STATUTORY RULES OF NORTHERN IRELAND

1996 No. 564

POLICE

Royal Ulster Constabulary Reserve (Full-time) (Appointment and Conditions of Service) Regulations 1996

Made - - - -	*4th December 1996*
To be laid before Parliament	
Coming into operation	*30th December 1996*

The Secretary of State, in pursuance of section 26 of the Police Act (Northern Ireland) 1970(**1**), read with section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962(**2**), and after consulting, in accordance with section 34(2) of the said Act of 1970, the Police Authority and the Police Association, hereby makes the following regulations:—

Part I

Commencement and Interpretation

Citation, operation and effect

1.—(1) These regulations may be cited as the Royal Ulster Constabulary Reserve (Full-time) (Appointment and Conditions of Service) Regulations 1996.

(2) These regulations shall come into operation on 30th December 1996, but shall have effect for the purposes of—

(a) regulation 38(1)(*d*) as from 31st March 1993;

(b) regulation 30(2) as from 15th October 1994;

(c) regulation 32 as from 17th July 1995;

(d) regulation 33 as from 31st October 1995;

(e) the increases, in Schedule 4, of pay as from the dates specified in the Table;

(f) the increases, in Schedule 8, of dog handler's allowance as from the dates specified therein; and

(g) regulation 38(6) as from 31st March 1996.

(**1**) 1970 c. 9 (N.I.) as amended by 1994 c. 29 and modified by S.I.1973/2163
(**2**) 1962 c. 7 (N.I.)

Meanings assigned to certain expressions, etc.

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

"the Act" means the Police Act (Northern Ireland) 1970;

"central committee" has the meaning assigned to it in regulation 14 of the Police Association for Northern Ireland Regulations 1991(**3**);

"chief constable" means the chief constable of the Royal Ulster Constabulary;

"Discipline Regulations" means the regulations for the Royal Ulster Constabulary Full-time Reserve relating to discipline for the time being in force;

"the force" means the Royal Ulster Constabulary Reserve;

"maternity leave" has the meaning assigned thereto by regulation 28(1);

"member" means a member of the force appointed on a full-time basis and includes such a member who is suspended under the Discipline Regulations;

"public holiday" means New Year's Day, St. Patrick's Day, first Monday in May, last Monday in May, 12th July, last Monday in August, Christmas Day and 26th December; and, in addition, in any year where New Year's Day, Christmas Day or 26th December falls on a Saturday or Sunday, any substitute day.

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

Part II

Government

Authorised establishment

3. The establishment of the force shall be constituted by the maximum number of persons in each rank mentioned in regulation 4 which is determined for this purpose in accordance with section 6 of the Act.

Ranks

4. The force may consist of members of the following ranks—

Reserve Superintendent

Reserve Inspector

Reserve Sergeant

Reserve Constable

and the chief constable may appoint such numbers of members to the various ranks as the Police Authority may approve.

Restrictions on the private life of members

5. The restrictions on private life contained in Schedule 1 shall apply to all members and no restrictions, other than those designed to secure the proper exercise of the functions of a member, shall be imposed by the Police Authority or the chief constable on the private lives of members except such as may temporarily be necessary or such as may be approved by the Secretary of State

(**3**) S.R. 1991 No. 168

after consultation with the Advisory Board and any such restriction temporarily imposed shall be reported forthwith to the Secretary of State.

Business interests incompatible with membership of the force

6.—(1) If a member or a relative included in his family 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 the time of his appointment as a member.

(2) On receipt of a notice given under paragraph (1), 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, shall notify the member in writing of his decision.

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

(4) On receipt of a notice given under paragraph (3) the Police Authority shall 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 Police Authority 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 Police Authority under paragraph (3) the Police Authority shall, within 28 days of receiving his comments on the notice and any other documents submitted by the chief constable under paragraph (4) or of the expiration of the period afforded for making comments if none have by then been received, give him written notice of its determination of the appeal but, where it has upheld the decision of the chief constable and, within 10 days of being so notified or within such longer period as the Police Authority may in all the circumstances allow, the member makes written request to the Police Authority 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 Police Authority 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 (6).

(6) Where a member, or a relative included in his family, has a business interest within the meaning of this regulation which the chief constable has determined, under paragraph (2), to be incompatible with his remaining a member and either the member has not appealed against that decision under paragraph (3) or, subject to paragraph (5), on such appeal, the Police Authority has upheld that decision, then the chief constable may, subject to the approval of the Police Authority, dispense with the services of that member; and before giving such approval the Police Authority shall give the member concerned an opportunity to make representations and shall consider any representations so made.

