STATUTORY RULES OF NORTHERN IRELAND

2001 No. 140

POLICE

Police (Recruitment) (Northern Ireland) Regulations 2001

Made - - - -	*3rd April 2001*
To be laid before Parliament	
Coming into operation	*5th April 2001*

The Secretary of State, in pursuance of sections 25 and 26 of the Police (Northern Ireland) Act 1998(**1**), and sections 43 and 44 of the Police Act (Northern Ireland) 2000(**2**), and after consulting the Chief Constable, the Policing Board(**3**), the Police Association and the Equality Commission for Northern Ireland hereby makes the following regulations:—

Part I

General

Citation and commencement

1.—(1) These regulations may be cited as the Police (Recruitment) (Northern Ireland) Regulations 2001.

(2) These regulations shall come into operation on 5th April 2001.

Meanings assigned to certain expressions etc

2.—(1) The following expressions have the meaning hereby assigned to them:—

"the Act" means the Police (Northern Ireland) Act 2000;

"the agent" means the police recruitment agent appointed under regulation 4;

"British subject" and "Commonwealth citizen" have the meanings assigned to them by section 51 of the British Nationality Act 1981(**4**);

"the Independent Assessor" means a person appointed under regulation 13(1);

(**1**) 1998 c. 32
(**2**) 2000 c. 32
(**3**) By virtue of section 78 and paragraph 8 of Schedule 7 the reference to the Policing Board shall be construed as a reference to the Police Authority for Northern Ireland until the commencement of section 2 of the Police Act (Northern Ireland) 2000
(**4**) 1981 c. 61

"independent community observers" means persons appointed under regulation 10(1);

"independent panel member" means a person nominated under regulation 12(2);

"lay assessors" means persons engaged in carrying out duties under regulation 9;

"the police" has the same meaning as in section 77 of the Act;

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

"police reserve trainees" means persons appointed under section 40 of the Act;

"police support staff" has the same meaning as in section 4(6) of the Act;

"police trainees" means persons appointed under section 39 of the Act;

"Policing Board" means the Northern Ireland Policing Board;

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

"the Report of the Independent Commission" means the report of the Independent Commission on Policing for Northern Ireland ("A New Beginning: Policing in Northern Ireland" published on 9th September 1999);

"Road Traffic Orders" has the meaning assigned by Article 2 (2) of the Road Traffic Offenders (Northern Ireland) Order 1996(**5**);

"staff of the Police Authority" means a person appointed under subsection (1), persons employed under subsection (3), or persons engaged in pursuance of arrangements under subsection (4) of section 3 of the Police (Northern Ireland) Act 1998;

"staff of the Policing Board" means persons employed or engaged in pursuance of arrangements under paragraph 13 of Schedule 1 to the Act.

(2) A qualified candidate means an applicant for appointment to the police:—

(a) who is a British subject, a Commonwealth citizen or a citizen of the Republic of Ireland;

(b) who has attained the age of 18 years and is not over 52 years if a candidate for appointment as a police trainee;

(c) who has been certified by a registered medical practitioner approved by the Chief Constable to be in good health, of sound constitution and fitted both physically and mentally to perform the duties of a police officer;

(d) who gives such information as may be required by the Chief Constable or in accordance with regulation 7 as to the candidate's suitability for appointment to the police including satisfactory references as to his character;

(e) who is not ineligible for appointment by virtue of regulation 8(1) of the Royal Ulster Constabulary Regulations 1996(**6**) or Schedule 1 (criminal convictions etc);

(f) who demonstrates by such tests or assessments as may be determined by the Chief Constable or carried out in accordance with regulation 8 that he possesses the skill and competencies required to carry out the duties of a police officer;

(g) whom the panel established under regulation 12 decides is suitable for appointment as a police trainee or police reserve trainee; and

(h) who, if a candidate for appointment to the rank of sergeant or inspector, is qualified for promotion to such rank in accordance with the Promotion Regulations.

(**5**) S.I. 1996/1320 (N.I. 10)
(**6**) S.R. 1996 No. 473

Pool of qualified candidates

3.—(1) All candidates for appointment as police trainees who satisfy the requirements of regulation 2(2) shall be placed in a pool of qualified candidates.

(2) The Chief Constable shall appoint police trainees from a pool of qualified candidates referred to in paragraph (1) for the purposes of section 39 of the Act in accordance with section 46 of the Act.

Part II

Recruitment

Appointment of Police Recruitment Agent

4.—(1) The Chief Constable shall appoint a person to exercise the functions prescribed by these regulations in connection with the selection of qualified candidates for appointment:—

(a) as police trainees

(b) as police reserve trainees;

(2) Police reserve trainees shall be appointed to serve as part-time members of the Police Service of Northern Ireland Reserve.

Police Recruitment Agent

5.—(1) The person appointed under regulation 4(1) shall be known as the police recruitment agent ("the agent").

(2) The Chief Constable shall require the agent to carry out the functions prescribed by regulations 3(1), 6, 7, 8, 9 and 10(5).

(3) The Chief Constable may appoint more than one agent.

(4) The agent shall be appointed by the Chief Constable on such terms and conditions including conditions as to payment as he shall determine with the approval of the Policing Board.

