

2008 No. 314

POLICE

**Police Trainee (Amendment) Regulations (Northern Ireland)
2008**

<i>Made</i> - - - -	<i>14th July 2008</i>
<i>Laid before Parliament</i>	<i>24th July 2008</i>
<i>Coming into force</i> - -	<i>18th August 2008</i>

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The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 41 and 44 of the Police (Northern Ireland) Act 2000(a).

In accordance with sections 41(6) and 44(2) of that Act, he has consulted the Northern Ireland Policing Board, the Chief Constable, the Equality Commission for Northern Ireland and the Police Association for Northern Ireland:

Introductory

Citation, commencement and interpretation

- 1.—(1) These regulations may be cited as the Police Trainee (Amendment) Regulations (Northern Ireland) 2008.
- (2) These regulations shall come into operation on 18th August 2008.
- (3) In these regulations—

(a) 2000 c.32. Relevant amendments were made to sections 41 and 44 by S.I. 2007/912 (N.I.6).

“the recruitment regulations” means the Police (Recruitment) (Northern Ireland) Regulations 2001(a); and

“the trainee regulations” means the Police Trainee Regulations (Northern Ireland) 2001(b).

Appointment and service as a police trainee

Appointment as a police trainee

2.—(1) In regulation 2 of the trainee regulations, after the provision defining “police force in Great Britain” and “public holiday” insert—

“ “police recruitment agent” means the agent appointed under section 43 of the Police (Northern Ireland) Act 2000;”.

(2) After regulation 2 of the trainee regulations insert—

“PART IA

Appointment as a police trainee

Qualifications for appointment as a police trainee

2A. A person shall not be appointed as a police trainee unless he—

- (a) is a national of a Member State, Norway, Iceland or Liechtenstein, or has leave to enter or remain in the United Kingdom for an indefinite period;
- (b) has attained the age of 18 years; and
- (c) demonstrates by such tests or assessments as may be determined by the Chief Constable or carried out by the police recruitment agent in accordance with arrangements prescribed under section 44(3)(c) of the Police (Northern Ireland) Act 2000 that—
 - (i) he is sufficiently competent in written and spoken English, and
 - (ii) he possesses such other skills as may be necessary to carry out the duties of a member of the Police Service of Northern Ireland.

Fitness for appointment as a police trainee

2B.—(1) This regulation applies for the purposes of determining if a person is physically and mentally fitted for appointment as a police trainee.

(2) A person is not fitted for appointment unless he is certified, by a registered medical practitioner approved by the Chief Constable, to be fitted both physically and mentally to perform the duties of a member of the Police Service of Northern Ireland.

Suitability for appointment as a police trainee

2C.—(1) Subject to paragraphs (2) to (5), the Chief Constable may determine the matters which may be taken into account in deciding the suitability of a person for appointment as a police trainee.

(2) A person is unsuitable for appointment as a police trainee if he has been convicted in Northern Ireland or elsewhere of any offence, and has had passed on him a sentence of imprisonment or detention (whether suspended or not).

(a) S.R. 2001 No. 140, as amended by S.R. 2002 No. 385, S.R. 2003 No. 372, S.R. 2004 No.1, S.R. 2004 No. 379 and S.R. 2006 No. 69.

(b) S. R. 2001 No. 369, as amended by S.R. 2003 No. 436.

(3) The fact that a person—

- (a) has been convicted of any offence,
- (b) has breached a court order, or
- (c) has received a caution as defined by section 126 of the Police Act 1997^(a),

may be taken into account, in accordance with any determination made by the Chief Constable under paragraph (1), in deciding his suitability for appointment as a police trainee.

(4) A person is unsuitable for appointment as a police trainee unless he gives—

- (a) such satisfactory references as to his character, and
- (b) such other information as to his suitability for appointment,

as may be required in accordance with arrangements prescribed under section 44(3)(b) of the Police (Northern Ireland) Act 2000.

(5) Save in so far as the Chief Constable may allow at the request of the person concerned, a person is unsuitable for appointment as a police trainee if—

- (a) he has a business interest within the meaning of regulation 7 of the Police Service of Northern Ireland Regulations 2005, or
- (b) a relative has a business interest which would interfere, or could be seen as interfering with, the impartial discharge of that person's duties as a constable on completion of his service as a police trainee,

and for the purposes of this paragraph, "relative" shall have the same meaning in relation to a person applying for appointment as a police trainee as it has under regulation 10(8) in relation to a police trainee."

