STATUTORY RULES OF NORTHERN IRELAND

2005 No. 547

POLICE

Police Service of Northern Ireland Regulations 2005

Made - - - -	*1st December 2005*
Coming into operation	*13th January 2006*

The Secretary of State, in exercise of the powers conferred upon him by section 25 of the Police (Northern Ireland) Act 1998(**1**) read with section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962(**2**) and after consulting, in accordance with section 25(8) of the Police (Northern Ireland) Act 1998, the Northern Ireland Policing Board and the Police Association for Northern Ireland, and after taking into account the recommendations made by the Police Negotiating Board for the United Kingdom and supplying that Board with a draft of the regulations in accordance with section 62(1) of the Police Act 1996(**3**), hereby makes the following Regulations:

PART I

General

Citation and commencement

1.—(1) These regulations may be cited as the Police Service of Northern Ireland Regulations 2005.

(2) These regulations shall come into operation on 13 January 2006.

Revocations

2. The following provisions are hereby revoked—

(a) the Royal Ulster Constabulary Regulations 1996(**4**);

(b) the Royal Ulster Constabulary (Amendment) Regulations 1997(**5**);

(c) the Royal Ulster Constabulary (Amendment) Regulations 1999(**6**);

(**1**) 1998 c. 32
(**2**) 1962 c. 7 (N.I.)
(**3**) 1996 c. 16
(**4**) S.R. 1996 No. 473
(**5**) S.R. 1997 No. 362
(**6**) S.R. 1999 No. 412

(d) regulation 23 of the Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000(**7**);

(e) the Police Service of Northern Ireland Regulations 2002(**8**);

(f) the Police Service of Northern Ireland (Amendment) Regulations 2003(**9**);

(g) regulation 3 of the Police (Appointments) Regulations (Northern Ireland) 2003(**10**);

(h) regulations 2(1) and 3 of the Police (Appointments) Regulations (Northern Ireland) 2004(**11**);

(i) the Police Service of Northern Ireland (Amendment) Regulations 2004(**12**).

Interpretation

3.—(1) In these regulations, unless the context otherwise requires—

"the Act" means the Police (Northern Ireland) Act 1998;

"the Board" means the Northern Ireland Policing Board;

"British Transport Police Force" means the force of constables appointed under section 53 of the British Transport Commission Act 1949(**13**);

"central committee" has the meaning assigned to it in regulation 14 of the Police Association for Northern Ireland Regulations 1991(**14**);

"the Conduct Regulations" means the regulations relating to conduct and discipline for the time being in force;

"the police service" means the Police Service of Northern Ireland;

"member" means a member of the police service and includes a member who is suspended under the Conduct Regulations;

"the Pensions Regulations" means the regulations relating to Police Service of Northern Ireland pensions for the time being in force;

"the Police Advisory Board" means the Board established under section 45 of the Police (Northern Ireland) Act 1998;

"the Police Association" means the Police Association for Northern Ireland;

"police force in Great Britain" has the meaning assigned to a police force in the Police Act 1996(**15**) or a police force in the Police (Scotland) Act 1967(**16**), as the case may be;

"police support staff" has the meaning given by section 4(6) of the Police (Northern Ireland) Act 2000(**17**);

"police trainee" has the meaning given by section 36(3) of the Police (Northern Ireland) Act 2000;

"police trainee regulations" means the Police Trainee Regulations (Northern Ireland) 2001(**18**);

(**7**) S.R. 2000 No. 316
(**8**) S.R. 2002 No. 95
(**9**) S.R. 2003 No. 184
(**10**) S.R. 2003 No. 372
(**11**) S.R. 2004 No. 379
(**12**) S.R. 2004 No. 402
(**13**) 1949 c. xxix
(**14**) S.R. 1991 No. 168
(**15**) 1996 c. 16
(**16**) 1967 c. 77
(**17**) 2000 c. 32
(**18**) S.R. 2001 No. 369

"the Promotion Regulations" means the regulations relating to qualifications and selection for promotion for the time being in force;

"public holiday" means—

(a) New Year's Day, St. Patrick's Day, first Monday in May and last Monday in May, 12th July, last Monday in August, Christmas Day and 26th December; and

(b) (in addition) in any year where New Year's Day, Christmas Day or 26th December falls on a Saturday or Sunday, any substitute day;

"university scholar" means a member on a course of university study nominated by the Secretary of State or by the Board following arrangements approved by the Secretary of State.

(2) Nothing in these regulations shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.

(3) In these regulations a reference to another police force, or to a police force in Great Britain, shall include a reference to the National Crime Squad, and a reference to the chief officer of police of such a force shall include a reference to the Director General of the National Crime Squad.

PART II

Government

Ranks

4. The ranks of the police service shall be known by the following designations—

Chief Constable

Deputy Chief Constable

Assistant Chief Constable

Chief Superintendent

Superintendent

Chief Inspector

Inspector

Sergeant

Constable.

Part-time appointments

5.—(1) The Chief Constable may, after consultation with the Police Association, appoint persons to perform part-time service in any rank.

(2) In these regulations a person appointed to perform part-time service includes a person appointed to share a job with another person.

