STATUTORY RULES OF NORTHERN IRELAND

2002 No. 95

POLICE

Police Service of Northern Ireland Regulations 2002

Made - - - - 8th March 2002

To be laid before Parliament
Coming into operation in accordance with regulation 1(2)

The Secretary of State, in pursuance of 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:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Police Service of Northern Ireland Regulations 2002.

(2) These regulations shall come into operation on 5th April 2002, but—

(a) regulations 4, 9 to 13, 21 and 25 shall have effect from 9th February 1999;

(b) regulation 18 shall have effect—

(i) in the case of sub-paragraph (*a*), from 9th February 1999;

(ii) in the case of sub-paragraph (*b*), from 1st April 1999;

(iii) in the case of sub-paragraph (*c*), from 1st April 2000;

(iv) in the case of sub-paragraph (*d*), from 1st April 2001;

(c) regulation 23 shall have effect—

(i) in the case of sub-paragraph (*a*), from 9th February 1999;

(ii) in the case of sub-paragraph (*b*), from 1st July 1999;

(d) regulation 24 shall have effect—

(**1**) 1998 c. 32
(**2**) 1962 c. 7 (N.I.)
(**3**) 1996 c. 16

(i) in the case of paragraph (1), from 9th February 1999;

(ii) in the case of paragraphs (2) and (4), from 1st July 2000;

(iii) in the case of paragraph (3), from 1st September 2000.

(3) In these regulations "the principal regulations" means the Royal Ulster Constabulary Regulations 1996(**4**).

Public Holidays

2. In regulation 2 of the principal regulations (meanings assigned to certain expressions, etc.), the definition of "public holiday" shall have effect, in relation to the year 2002, with the substitution for "last Monday in May" of "3rd June 2002, 4th June 2002".

Police trainee regulations

3. In regulation 2 of the principal regulations (meanings assigned to certain expressions, etc.), after the definition of "police force in Great Britain" there shall be inserted—

""police trainee" has the meaning given by section 36(3) of the Police (Northern Ireland) Act 2000(**5**);

"police trainee regulations" means the Police Trainee Regulations (Northern Ireland) 2001(**6**);".

Part-time appointments

4. In regulation 5 of the principal regulations (part-time appointments), after paragraph (1) there shall be inserted—

"(1A) In these regulations "a person appointed to perform part-time service" includes a person appointed to share a job with another person.

(1B) A person appointed to perform part-time service may not be appointed to serve as a full-time member without his consent.

(1C) 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 Board, 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.

(1D) In relation to any time before 4th November 2001, the reference to the Board in paragraph (1C)(*a*) shall be construed as a reference to the Police Authority.".

Business interests incompatible with membership of the force

5. In regulation 7(1) of the principal regulations (business interests incompatible with membership of the force) after "was disclosed at" there shall be inserted "or before".

(**4**) S.R. 1996 No. 473, as amended by S.R. 1997 No. 362 and S.R. 1999 No. 412
(**5**) 2000 c. 32
(**6**) S.R. 2001 No. 369

Probationary service in the rank of constable

6.—(1) In regulation 12(1) of the principal regulations (probationary service in the rank of constable) for the words from "a member appointed" to the end there shall be substituted—

"(a) any member who was appointed in the rank of constable before 4th November 2001 other than such a member who transferred to the force from a police force in Great Britain, having completed the required period of probation in that force; and

(b) any member who is appointed in the rank of constable on or after that date, 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."

(2) For paragraph 2(*a*) of Schedule 1 to the principal regulations (modification of regulation 12(1) for part-time service) there shall be substituted—

"(a) in paragraph (1) for sub-paragraphs (*a*) and (*b*) there shall be substituted "a member appointed in the rank of constable";".

Contents of personal records

7. In regulation 15(2) of the principal regulations (contents of personal records) after sub-paragraph (*g*) there shall be inserted—

"(h) a record of his service (if any) as a police trainee;".

Personal record of member leaving the force

8. In regulation 17(1) of the principal regulations (personal record of member leaving the force) at the end there shall be added "and any period which he served as a police trainee".

Variable shift arrangements

9.—(1) Regulation 22(1) of the principal regulations (variable shift arrangements) shall be amended as follows.

(2) In paragraph (1), the words "appointed otherwise than under regulation 5 (part-time appointments)" shall be omitted.

(3) In paragraph (4) at the end there shall be inserted "but subject in its application to members appointed in accordance with regulation 5 (part-time appointments) to paragraph (5)".

(4) After paragraph (4) there shall be added—

"(5) In their application to members appointed in accordance with regulation 5 to whom variable shift arrangements apply—

(a) Schedule 1 shall have effect as if the Table in regulation 20(4D), as substituted by paragraph 4 of that Schedule, was the Table set out in regulation 20(3) as substituted by paragraph 1 of Schdule 3; and

(b) Schedule 3 shall have effect as if paragraph 1 (except to the extent provided by sub-paragraph (*a*) above), paragraph 2 and paragraph 3 of that Schedule were omitted."