(3) In regulation 8 of the trainee regulations (delegation of functions by Chief Constable) at the end insert—

"but nothing in this regulation shall limit the power of the Chief Constable to delegate any function conferred on him under Part IA".

Business interests

3.—(1) Regulation 10 of the trainee regulations (business interests incompatible with service as police trainee) shall be amended as follows.

(2) In paragraph (1) omit the words "or a relative included in his family".

(3) After paragraph (1) insert—

"(1A) If a police trainee is or becomes aware that a relative proposes to have, or has, a business interest within the meaning of that regulation, which in the opinion of that police trainee would interfere, or could be seen as interfering with, the impartial discharge of his duties as a constable on completion of his service as a police trainee, then that police trainee shall forthwith give notice of that interest to the Chief Constable, unless that business interest was disclosed at the time of his appointment as a police trainee.

(1B) In a case where it appears to the Board that—

- (a) the police trainee has adduced substantive reasons why he or a relative should be permitted to have the business interest in question and those reasons have not been considered by the Chief Constable, or
- (b) in reaching his determination under paragraph (2) the Chief Constable failed to apply fair procedures, then the Board may refer the matter back to the Chief Constable for redetermination under paragraph (2)."

(4) In paragraph (2)—

(a) 1997 c. 50.

- (a) after “notice given under paragraph (1)” insert “or (1A) or a referral given under paragraph (1B)”;
 - (b) after “receipt of the notice” insert “or referral”.
- (5) For paragraph (5) (result of appeal under paragraph (3)) substitute—
- “(5) Where a police trainee 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.
- (5A) Where, on an appeal by a police trainee under paragraph (3)—
- (a) the Board gives notice to the police trainee of its determination to uphold the decision of the Chief Constable, and
 - (b) within 10 days of being so notified, or within such longer period as the Board may in all the circumstances allow, the police trainee makes written request to the Board 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 Board 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) In paragraph (6)—
- (a) omit “included in his family,”; and
 - (b) for “paragraph (5)” substitute “paragraph (5A)”.
- (7) In paragraph (7)—
- (a) omit “included in his family”;
 - (b) after “paragraph (1)” insert “or (1A)”.
- (8) For paragraph (8) (meaning of “relative included in the family”) substitute—
- “(8) For the purposes of this regulation, “relative”, in relation to a police trainee, means—
- (a) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that police trainee or that police trainee’s spouse or former spouse, or
 - (b) the brother, sister, uncle, aunt, niece or nephew (whether of the full blood or the half blood or by affinity) of that police trainee or that police trainee’s spouse or former spouse,
- and includes, in relation to a police trainee who is living or has lived with another person as husband and wife, any person who would fall within sub-paragraph (a) or (b) if the parties were married to each other.”

Maternity leave and pay

- 4.—(1) In regulation 14 of the trainee regulations (maternity leave)—
- (a) in paragraph (1) (interpretation of provisions about maternity leave) omit the definition of “expected date of birth”;
 - (b) for paragraphs (3) and (4) (certificate from medical practitioner) substitute—
- “(3) The Chief Constable may request a female police trainee to produce a certificate from a registered medical practitioner, registered midwife or registered health visitor setting out the matters referred to in paragraph (2)(a) and (b).
- (3A) A female police trainee does not qualify for maternity leave if she fails to produce a certificate in response to a request by the Chief Constable under paragraph (3).

(3B) Where the probable date of birth of the child of a female police trainee as stated in a notice given under paragraph (2) differs from the date set out in a certificate produced in response to a request by the Chief Constable under paragraph (3), the date in the certificate shall have effect in place of the date given in the notice.”;

- (c) in paragraph (7) (when maternity leave ends) for “of the maternity leave” substitute “of the maternity period”; and
- (d) in paragraph (9) (notices about return to training after maternity leave) for “duty” substitute “training”.

(2) In regulation 20 of the trainee regulations (interpretation of provisions about maternity pay)—

- (a) in paragraph (2)(a) omit the words “(as defined in regulation 14(1))”;
- (b) in paragraph (2)(b) omit the words “(as so defined)”;
- (c) in paragraph (3) before the definition of “relevant service” insert—
““expected date of birth” means, subject to paragraph (3B) of regulation 14, the date given in accordance with paragraph (2) of that regulation;”.

