STATUTORY RULES OF NORTHERN IRELAND

2004 No. 3

POLICE

Police Service of Northern Ireland Reserve (Part-Time) Regulations 2004

Made - - - -	*7th January 2004*
To be laid before Parliament	
Coming into operation	*8th February 2004*

The Secretary of State, in exercise of the powers conferred upon him by section 26 of the Police (Northern Ireland) Act 1998(**1**), and after consulting the Northern Ireland Policing Board and the Police Association for Northern Ireland in accordance with subsection (6) of that section, hereby make the following Regulations:

PART I

GENERAL

Citation, commencement and application

1.—(1) These regulations may be cited as the Police Service of Northern Ireland Reserve (Part-Time) Regulations 2004.

(2) These regulations shall come into operation on 8th February 2004.

(3) Parts II to V of these regulations shall have effect –

(a) in relation to any member appointed on or after 8th February 2004, and

(b) in accordance with paragraph (5) or (6) of regulation 4, in relation to any such member as is described in that paragraph.

Interpretation

2.—(1) In these regulations –

"the Board" means the Northern Ireland Policing Board;

(**1**) 1998 c. 32

"the Conduct Regulations" means the regulations for the Police Service of Northern Ireland Reserve relating to conduct and discipline for the time being in force;

"injury" and "injury received in the execution of duty" have, subject to the necessary modifications, the same meanings as they have in the Royal Ulster Constabulary Pensions Regulations 1988(**2**);

"member" means a member of the Police Service of Northern Ireland Reserve and includes a member who is suspended under the Conduct Regulations;

"police force in Great Britain" means a police force within the meaning of the Police Act 1996(**3**) or the Police (Scotland) Act 1967(**4**).

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

Revocation

3.—(1) The following regulations are revoked –

(a) the Royal Ulster Constabulary Reserve (Part-time) (Appointment and Conditions of Service) Regulations 1996(**5**);

(b) the Royal Ulster Constabulary Reserve (Part-time) (Appointment and Conditions of Service) (Amendment) Regulations 1997(**6**).

(2) Without prejudice to sections 16 and 17 of the Interpretation Act 1978(**7**), any appointment, deduction, payment or application made, any approval, direction, consent, certificate or notice given, any record or list kept, any interval fixed or any other thing done under any of the regulations mentioned in paragraph (1) or for the purposes thereof shall not be invalidated by the revocations effected by that paragraph, but –

(a) in so far as it could have been made, given, kept, fixed or done under a provision of these regulations or for the purposes thereof, shall have effect as if it had been made, given, kept, fixed or done under, or for the purposes of, that provision, and

(b) where it was made, given, kept, fixed or done by or to the Board under a provision of the regulations mentioned in paragraph (1) or for the purposes thereof, but could have been made, given, kept, fixed or done by or to the Chief Constable under, or for the purposes of, a provision of these regulations, shall have effect as if it had been made, given, kept, fixed or done by or to the Chief Constable under, or for the purposes of, that provision.

Members appointed before 8th February 2004

4.—(1) In this regulation "existing member" means any member who was appointed before 8th February 2004 on a part-time basis (other than to perform part-time service under regulation 4A of the Royal Ulster Constabulary Reserve (Full-time) (Appointment and Conditions of Service) Regulations 1996)(**8**).

(2) Notwithstanding their revocation, the regulations mentioned in regulation 3(1) shall continue to apply in relation to an existing member until they cease to apply in accordance with paragraph (4)(b), (5)(a) or (6)(a).

(3) The Chief Constable shall by notice in writing to each existing member –

(**2**) S.R. 1988 No. 374
(**3**) 1996 c. 16
(**4**) 1967 c. 77
(**5**) S.R. 1996 No. 565
(**6**) S.R. 1997 No. 364
(**7**) 1978 c. 30
(**8**) S.R. 1996 No. 564. Regulation 4A was inserted by S.R. 2001 No. 80

(a) require him to complete such training as may be specified in the notice within such period as may be so specified, or

(b) inform him that no requirement is imposed in his case under sub-paragraph (a),

and participation in any training required under sub-paragraph (a) shall be treated as the performance of duty for the purposes of the regulations mentioned in regulation 3(1).

(4) Where an existing member fails to comply with any requirement imposed under paragraph (3)(a) –

(a) the Chief Constable may dismiss him by giving him a month's notice in writing, and

(b) the regulations mentioned in regulation 3(1) shall cease to apply in relation to him when the dismissal takes effect.

(5) Where an existing member complies with any requirement imposed under paragraph (3)(a), then, with effect from such date as may be specified in his case by the Chief Constable –

(a) the regulations mentioned in regulation 3(1) shall cease to apply in relation to him,

(b) Parts II to V of these regulations shall apply in relation to him, and

(c) where his service has been extended for a period under regulation 9(2) of the Royal Ulster Constabulary Reserve (Part-time) (Appointment and Conditions of Service) Regulations 1996, it shall not come to an end on the expiry of that period.

(6) Where notice is given to an existing member under paragraph (3)(b), then with effect from such date as may be specified in the notice –

(a) the regulations mentioned in regulation 3(1) shall cease to apply in relation to him, and

(b) Parts II to V of these regulations shall apply in relation to him.

