
STATUTORY INSTRUMENTS

1997 No. 1774 (N.I. 16)

The Police (Health and Safety) (Northern Ireland) Order 1997

- - - - - 22nd July 1997

Title and commencement

- 1.—(1) This Order may be cited as the Police (Health and Safety) (Northern Ireland) Order 1997.
- (2) This Order shall come into operation on such day or days as the Secretary of State may by order appoint^{F1}.

F1 fully exercised by SR 1998/235
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Interpretation

2. The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

Application of Part II of Health and Safety at Work (Northern Ireland) Order 1978 to police

3. After Article 47 of the Health and Safety at Work (Northern Ireland) Order 1978 there shall be inserted the following Article—

“Application of Part to police

47A.—(1) For the purposes of this Part, a person who, otherwise than under a contract of employment, holds the office of constable shall be treated as an employee of the relevant officer.

(2) In this Article “the relevant officer”

- (a) in relation to a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve, means the Chief Constable of the Royal Ulster Constabulary;
- (b) in relation to a person holding office under section 9(1)(b) of the Police Act 1997 (police members of the National Criminal Intelligence Service) means the Director General of the National Criminal Intelligence Service; and
- (c) in relation to any other person holding the office of constable, means the person who has the direction and control of the body of constables in question.

(3) For the purposes of regulations under Article 4(4) the Police Association for Northern Ireland shall be treated as a recognised trade union recognised by the Chief Constable of the Royal Ulster Constabulary.

Changes to legislation: *The Police (Health and Safety) (Northern Ireland) Order 1997 is up to date with all changes known to be in force on or before 04 August 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) Regulations under Article 4(4) may provide, in relation to persons falling within paragraph (2)(b) or (c), that a body specified in the regulations is to be treated as a recognised trade union recognised by such person as may be specified.”.

Meaning of “at work” in relation to constables

4. In Article 2(4) of the Health and Safety at Work (Northern Ireland) Order 1978 (meaning of work and at work) in sub-paragraph (b) the word “and” shall be omitted and after that sub-paragraph there shall be inserted the following sub-paragraph—

“(bb) a person holding the office of constable is at work throughout the time when he is on duty, but not otherwise; and” .

Right of police not to suffer detriment in health and safety cases

5. In Chapter I of Part VI of the Employment Rights (Northern Ireland) Order 1996 (protection from suffering detriment in employment) after Article 72 there shall be inserted the following Article—

“Application to police of Article 68 and related provisions

72A.—(1) For the purposes of Article 68, and of Articles 71 and 72 so far as relating to that Article, the holding, otherwise than under a contract of employment, of the office of constable shall be treated as employment by the relevant officer under a contract of employment.

(2) In this Article “the relevant officer”

- (a) in relation to a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve, means the Chief Constable of the Royal Ulster Constabulary; .
- (b) in relation to a person holding office under section 9(1)(b) of the Police Act 1997 (police members of the National Criminal Intelligence Service) means the Director General of the National Criminal Intelligence Service; and
- (c) in relation to any other person holding the office of constable, means the person who has the direction and control of the body of constables in question.”.

Right of police not to be dismissed on certain grounds relating to health and safety

6. In Chapter III of Part XI of the Employment Rights (Northern Ireland) Order 1996 (right not to be unfairly dismissed) after Article 169 there shall be inserted the following Article—

“Application to police

169A.—(1) For the purposes of Article 132, and of the other provisions of this Part so far as relating to the right not to be unfairly dismissed in a case where the dismissal is unfair by virtue of Article 132, the holding, otherwise than under a contract of employment, of the office of constable shall be treated as employment by the relevant officer under a contract of employment.

(2) In this Article “the relevant officer”

- (a) in relation to a member of the Royal Ulster Constabulary or the Royal Ulster Constabulary Reserve, means the Chief Constable of the Royal Ulster Constabulary;
- (b) in relation to a person holding office under section 9(1)(b) of the Police Act 1997 (police members of the National Criminal Intelligence Service) means the Director General of the National Criminal Intelligence Service; and