Advertising of vacancies

6.—(1) Notice of vacancies for trainee members of the Police Service of Northern Ireland and trainee part time members of the Police Service of Northern Ireland Reserve shall be published.

(2) In publishing notice of vacancies in accordance with paragraph (1) the agent shall have regard to the recommendations contained in paragraph 15.8 of the Report of the Independent Commission.

Information to be provided by applicants

7.—(1) Subject to regulation 11 and paragraph (2), the agent shall request candidates for appointment as a police trainee or a police reserve trainee to provide such information as may be appropriate to establish whether the candidate meets the requirements of regulation 2(2).

(2) Candidates shall not be asked to send information about criminal convictions other than to the Chief Constable.

Tests to be undertaken by applicants

8.—(1) Subject to regulation 11, the agent shall carry out tests and assessments to determine whether a candidate for appointment as a police trainee or a police reserve trainee is qualified for the purposes of regulation 2(2).

(2) Paragraph (1) includes a requirement to make arrangements for tests and assessments to be carried out for the purposes of regulation 2(2)(*c*).

Lay assessors

9.—(1) The agent shall establish a pool of lay assessors.

(2) The agent shall ensure that lay assessors are involved in assessing candidates for appointment as police trainees and police reserve trainees.

(3) No person who is a serving member of the police, the Police Authority, the staff of the Police Authority, the Policing Board, the staff of the Policing Board, or the police support staff shall be appointed as a lay assessor.

(4) A person is disqualified from being a lay assessor if he has at any time been convicted in Northern Ireland or elsewhere of any offence and has had passed on him a sentence of imprisonment (whether suspended or not).

Independent community observers

10.—(1) The Policing Board shall appoint a pool of independent community observers who shall report to the Board on such aspects of the recruitment process for police trainees and police reserve trainees as may be agreed by the Board and the Chief Constable.

(2) Independent community observers shall not be involved in any aspect of the recruitment process under Part III of these regulations.

(3) The reports of independent community observers shall deal with:—

(a) the adequacy of facilities and arrangements; and

(b) whether, so far as practical, the same procedures are being applied to all candidates.

(4) The reports of independent community observers shall be made in such form and on such occasions as the Policing Board may determine.

(5) The agent shall make such arrangements as are necessary to enable the independent community observers to carry out their duties.

(6) The Policing Board shall exercise the duty to appoint the pool of independent community observers under this regulation, so as to ensure, as far as practicable, that it is representative of the community in Northern Ireland.

(7) No person who is a serving or former member of the police, the Police Authority, the staff of the Police Authority, the Policing Board, the staff of the Policing Board, or the police support staff shall be appointed as an independent community observer.

(8) A person is disqualified from being an independent community observer if he has at any time been convicted in Northern Ireland or elsewhere of any offence and has had passed on him a sentence of imprisonment (whether suspended or not).

(9) Independent community observers shall be appointed on such terms and conditions including provision as to expenses and allowances as the Policing Board may determine.

Restrictions on Contracting Out

11.—(1) The Chief Constable shall not require the agent to carry out :—

(a) tests in relation to firearms;

(b) assessments of the suitability of candidates under Part III of these regulations;

(c) the monitoring of candidates in accordance with the Fair Employment (Monitoring) Regulations (Northern Ireland) 1999(**7**).

(2) Without prejudice to paragraph (1) the Chief Constable may require the agent to carry out ancillary functions in relation to the matters specified in that paragraph.

Part III

Vetting

Vetting Panel

12.—(1) The Chief Constable shall establish a panel of persons whose function shall be to decide, on his behalf and subject to his direction and control, on the suitability of any candidate for appointment as a police trainee or a police reserve trainee.

(2) The panel established under paragraph (1) shall include a person nominated by the Policing Board ("the independent panel member").

(3) Schedule 2 shall have effect in relation to the person nominated to the panel under paragraph (2).

(4) The matters which the panel established under paragraph (1) may take into account in deciding on the suitability of a candidate may include the fact that the candidate has been convicted of any offence, has breached a court order or has received a caution as defined by section 126 of the Police Act 1997(**8**).

(5) If the panel is of the opinion that a candidate is not suitable for appointment he shall be notified to that effect and that he may seek, in writing, to have that decision reviewed by the Independent Assessor appointed under regulation 13.

(6) A request for a review of a decision under paragraph (5) shall be sent to the Independent Assessor as soon as reasonably practical.

Independent Assessor

13.—(1) The Secretary of State shall appoint a person ("the Independent Assessor") to review decisions of the panel established under regulation 12 in response to requests under regulation 12(5).

(2) Before making an appointment under paragraph (1) the Secretary of State shall consult the Policing Board.

(3) The Independent Assessor shall have access to all material which is before the panel in regard to any candidate who has requested a review.

(4) The Independent Assessor may request such additional information from the Chief Constable as is necessary to carry out his functions.

(5) The Independent Assessor shall make a report to the Chief Constable stating whether he agrees or disagrees with the decision of the panel, and may make such recommendations as he considers appropriate.

(6) Before making a report under paragraph (5) the Independent Assessor may require the panel to reconsider its decision about the suitability of a candidate and to resubmit its decision for review by the Independent Assessor.

(**7**) S.R. 1999 No. 148
(**8**) 1997 c. 50