Dated 22nd July, 2010.

L WINK,
Commissioner of Police.

EXPLANATORY MEMORANDUM

These Regulations amend the Police (Discipline) Regulations 1991 so as to remove references to Deputy Commissioner and Governor in order to replace them with a reference to a Superintendent designated by the Commissioner of Police for the purposes of these Regulations and the Gibraltar Police Authority respectively. It also contains some consequential amendments.

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