1995 No. 117

POLICE

Royal Ulster Constabulary (Amendment) Regulations 1995

Made . . . . . *21st March 1995*

Coming into operation . . *1st April 1995*

To be laid before Parliament

The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970(**a**), and after consulting, in accordance with section 34(2) of that Act, the Police Authority and the Police Association, and after taking into account the recommendations of the Police Negotiating Board for the United Kingdom and furnishing that Board with a draft of the regulations in accordance with section 2(1) of the Police Negotiating Board Act 1980(**b**), hereby makes the following regulations:—

Citation, operation and effect

1.—(1) These regulations may be cited as the Royal Ulster Constabulary (Amendment) Regulations 1995.

(2) These regulations, with the exception of regulation 10, shall come into operation on 1st April 1995 but shall have effect for the purposes of regulation 11(5) from 1st September 1994.

(3) Regulation 10 shall come into operation on 13th April 1995.

Interpretation

2. In these regulations any reference to "the principal regulations" is a reference to the Royal Ulster Constabulary Regulations 1984(**c**).

Ranks

3.—(1) On 1st April 1995, the rank of chief superintendent shall cease to exist.

(2) In regulation 6 of the principal regulations the words "Chief Superintendent" shall be deleted.

(3) Any person who on 1st April 1995 would hold the rank of chief superintendent but for this regulation shall hold the rank of superintendent for all purposes except those of Schedule 5 to the principal regulations (determination of pay).

(**a**) 1970 c. 9 (N.I.) as amended by 1994 c. 29 and modified by S.I. 1973/2163
(**b**) 1980 c. 10
(**c**) S.R. 1984 No. 62; relevant amending regulations are S.R. 1985 No. 292, S.R. 1987 No. 441, S.R. 1994 No. 186 and S.R. 1994 No. 431

Fixed term appointments for certain ranks

4. After regulation 10 of the principal regulations, there shall be inserted the following regulations:

"*Fixed term appointments for certain ranks*

10A.—(1) This regulation applies to every appointment on or after 1st April 1995 of a person to the rank of chief constable, deputy chief constable or assistant chief constable.

(2) Where it is proposed to vary by agreement the conditions of service of a person who on 1st April 1995 holds one of the ranks specified in paragraph (1) above indefinitely so that he holds that rank instead for a fixed term—

(*a*) that term shall be for a period authorised by paragraph (5) or, as the case may be, paragraph (6); and

(*b*) this regulation shall apply to such a variation as it applies to an appointment and as if the variation was an appointment.

(3) Subject to paragraphs (5) and (6), the length of the term of appointment of such a person as is specified in paragraph (1) or (2) shall be determined by the Secretary of State.

(4) In determining the length of the term of an appointment of such a person as is specified in paragraph (1) or (2), other than a person appointed to the rank of chief constable, the Secretary of State shall consider the views of the Police Authority.

(5) Subject to paragraphs (7) to (9), an appointment to the rank of chief constable shall be for a term of—

(*a*) not more than seven years, and

(*b*) not less than four years except with the agreement of the person so appointed.

(6) Subject to paragraphs (7) to (9), an appointment to the rank of deputy chief constable or assistant chief constable shall be for a term of—

(*a*) not more than either—

(i) ten years, or

(ii) a period expiring with the date at which the person appointed reaches minimum retirement age or, if that period is less than four years, four years,

whichever of the periods in sub-paragraphs (i) and (ii) is the shorter, and

(*b*) not less than four years except with the agreement of the person so appointed.

(7) The term of appointment to which this regulation applies may be extended by agreement for a single period not exceeding one year where, in the opinion of the Secretary of State, the particular circumstances in which such an extension is sought are such as to justify it.

(8) The term of appointment to which this regulation applies may be extended by agreement for a period or periods up to the time when the person appointed—

(*a*) has completed 30 years' pensionable service for the purposes of the Royal Ulster Constabulary Pensions Regulations 1988(**a**), or

(*b*) has completed 25 years' pensionable service for those purposes and has attained the age of 50 years, whichever is the earlier.