Allowance in respect of medical charges

5. In regulation 25(1)(b)(ii) of the trainee regulations (injuries for which medical charges may be reimbursed)—

- (a) for “paragraph (i)” substitute “sub-paragraph (i)”;
- (b) for “paragraph (ii)” substitute “it”.

Recruitment arrangements

Consequential amendments of the Police (Recruitment) (Northern Ireland) Regulations 2001

6.—(1) The recruitment regulations shall be amended as follows.

(2) In regulation 2(2) (meaning of “qualified candidate”)—

- (a) in the words appearing before sub-paragraph (a), omit “police trainee or”;
- (b) omit sub-paragraph (b)(i);
- (c) in sub-paragraph (c), omit the words “as the case may be” and sub-paragraph (i);
- (d) in sub-paragraph (f), omit the words “as the case may be” and sub-paragraph (i); and
- (e) in sub-paragraph (g), omit the words “police trainee or”.

(3) In regulation 3 (formation of a pool of qualified candidates)—

- (a) in paragraph (1) for “regulation 2(2)” substitute “regulation 2A of the Police Trainee Regulations (Northern Ireland) 2001”; and
- (b) in paragraphs (1) and (2) omit the word “qualified”.

(4) In regulation 7 (information to be provided by applicants)—

- (a) in paragraph (1)—
 - (i) for “paragraph (2)” substitute “paragraphs (2) and (3)”;
 - (ii) after “regulation 2(2)” insert “or (as the case may be) regulations 2A and 2B of the Police Trainee Regulations (Northern Ireland) 2001”;
- (b) after paragraph (2) insert—

“(3) On any occasion where the Chief Constable proceeds to appoint police trainees in accordance with section 46 of the Act, no candidate shall be required to provide information relating to his physical and mental fitness for appointment as a police trainee unless he has been provisionally appointed under subsection (1A) of that section.”

(5) In regulation 8 (tests to be undertaken by applicants)—

- (a) in paragraph (1) omit the words “a police trainee or”; and
- (b) after paragraph (2) insert—
 - “(3) Subject to regulation 11, the agent shall—
 - (a) carry out tests and assessments to determine whether a candidate for appointment as a police trainee meets the requirements of regulation 2A of the Police Trainee Regulations (Northern Ireland) 2001, and
 - (b) make arrangements for tests and assessments to be carried out for the purposes of regulation 2B of those regulations.”
- (6) In regulation 11(1)(bb) omit the words “police trainees or”.
- (7) In regulation 12 (vetting panel)—
 - (a) in paragraph (1)(b) omit the words “police trainee or”;
 - (b) after paragraph (3) insert—
 - “(3A) The matters which the panel established under paragraph (1) may take into account in deciding on the suitability of a candidate for appointment as a police trainee shall be determined under regulation 2C of the Police Trainee Regulations (Northern Ireland) 2001.”; and
 - (c) in paragraph (4) after “candidate” insert “for appointment as a police reserve trainee”.

Northern Ireland Office
14th July 2008

Shaun Woodward
One of Her Majesty’s Principal Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Order)

These regulations amend the Police Trainee Regulations (Northern Ireland) 2001 and the Police (Recruitment) (Northern Ireland) Regulations 2001.

Regulation 2 inserts into the Police Trainee Regulations (Northern Ireland) 2001 new provisions about the appointment of police trainees. Qualifications are set out in new regulation 2A. Physical and mental fitness for appointment is defined in new regulation 2B. Suitability for appointment is covered by new regulation 2C. These new provisions reflect the changes to the appointment process made by Article 8 of the Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007, which provides for qualifications to be considered before physical and mental fitness and suitability.

In the light of these new provisions, regulation 6 amends the Police (Recruitment) (Northern Ireland) Regulations 2001, removing the previous set of provisions about qualifications for appointment, and making other consequential amendments.

Regulations 3 to 5 amend the existing regulations for police trainees on the subjects of business interests, maternity leave and pay, and allowances in respect of medical charges. These changes are made in response to the 11th Report of the Joint Committee of Statutory Instruments for the Session 2001-2002.

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