(3) A person appointed to perform part-time service may not be appointed to serve as a full-time member without his consent.

(4) A person appointed to perform part-time service immediately after serving as a full-time member may give notice in writing of his intention to be re-appointed as a full-time member and shall be so appointed—

(a) within one month of the date on which the notice is received by the Chief Constable, where there is a suitable vacancy, or

(b) except where sub-paragraph (a) applies, when 3 months have elapsed since the day on which the notice was received, or from an earlier date if reasonably practicable.

(5) A person serving as a full-time member may not be appointed to perform part-time service without his consent.

(6) In this regulation "full-time member" means a member appointed otherwise than under this regulation.

(7) In relation to persons appointed under this regulation to perform part-time service—

(a) regulation 12(1) has effect as if the words ", other than a member who, having completed the required period of probation in a police force in Great Britain, left that force to become a police trainee," were omitted; and

(b) regulation 24 has effect as if—

(i) in paragraph (1) for all the words after "compensated in respect of time" there were substituted "spent on duty in excess of such period as the Secretary of State may determine"; and

(ii) paragraph (2) were omitted.

Restrictions on the private life of members

6.—(1) The restrictions on private life contained in Schedule 1 shall apply to all members.

(2) No restrictions, other than those designed to secure the proper exercise of the functions of a constable, shall be imposed by the Chief Constable on the private life of members, except—

(a) such as may temporarily be necessary, or

(b) such as may be approved, by the Secretary of State after consultation with the constituent bodies of the Police Advisory Board.

(3) Any restriction temporarily imposed under paragraph (2)(a) shall be reported forthwith to the Secretary of State.

Business interests incompatible with membership of the police service

7.—(1) If a member proposes to have, or has, a business interest within the meaning of this regulation, the member shall forthwith give written notice of that interest to the Chief Constable unless that business interest was disclosed at or before the time of his appointment as a member.

(2) If a member is or becomes aware that a relative proposes to have, or has, a business interest within the meaning of this regulation which in the opinion of that member interferes, or could be seen as interfering with, the impartial discharge of his duties, then that member shall forthwith give written notice of that interest to the Chief Constable unless that business interest was disclosed at the time of his appointment as a member.

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

(a) the member 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 (4) the Chief Constable failed to apply fair procedures, then the Board may refer the matter back to the Chief Constable for redetermination under paragraph (4).

(4) On receipt of a notice given under paragraphs (1), (2) or a referral given under paragraph (3) the Chief Constable shall determine whether or not the interest in question is compatible with the member concerned remaining a member and, within 28 days of the receipt of that notice, or, as the case may be, that referral, shall notify the member in writing of his decision.

(5) Within 10 days of being notified of the Chief Constable's decision as aforesaid, or within such longer period as the Board may in all the circumstances allow, the member concerned may appeal to the Board against that decision by sending written notice of his appeal to the Board.

(6) Upon receipt of such notice, the Board shall forthwith require the Chief Constable to submit to it, within the next following 10 days, a notice setting out the reasons for his decision and copies of any documents on which he relies in support of that decision; and the Board shall send to the member concerned copies of such notice and documents and shall afford him a reasonable opportunity, being in no case less than 14 days, to comment thereon.

(7) Where a member has appealed to the Board under paragraph (5) the Board shall, subject to paragraph (3), within 28 days of receiving his comments on the notice and any other documents submitted by the Chief Constable under paragraph (6), or of the expiration of the period afforded for making comments if none have by then been received, give him written notice of their determination of the appeal.

(8) Where, on an appeal by a member under paragraph (5)—

(a) the Board gives notice to the member of its determination to uphold the decision of the Chief Constable, and

(b) within 10 days of being so notified, or within such longer period as the Board may in all the circumstances allow, the member makes written request to the Board for the reference of the matter to the Secretary of State,

the matter shall be so referred and, unless and until the determination of the Board is confirmed by the Secretary of State, it shall be of no effect and in particular, no action in pursuance thereof shall be taken under paragraph (9).

(9) Where a member, or a relative, has a business interest within the meaning of this regulation which the Chief Constable has determined, under paragraph (4), to be incompatible with his remaining a member and either the member has not appealed against that decision under paragraph (5) or, subject to paragraph (8), on such appeal, the Board has upheld that decision, then, the Chief Constable may, subject to the approval of the Board dispense with the services of that member; and before giving such approval, the Board shall give the member concerned an opportunity to make representations and shall consider any representations so made.

(10) For the purposes of this regulation, regulation 8 and regulation 9 "relative", in relation to a member means—

(a) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that member or that member's spouse or former spouse, or

(b) the brother, sister, uncle, aunt, niece or nephew (whether of the full blood or the half blood or by affinity) of that member or of that member's spouse or former spouse

and includes, in relation to a member who is living or has lived with another person as husband and wife, any person who would fall within paragraph (a) or (b) if the parties were married to each other.

Business interests: supplementary

8.—(1) For the purposes of regulation 7, a member or, as the case may be, a relative, shall have a business interest if—

(a) the member holds any office or employment for hire or gain (otherwise than as a member) or carries on any business; or

(b) the member, or any relative holds, or possesses a pecuniary interest in, any such licence or permit as is mentioned in paragraph (2).