(9) This regulation is without prejudice to any provision whereby a term of appointment comes to an end on promotion or transfer to another police force and to regulation 13(1) and (2) (retirement) and the provisions referred to in regulation 13(3).

(10) A person does not cease to be eligible for an appointment to which this regulation applies by reason only of the fact that he has completed an appointment for a term determined in accordance with this regulation.

(11) In this regulation "the minimum retirement age" means—

(*a*) in the case of a person who, on attaining the age of 55, will be entitled to reckon not less than 25 years' pensionable service for the purposes of the Royal Ulster Constabulary Pensions Regulations 1988, that age; or

(*b*) in the case of a person who, on attaining that age, will not be entitled to reckon 25 years' pensionable service for the purposes of those regulations, the age at which he will be so entitled or the age at which he will be required to retire under regulation A16(1) of those regulations, whichever is the earlier.

(12) For the purposes of determining an entitlement under paragraph (10), an election under regulation G4 of the Royal Ulster Constabulary Pensions Regulations 1988 (election not to pay pension contributions) shall be disregarded.

Requirement to advertise vacancies in certain ranks

10B.—(1) Subject to paragraph (4), where on or after 1st April 1995 a vacancy exists in one of the ranks specified in regulation 10A(1), a notice of the vacancy which complies with paragraph (2) shall be published by the Police Authority.

(2) The notice referred to in paragraph (1) must—

(*a*) invite application to fill the vacancy; and

(*b*) be published in—

(i) not less than one newspaper, or

(ii) not less than one journal which deals with police matters; and

(*c*) specify the date, which shall not be less than three weeks after the date of publication of the notice, by which applications must be made.

(3) Subject to paragraph (4), no appointment shall be made to fill a vacancy in one of the ranks specified in regulation 10A(1) until after the

(**a**) S.R. 1988 No. 374; relevant amending regulations are S.R. 1988 No. 438, S.R. 1989 No. 357 and S.R. 1990 No. 411

date specified in accordance with paragraph (2)(*c*) in a notice in respect of that vacancy.

(4) Paragraphs (1) and (3) shall not apply where—

(*a*) the term of appointment of the person who currently holds the rank in which the vacancy would otherwise occur is extended under regulation 10A(6) or (7), or

(*b*) that person is appointed for a further term and the conditions set out in paragraph (5) below are satisfied.

(5) The conditions referred to in paragraph (4) are that—

(*a*) the person who currently holds the rank in which the vacancy would otherwise occur does so by virtue of an appointment under regulation 10A;

(*b*) the relevant appointment of that person was for a term which was less than the maximum term authorised in respect of that person by paragraph (3) or, as the case may be, (4) of regulation 10A; and

(*c*) the term for which it is proposed to appoint that person (and for which that person is subsequently appointed) is such that, when taken together with—

(i) the term for which he was appointed by the relevant appointment, and

(ii) the term for which he was appointed by any subsequent appointment,

the terms in total do not exceed the maximum term of appointment for which he could have been appointed at the time of the relevant appointment under paragraph (3) or, as the case may be, (4) of regulation 10A.

(6) In paragraph (5) "relevant appointment" means—

(*a*) an appointment made under regulation 10A after the procedures required by paragraphs (1) and (3) of this regulation have been complied with; or

(*b*) a variation in the conditions of service in accordance with regulation 10A(2).".

Probationary service in the rank of constable

5. In paragraphs (2) and (3) of regulation 11 of the principal regulations the words "with the approval of the Secretary of State" are hereby revoked.

Retirement

6. For regulation 13(2) of the principal regulations there shall be substituted the following regulation—

"(2) In the case of a chief constable, deputy chief constable or assistant chief constable, paragraph (1) shall have effect as if—