STATUTORY RULES OF NORTHERN IRELAND

2008 No. 314

POLICE

Police Trainee (Amendment) Regulations (Northern Ireland) 2008

Made - - - -	*14th July 2008*
Laid before Parliament	*24th July 2008*
Coming into force - -	*18th August 2008*

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

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:

Introductory

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Police Trainee (Amendment) Regulations (Northern Ireland) 2008.

(2) These regulations shall come into operation on 18th August 2008.

(3) In these regulations—

"the recruitment regulations" means the Police (Recruitment) (Northern Ireland) Regulations 2001(**2**); and

"the trainee regulations" means the Police Trainee Regulations (Northern Ireland) 2001(**3**).

(**1**) 2000 c.32. Relevant amendments were made to sections 41 and 44 by S.I. 2007/912 (N.I.6).
(**2**) S.R. 2001 No. 140, as amended by S.R. 2002 No. 385, S.R. 2003 No. 372, S.R. 2004 No.1, S.R. 2004 No. 379 and S.R. 2006 No. 69.
(**3**) S. R. 2001 No. 369, as amended by S.R. 2003 No. 436.

Appointment and service as a police trainee

Appointment as a police trainee

2.—(1) In regulation 2 of the trainee regulations, after the provision defining "police force in Great Britain" and "public holiday" insert—

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

(2) After regulation 2 of the trainee regulations insert—

"PART IA

Appointment as a police trainee

Qualifications for appointment as a police trainee

2A. A person shall not be appointed as a police trainee unless he—

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

(b) has attained the age of 18 years; and

(c) demonstrates 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.

Fitness for appointment as a police trainee

2B.—(1) This regulation applies for the purposes of determining if a person is physically and mentally fitted for appointment as a police trainee.

(2) A person is not fitted for appointment unless he is 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.

Suitability for appointment as a police trainee

2C.—(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 a person for appointment as a police trainee.

(2) A person is unsuitable for appointment as a police 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(**4**),

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 trainee.

(4) A person is unsuitable for appointment as a police trainee 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 in accordance with arrangements prescribed under section 44(3)(b) of the Police (Northern Ireland) Act 2000.

(5) Save in so far as the Chief Constable may allow at the request of the person concerned, a person is unsuitable for appointment as a police trainee if—

(a) he has a business interest within the meaning of regulation 7 of the Police Service of Northern Ireland Regulations 2005, or

(b) a relative has a business interest which would interfere, or could be seen as interfering with, the impartial discharge of that person's duties as a constable on completion of his service as a police trainee,

and for the purposes of this paragraph, "relative" shall have the same meaning in relation to a person applying for appointment as a police trainee as it has under regulation 10(8) in relation to a police trainee."

(3) In regulation 8 of the trainee regulations (delegation of functions by Chief Constable) at the end insert—

"but nothing in this regulation shall limit the power of the Chief Constable to delegate any function conferred on him under Part IA".

Business interests

3.—(1) Regulation 10 of the trainee regulations (business interests incompatible with service as police trainee) shall be amended as follows.

(2) In paragraph (1) omit the words "or a relative included in his family".

(3) After paragraph (1) insert—

"(1A) If a police trainee is or becomes aware that a relative proposes to have, or has, a business interest within the meaning of that regulation, which in the opinion of that police trainee would interfere, or could be seen as interfering with, the impartial discharge of his duties as a constable on completion of his service as a police trainee, then that police trainee shall forthwith give notice of that interest to the Chief Constable, unless that business interest was disclosed at the time of his appointment as a police trainee.

(1B) In a case where it appears to the Board that—

(a) the police trainee has adduced substantive reasons why he or a relative should be permitted to have the business interest in question and those reasons have not been considered by the Chief Constable, or

(b) in reaching his determination under paragraph (2) the Chief Constable failed to apply fair procedures, then the Board may refer the matter back to the Chief Constable for redetermination under paragraph (2)."

(4) In paragraph (2)—

(a) after "notice given under paragraph (1)" insert "or (1A) or a referral given under paragraph (1B)"; and

(**4**) 1997 c. 50.