(7) For the purposes of this regulation, a member or, as the case may be, a relative included in his family, shall have a business interest if—

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

(b) a shop is kept or a like business carried on by the member's spouse (not being separated from him) at any premises in Northern Ireland or by any relative included in his family at the premises at which he resides; or

(c) the member, his spouse (not being separated from him) or any relative included in his family living with him holds, or possesses a pecuniary interest in, any such licence or permit as is mentioned in paragraph (8);

and a reference to a relative included in a member's family shall include a reference to his spouse, parent, son, daughter, brother or sister.

(8) The licence or permit referred to in paragraph (7)(*c*) is a licence or permit granted in pursuance of the law relating to liquor licensing, refreshment houses or betting and gaming or regulating places of entertainment in Northern Ireland.

(9) If a member or a relative included in his family has a business interest within the meaning of this regulation and, on that interest being notified or disclosed as mentioned in paragraph (1), the chief constable has, by written notice, required him to furnish particulars of such changes in that interest, as respects its nature, extent or otherwise, as may be mentioned in the notice then, in the event of any such change in that interest being proposed or occurring, this regulation shall have effect as though the changed interest were a newly proposed, or newly acquired, interest which has not been notified or disclosed as aforesaid.

Business interests precluding appointment to the force

7. Save in so far as the chief constable may allow at the request of the candidate concerned, a person shall not be eligible for appointment to the force if he or a relative included in his family has a business interest within the meaning of regulation 6 and paragraphs (7) and (8) thereof shall apply for the purposes of the interpretation of this regulation as they apply for the purposes of that regulation.

Appointment

8. Subject to regulation 12 and to the approval of the Police Authority, the chief constable may appoint members on a full-time basis for such periods as he may deem necessary.

Qualifications for appointment to the force

9.—(1) A candidate for appointment to the force shall—

(a) produce satisfactory references as to character and, if he has served in any police force or in any special constabulary, in the armed forces, in the civil service or as a seaman, produce satisfactory proof of his good conduct while so serving;

(b) have attained the age of 18 years;

(c) be certified by a registered medical practitioner approved by the Police Authority to be in good health, of sound constitution and fitted both physically and mentally to perform the duties on which he will be employed after appointment;

(d) satisfy the chief constable that he is sufficiently educated by passing a written and oral examination; and

(e) give such information as may be required as to his previous history or employment or any other matter relating to his appointment to the force.

(2) For the purposes of this regulation—

(a) the expression "armed forces" means the naval, military or air forces of the Crown including any women's service administered by the Defence Council; and

(b) the expression "seaman" has the same meaning as in the Merchant Shipping Act 1894(**4**).

Probation

10.—(1) A member shall be on probation for 2 years from the date of his first appointment as a member, provided that, in the case of a former member of the force, or of the Royal Ulster

(**4**) 1894 c. 60

Constabulary or of a police force in Great Britain, service in that force may, at the chief constable's discretion, count towards the period mentioned.

(2) In reckoning service in the case of a female member who has taken one or more periods of maternity leave—

(a) where that leave has been for fourteen weeks or more, the first fourteen weeks whilst on maternity leave shall be treated as if it were service in the force;

(b) where that leave has been for less than fourteen weeks, any period spent on maternity leave shall be treated as if it were service in the force.

Discharge of probationer

11.—(1) Subject to the provisions of this regulation, during his period of probation in the force the services of a member may be dispensed with at any time if the chief constable considers that he is not fitted, physically or mentally, to perform the duties of his office, or that he 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 or a month's pay in lieu thereof.

(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 Police Authority 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 Police Authority notwithstanding that less than a month's notice is given.

(4) Where a member has received a notice under this regulation that his services are to be dispensed with and he gives written notice of his intention to retire and retires under paragraph (3), he shall nevertheless be entitled to receive pay up to and until the date on which the month's notice he has received would have expired or where he has received or is due to receive a month's pay in lieu of notice he shall remain entitled to that pay notwithstanding the notice he has given under paragraph (3).

Retirement

12.—(1) Without prejudice to the provisions mentioned in paragraph (2), a member may retire only if he has given a month's written notice of his intention to retire or such shorter notice as may have been accepted by the chief constable:

Provided that, while suspended under the Discipline Regulations, a member may not, without the consent of the chief constable, give notice for the purposes of this regulation or retire in pursuance of a notice previously given.

(2) The provisions referred to in paragraph (1) are—

(a) the provisions of the Royal Ulster Constabulary Pensions Regulations relating to compulsory retirement as applied to members by the Royal Ulster Constabulary Reserve (Full-time) Pensions Regulations 1994(**5**); and

(b) the provisions of the Discipline Regulations.

Delegation

13. The chief constable may delegate his powers under regulations 11 and 12 to a member of the Royal Ulster Constabulary of the rank of—

(a) deputy chief constable, or

(**5**) S.R. 1994 No. 197 as amended by S.R. 1996 No. 5