
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 3

**Police Service of Northern Ireland
Reserve (Part-Time) Regulations 2004**

**PART II
GOVERNMENT**

Restrictions on private life

6.—(1) No restriction on the private life of members shall be imposed by the Board or the Chief Constable, other than those designed to secure the proper exercise of the functions of a member, except such as may temporarily be necessary or such as may be approved by the Secretary of State after consultation with the Police Advisory Board established under section 45 of the Police (Northern Ireland) Act 1998; and any such restriction temporarily imposed shall be reported forthwith to the Secretary of State.

(2) A member shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his duties or which is likely to give rise to the impression amongst members of the public that it may so interfere; and in particular a member shall not take any active part in politics.

(3) A member shall not wilfully refuse or neglect to discharge any lawful debt.

Prohibited business interests

7.—(1) If a member or a relative included in his family has a prohibited business interest within the meaning of regulation 2A of the Police (Recruitment) (Northern Ireland) Regulations 2001⁽¹⁾, the Chief Constable may give notice in writing to the member that the prohibited business interest is incompatible with that person remaining a member.

(2) The Chief Constable shall not give notice under paragraph (1) before the conclusion of any such procedure as may be established by the Chief Constable for the informal resolution of cases in which it appears to him that a member or a relative included in his family may have a prohibited business interest.

(3) Within 10 days of receiving a notice given under paragraph (1), or within such longer period as the Board may in all the circumstances allow, the member concerned may appeal to the Board against the decision of the Chief Constable as set out in the notice by sending written notice of his appeal to the Board.

(4) On receipt of a notice given under paragraph (3) the Board shall require the Chief Constable to submit to it, within the next following 10 days –

- (a) a notice setting out the reasons for his decision, and
- (b) copies of any documents on which he relies in support of that decision,

(1) [S.R. 2001 No. 140](#). Regulation 2A was inserted by the Police (Recruitment) (Northern Ireland) (Amendment) Regulations 2004 ([S.R. 2004 No. 1](#)). Other amendments have been made by [S.R. 2002 No. 385](#) and [S.R. 2003 No. 372](#)

and the Board 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 Board under paragraph (3) the Board shall give him notice of its determination of the appeal within 28 days of –

- (a) receiving his comments on the notice and any other documents submitted by the Chief Constable under paragraph (4), or
- (b) the expiration of the period afforded for making comments if none have by then been received.

(6) Where a member has been given notice under paragraph (1), and either –

- (a) the member has not appealed against the decision set out in the notice under paragraph (3), or
- (b) on such appeal, the Board has upheld that decision,

then the Chief Constable may dispense with the services of that member.

(7) A member whose services are dispensed with under this regulation shall be entitled to receive a month's notice.

(8) Any reference in this regulation to a relative included in a member's family shall include a reference to his spouse, parent, son, daughter, brother or sister.

Probation

8.—(1) Subject to paragraphs (2) and (3), a member shall be on probation for 2 years from the date of his first appointment as a member.

(2) At the discretion of the Chief Constable, service –

- (a) as a police officer, or
- (b) in a police force in Great Britain,

may count towards the period of probation.

(3) If, in the opinion of the Chief Constable, the period of probation of a member was seriously interrupted by a period of absence from duty, the Chief Constable may, at his discretion, extend the period of probation for such longer period, not exceeding 12 months, as he determines in the circumstances of the particular case.

Discharge of probationer

9.—(1) Subject to the provisions of this regulation, during his period of probation in the Police Service of Northern Ireland Reserve the services of a member may be dispensed with at any time if the Chief Constable considers that he –

- (a) is not fitted, physically or mentally, to perform the duties of his office, or
- (b) 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.

(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 Chief Constable 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 Chief Constable notwithstanding that less than a month's notice is given.

Persistent failure to report for duty

10.—(1) The appropriate officer may dismiss a member whose persistent failure to report for duty is unacceptable.

(2) In this regulation “the appropriate officer” means, in relation to a member –

- (a) the district commander for the police district in which the member serves, or
- (b) where he is absent, such other member of the Police Service of Northern Ireland of at least the rank of inspector as may be designated by the Chief Constable.

(3) For the purposes of paragraph (1) failure to report for duty –

- (a) is to be regarded as persistent if it occurs, with such frequency as may be specified by the Chief Constable, over such period or periods as may be so specified, and
- (b) is not to be regarded as unacceptable if it occurs in such circumstances as may be specified by the Chief Constable.

(4) No period falling within a member’s period of probation shall be taken into account for the purposes of paragraph (1).