Rate of pay

10.—(1) In regulation 36 of the principal regulations (rate of pay) for paragraph (1) there shall be substituted—

"(1) Subject to the following provisions of this Part, the pay of the members shall be determined by the Secretary of State.

(1A) Before making any determination under paragraph (1), the Secretary of State shall take into consideration any recommendation made by the Police Negotiating Board and shall supply the Board with a draft of the determination; and subsection (2) of section 62 of the Police Act 1996 shall apply in relation to a recommendation to be made for the purposes of this paragraph as it applies in relation to a recommendation to be made for the purposes of sub-paragraph (1) of that section.

(1B) A determination under paragraph (1) may be made with retrospective effect to any date specified in the determination, but nothing in this paragraph shall be construed as authorising the pay payable to any person to be reduced retrospectively."

(2) In regulation 36(2) of the principal regulations (service in corresponding rank held on 31st May 1970) for "In Schedule 6, any reference to service in a rank" there shall be substituted "For the purposes of this regulation, in reckoning a member's service in any rank, that service".

(3) The following provisions of the principal regulations shall be omitted—

(a) regulation 1(2)(*f*);

(b) regulation 36(4)(*e*);

(c) in regulation 36(6), the words "and Schedule 6";

(d) Schedule 6.

Temporary salary

11.—(1) In regulation 37 of the principal regulations (temporary salary) in paragraph (1) for the words from "pursuant" to the end there shall be substituted—

"(a) which is equal to the rate of pay determined by him under regulation 36 for the rank of deputy Chief Constable, or

(b) where a range of rates of pay has been so determined, which is within that range."

(2) Regulation 37(2) of the principal regulations shall be omitted.

(3) In regulation 37(4) of the principal regulations—

(a) for "under paragraph 2(3) of Schedule 6" there shall be substituted "as determined under regulation 36(1)"; and

(b) for "the member in that higher pay category" there shall be substituted "of that more highly-paid member".

(4) In regulation 37(6) of the principal regulations, for "paragraph (9)" there shall be substituted "paragraphs (6A) and (9)".

(5) In regulation 37 of the principal regulations, after paragraph (6) there shall be inserted—

"(6A) A member of the rank of chief inspector who, in any year, has been required to perform the duties normally performed by a member of the rank of superintendent for 14 complete days shall be paid in respect of any further complete day in that year on which he is required to perform such duties at a rate equal to the lowest rate of pay to which he would be entitled on promotion to superintendent."

Pay on promotion

12. After regulation 37 of the principal regulations there shall be inserted—

"**Pay on promotion**

37A.—(1) This regulation applies to a member who is promoted to a higher rank.

(2) The rate of pay payable to a member in the higher rank—

(a) shall always be higher than the rate of pay the member would have received had he not been promoted, and

(b) where the rates of pay determined by the Secretary of State under regulation 36 for members of the higher rank form a series of pay points, shall be set at a rate which is not less than the rate appropriate to the pay point for members of the higher rank which is immediately above the rate of pay the member would have been receiving but for his promotion.

(3) For so long as the member continues to serve in the higher rank, he shall be paid at the rate identified in paragraph (2) until a higher rate of pay applies to him under a determination by the Secretary of State under regulation 36."

Temporary promotion

13. After regulation 37A of the principal regulations there shall be inserted—

"**Temporary promotion**

37B.—(1) A chief inspector who, for a period of 2 months or more, has performed the duties of superintendent shall be temporarily promoted to the rank of superintendent.

(2) A member temporarily promoted in accordance with paragraph (1) shall revert to the rank of chief inspector when he is no longer required to perform those duties,

(3) A member shall, while temporarily promoted to the rank of superintendent, be paid at such rate of pay determined for superintendents under regulation 36 as would have applied in his case if the promotion had not been temporary."

Reckoning service of constables who have served as police trainees

14. After regulation 37B of the principal regulations there shall be inserted—

"**Reckoning service of constables who have served as police trainees**

37C.—(1) For the purposes of regulation 36, in reckoning a member's service in the rank of constable, that service shall include—

(a) any period of service as a police trainee, and

(b) subject to paragraph (2), any period treated as service as a police trainee under regulation 17 of the police trainee regulations.

(2) Where a member is appointed to the rank of constable, and on the date of his appointment his period of service in that rank is deemed under paragraph (1) to consist of—

(a) a period equal to or greater than one year calculated in accordance with Part II or III of Schedule 1 to the police trainee regulations, and

(b) the period of service actually completed by him as a police trainee,

then, for the purposes of regulation 36, his period of service as a member of the rank of constable shall be calculated in accordance with paragraph (3) or (4).

(3) So long as the total of—

(a) the period of service which he has actually completed as a member of the rank of constable, and

(b) the period of service which he has actually completed as a police trainee,

is less than the period mentioned in paragraph (2)(*a*), his period of service in the rank of constable shall be deemed to be equal to the period mentioned in paragraph (2)(*a*).