Functions of the Chief Constable

5.—(1) Any power conferred on the Chief Constable by these regulations to make provision by –

(a) giving directions,

(b) authorising, designating, approving or specifying any person or anything,

(c) imposing restrictions, or

(d) doing anything else,

includes power to make different provision for different purposes, cases and circumstances.

(2) The Chief Constable may designate a police officer or member of the police support staff for the purposes of this regulation and, subject to paragraph (3), may delegate any function under these regulations to a person so designated.

(3) Any function of the Chief Constable under regulation 4(4)(a), 7(6), 9(1), 10(3), (6) to (9) or 11(1), (2) or (5) may be delegated only to –

(a) a police officer of a rank not lower than chief inspector, or

(b) a senior employee or such member of the police support staff of such class or description as may be specified by the Board for the purposes of this paragraph.

PART II

GOVERNMENT

Restrictions on private life

6.—(1) No restriction on the private life of members shall be imposed by the Board or the Chief Constable, other than those designed to secure the proper exercise of the functions of a member, except such as may temporarily be necessary or such as may be approved by the Secretary of State after consultation with the Police Advisory Board established under section 45 of the Police (Northern Ireland) Act 1998; and any such restriction temporarily imposed shall be reported forthwith to the Secretary of State.

(2) A member shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his duties or which is likely to give rise to the impression amongst members of the public that it may so interfere; and in particular a member shall not take any active part in politics.

(3) A member shall not wilfully refuse or neglect to discharge any lawful debt.

Prohibited business interests

7.—(1) If a member or a relative included in his family has a prohibited business interest within the meaning of regulation 2A of the Police (Recruitment) (Northern Ireland) Regulations 2001(**9**), the Chief Constable may give notice in writing to the member that the prohibited business interest is incompatible with that person remaining a member.

(2) The Chief Constable shall not give notice under paragraph (1) before the conclusion of any such procedure as may be established by the Chief Constable for the informal resolution of cases in which it appears to him that a member or a relative included in his family may have a prohibited business interest.

(3) Within 10 days of receiving a notice given under paragraph (1), or within such longer period as the Board may in all the circumstances allow, the member concerned may appeal to the Board against the decision of the Chief Constable as set out in the notice by sending written notice of his appeal to the Board.

(4) On receipt of a notice given under paragraph (3) the Board shall require the Chief Constable to submit to it, within the next following 10 days –

(a) a notice setting out the reasons for his decision, and

(b) 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.

(5) Where a member has appealed to the Board under paragraph (3) the Board shall give him notice of its determination of the appeal within 28 days of –

(a) receiving his comments on the notice and any other documents submitted by the Chief Constable under paragraph (4), or

(b) the expiration of the period afforded for making comments if none have by then been received.

(6) Where a member has been given notice under paragraph (1), and either –

(a) the member has not appealed against the decision set out in the notice under paragraph (3), or

(**9**) S.R. 2001 No. 140. Regulation 2A was inserted by the Police (Recruitment) (Northern Ireland) (Amendment) Regulations 2004 (S.R. 2004 No. 1). Other amendments have been made by S.R. 2002 No. 385 and S.R. 2003 No. 372

(b) on such appeal, the Board has upheld that decision,

then the Chief Constable may dispense with the services of that member.

(7) A member whose services are dispensed with under this regulation shall be entitled to receive a month's notice.

(8) Any reference in this regulation to a relative included in a member's family shall include a reference to his spouse, parent, son, daughter, brother or sister.

Probation

8.—(1) Subject to paragraphs (2) and (3), a member shall be on probation for 2 years from the date of his first appointment as a member.

(2) At the discretion of the Chief Constable, service –

(a) as a police officer, or

(b) in a police force in Great Britain,

may count towards the period of probation.

(3) If, in the opinion of the Chief Constable, the period of probation of a member was seriously interrupted by a period of absence from duty, the Chief Constable may, at his discretion, extend the period of probation for such longer period, not exceeding 12 months, as he determines in the circumstances of the particular case.

Discharge of probationer

9.—(1) Subject to the provisions of this regulation, during his period of probation in the Police Service of Northern Ireland Reserve the services of a member may be dispensed with at any time if the Chief Constable considers that he –

(a) is not fitted, physically or mentally, to perform the duties of his office, or

(b) is not likely to become an efficient or well-conducted member.

(2) A member whose services are dispensed with under this regulation shall be entitled to receive a month's notice.

(3) A member's services shall not be dispensed with in accordance with this regulation, and any notice given for the purposes thereof shall cease to have effect, if he gives written notice to the Chief Constable of his intention to retire and retires in pursuance of the said notice on or before the date on which his services would otherwise be dispensed with; and such a notice taking effect on that date shall be accepted by the Chief Constable notwithstanding that less than a month's notice is given.

Persistent failure to report for duty

10.—(1) The appropriate officer may dismiss a member whose persistent failure to report for duty is unacceptable.

(2) In this regulation "the appropriate officer" means, in relation to a member –

(a) the district commander for the police district in which the member serves, or

(b) where he is absent, such other member of the Police Service of Northern Ireland of at least the rank of inspector as may be designated by the Chief Constable.

(3) For the purposes of paragraph (1) failure to report for duty –

(a) is to be regarded as persistent if it occurs, with such frequency as may be specified by the Chief Constable, over such period or periods as may be so specified, and