STATUTORY RULES OF NORTHERN IRELAND

2009 No. 391

POLICE

Police Reserve Trainee (Amendment) Regulations (Northern Ireland) 2009

Made - - - -	*24th November 2009*
Laid before Parliament	*9th December 2009*
Coming into force - -	*31st December 2009*

The Secretary of State, in exercise of the powers conferred by sections 41 and 44 of the Police (Northern Ireland) Act 2000(**1**), makes the following Regulations:

In accordance with sections 41(6) and 44(2) of that Act, he has consulted the Northern Ireland Policing Board, the Chief Constable, the Equality Commission for Northern Ireland and the Police Association for Northern Ireland:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Police Reserve Trainee (Amendment) Regulations (Northern Ireland) 2009.

(2) These regulations shall come into operation on 31st December 2009.

(3) In these regulations "the reserve trainee regulations" means the Police Reserve Trainee Regulations (Northern Ireland) 2004(**2**).

Appointment of police reserve trainees

2. After regulation 1 of the reserve trainee regulations insert—

"**Interpretation**

1A. In these regulations—

"the code of ethics" means the code of ethics issued by the Northern Ireland Policing Board under section 52 of the Police (Northern Ireland) Act 2000;

"controlled drug" has the same meaning as in the Misuse of Drugs Act 1971;

(**1**) 2000 c. 32. Section 41 was amended by Article 8 of the Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (N.I. 6).

(**2**) S.R. 2004 No. 2. Regulation 4A was inserted by S.R. 2008 No. 325.

"police recruitment agent" means the agent appointed under section 43 of the Police (Northern Ireland) Act 2000;

"relevant licence or permit" means a licence or permit granted in pursuance of the law relating to liquor licensing, refreshment houses or betting and gaming or regulating places of entertainment in Northern Ireland.

Appointment as a police reserve trainee

1B.—(1) To be qualified for appointment as a police reserve trainee, an applicant—

(a) must be a national of a Member State, Norway, Iceland or Liechtenstein, or have leave to enter or remain in the United Kingdom for an indefinite period;

(b) must have attained the age of 18 years;

(c) must demonstrate by such tests or assessments as may be determined by the Chief Constable or carried out by the police recruitment agent in accordance with arrangements prescribed under section 44(3)(c) of the Police (Northern Ireland) Act 2000 that—

(i) he is sufficiently competent in written and spoken English, and

(ii) he possesses such other skills as may be necessary to carry out the duties of a member of the Police Service of Northern Ireland Reserve;

(d) must be certified by a registered medical practitioner approved by the Chief Constable to be fitted both physically and mentally to perform the duties of a member of the Police Service of Northern Ireland Reserve;

(e) must pass a test for evidence of controlled drugs;

(f) must not be, as determined in accordance with arrangements prescribed under section 44(3)(d) of the Police (Northern Ireland) Act 2000, unsuitable for appointment as a police reserve trainee within the meaning of regulation 1D; and

(g) if applying for appointment as a police reserve trainee with a view to service in the Police Service of Northern Ireland Reserve in a particular area in Northern Ireland, must be resident in that area.

(2) Where a candidate for appointment as a police reserve trainee with a view to service in the Police Service of Northern Ireland Reserve in a particular area in Northern Ireland satisfies the requirements of paragraph (1)(a) to (f) but does not satisfy the requirement specified in paragraph (1)(g), the Chief Constable may appoint that person as a police reserve trainee if he is satisfied that that person has a connection to that area.

(3) The Chief Constable may specify the matters which he may take into account in determining whether a person has a connection to an area for the purposes of paragraph (2).

Testing for evidence of controlled drugs

1C.—(1) For the purposes of regulation 1B(1)(e), a person passes a test for evidence of controlled drugs—

(a) a sample of his saliva, urine, blood, or hair (other than pubic hair) is taken and tested for evidence of controlled drugs in accordance with such procedures as may be determined by the Secretary of State, and

(b) he is not found to have taken any controlled drugs.

(2) The Chief Constable may specify the circumstances in which a person who provides evidence that he has been subject to drug testing procedures other than those

established under paragraph (1) may be deemed to have passed a test for the purposes of regulation 1B(1)(e).

(3) A determination under paragraph (1) may make different provision for different cases and circumstances.

Suitability for appointment as police reserve trainee

1D.—(1) Subject to paragraphs (2) to (5), the Chief Constable may determine the matters which may be taken into account in deciding the suitability of an applicant for appointment as a police reserve trainee in accordance with arrangements prescribed under section 44(3)(d) of the Police (Northern Ireland) Act 2000.

(2) A person is unsuitable for appointment as a police reserve trainee if he has been convicted in Northern Ireland or elsewhere of any offence, and has had passed on him a sentence of imprisonment or detention (whether suspended or not).

(3) The fact that a person—

(a) has been convicted of any offence,

(b) has breached a court order, or

(c) has received a caution as defined by section 126 of the Police Act 1997(**3**),

may be taken into account, in accordance with any determination made by the Chief Constable under paragraph (1), in deciding his suitability for appointment as a police reserve trainee.

(4) An applicant for appointment as a police reserve trainee is unsuitable for appointment unless he gives—

(a) such satisfactory references as to his character, and

(b) such other information as to his suitability for appointment,

as may be required by the Chief Constable or, in accordance with arrangements prescribed under section 44(3)(b) of the Police (Northern Ireland) Act 2000, by the police recruitment agent.

(5) An applicant for appointment as a police reserve trainee is unsuitable for appointment if—

(a) he—

(i) holds any office or employment for hire or gain, or

(ii) carries on any business, or

(iii) holds, or possesses a pecuniary interest in, a relevant licence or permit,

which, if held, possessed or carried on after his appointment as a reserve constable, could reasonably be regarded as affecting his ability to discharge his duties as a reserve constable in accordance with the code of ethics; or

(b) a relative holds, or possesses a pecuniary interest in, a relevant licence or permit, and the holding of that licence or permit or the possession of that pecuniary interest after his appointment as a reserve constable could reasonably be regarded as affecting his ability to discharge his duties as a reserve constable in accordance with the code of ethics.

(6) In paragraph (5) "relative", in relation to an applicant, has the same meaning as it has under regulation 4 in relation to a police reserve trainee."

(**3**) 1997 c. 50.