(5) Where the appropriate officer dismisses a member under paragraph (1), he shall give the member one month’s written notice.

(6) A member who is dismissed under paragraph (1) may appeal to the Chief Constable against the dismissal by sending written notice of appeal to the Chief Constable within –

- (a) 10 days of receiving notice of the dismissal, or
- (b) such longer period as the Chief Constable may in all the circumstances allow,

and where notice of appeal is so given, the dismissal shall not take effect until notice of the decision on the appeal is given to the member under paragraph (9).

(7) The Chief Constable shall, on receipt of a notice of appeal under paragraph (6), require the appropriate officer to submit to him, within the next following 10 days –

- (a) a notice setting out the grounds for his decision to dismiss the member, and
- (b) copies of any documents on which he relies in support of that decision.

(8) Where the Chief Constable receives a notice or copies of any documents under paragraph (7), he shall send copies of them to the member, and shall afford the member a reasonable opportunity, being in no case less than 14 days, to comment thereon.

(9) Where a member has appealed under paragraph (6) the Chief Constable shall give him notice of his decision on the appeal within 28 days of –

- (a) receiving his comments on the notice and any other documents sent to the member under paragraph (8), or
- (b) the expiration of the period afforded for making comments if none have by then been received.

Medical examinations

11.—(1) Where, following an examination by an approved medical practitioner, the Chief Constable considers that a member is not fit, physically or mentally, to be a reserve constable, the Chief Constable may dismiss the member.

(2) The Chief Constable may dismiss a member who refuses, without reasonable excuse, to undergo a medical examination by an approved medical practitioner.

(3) Any reference in paragraph (1) or (2) to an approved medical practitioner is to a medical practitioner appointed or approved by the Chief Constable.

(4) Paragraphs (1) and (2) shall not apply in relation to any member who has not yet completed his period of probation.

(5) Where the Chief Constable dismisses a member under paragraph (1) or (2), he shall give the member one month's written notice.

Retirement

12.—(1) Retirement shall be compulsory on attaining the age of 65 years.

(2) The Chief Constable may require a member to retire on such date as he may specify on the grounds that he is disabled to such an extent that he is unable to perform the ordinary duties of a member and the disablement is likely to be permanent.

(3) Without prejudice to paragraphs (1) and (2) or the Conduct Regulations, but subject to paragraph (4), 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.

(4) A member who is suspended under the Conduct Regulations may not, without the consent of the Chief Constable, give notice for the purposes of paragraph (3) or retire in pursuance of a notice previously given.

Contents of personal records

13.—(1) The Chief Constable shall cause a personal record of each member to be kept.

(2) The personal record shall contain –

- (a) a personal description of the member;
- (b) particulars of his place and date of birth;
- (c) particulars of his marriage (if any) and of his children (if any);
- (d) a record of his service (if any) in any branch of Her Majesty's naval, military or air forces or in the civil service;
- (e) a record of his service (if any) in any other police force (including service in the Police Service of Northern Ireland or as a police trainee) and of his transfers (if any) from one police force to another;
- (f) a record of his service in the Police Service of Northern Ireland Reserve including particulars of all postings, removals, injuries received, periods of illness, commendations, rewards, punishments other than cautions and the date of his ceasing to be a member with the reason, cause or manner thereof;
- (g) a record of his service (if any) as a police reserve trainee.

(3) Particulars of a punishment shall be expunged from the personal record of a member –

- (a) in the case of a fine or reprimand, after 3 years free from punishment other than a caution,
- (b) in the case of any other punishment, after 5 years free from punishment other than a caution,

but in the case of a period free from punishment other than a caution which expired before 1st July 1989, only if the member so requests.

(4) A member shall, if he so requests, be entitled to inspect his personal record.

Personal record of member leaving the PSNI Reserve

14.—(1) Where a member ceases to be a member he shall, on request, be given a certificate setting out the period of his service as a reserve constable and any period of service as a police reserve trainee.

(2) Where a member ceases to be a member his personal record shall be kept for such time as the Chief Constable may think fit and shall then be destroyed.

Fingerprints

15.—(1) Every member shall, in accordance with the directions of the Chief Constable, have his fingerprints taken.

(2) Fingerprints of members taken in accordance with paragraph (1) shall be kept separate from the fingerprints of persons whose fingerprints have been taken otherwise than in accordance with that paragraph.

(3) The fingerprints of a member taken in accordance with paragraph (1) and all copies and records thereof shall be destroyed on his ceasing to be a member.