

EXPLANATORY MEMORANDUM TO

POLICE SERVICE OF NORTHERN IRELAND (AMENDMENT) REGULATIONS 2012

2012 No. 178

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- 1.1 This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under powers conferred by section 25 of the Police (Northern Ireland) Act 1998, and is subject to negative resolution procedure.

2. Purpose

- 2.1. This Statutory Rule removes the last Monday in May as a public holiday in 2012 and provides additional public holidays for police officers on 4 and 5 June 2012 by amending the definition of "public holiday" in the Police Service of Northern Ireland Regulations 2005 ("the PSNI Regulations").

3. Background

- 3.1 On 9 June 2011, the London Gazette published notification of Her Majesty The Queen's proclamation appointing Tuesday 5 June 2012 as an additional bank holiday in England, Wales and Northern Ireland, and 4 June 2012 as a bank holiday in place of 28 May to mark the Queen's Diamond Jubilee. Such a proclamation is allowed by section 1(3) of the Banking and Financial Dealings Act 1971.
- 3.2 To apply this bank holiday in the PSNI it is necessary to amend the definition of "public holiday" in the PSNI Regulations which govern the terms and conditions of police officers to include specific reference to the revised days. A similar approach was taken in 1999 when regulations were amended to allow for an extra day of leave on 31 December 1999, "to mark the Millennium". In 1995, 2002 and 2011 regulations were also amended to move public holidays to mark key occasions (respectively to mark V.E. Day, the 50th anniversary of Her Majesty The Queen's accession to the throne, and the wedding of Prince William and Kate Middleton)
- 3.3 The PSNI Regulations specifically define "public holiday" for PSNI officers as New Year's Day, St Patrick's Day, first and last Monday in May, 12 July, last Monday in August, Christmas Day and 26 December. Some of these days are also bank holidays and are the only days which can be treated as such.
- 3.4 The amendment will be a statutory rule by negative resolution.

4. Consultation

- 4.1 The Department of Justice has taken into account the recommendations made by the Police Negotiating Board for the United Kingdom and supplied that Board with a draft of the Regulations as required by section 62(1ZA) of the Police Act 1996. The Department of Justice has consulted with the Northern Ireland Policing Board and the Chief Constable of the Police Service of Northern Ireland and with the Police Association.
- 4.2 A copy of the draft regulations was sent to the Northern Ireland Human Rights Commission.
- 4.3 There was no public consultation process and no media coverage.

5. Equality Impact

- 5.1 Consideration has been given to compliance with Section 75 of the Northern Ireland Act 1998 and no equality issues have been identified by the Department.

6. Regulatory Impact

- 6.1 The Department does not consider that there is a need for a regulatory impact assessment for these Regulations as it has no impact on business, charities or voluntary bodies.

7 Financial Implications

- 7.1 The impact on the public sector is limited to salary-related costs associated with bank holiday payments for police officers. The potential additional costs have been noted by the Chief Constable and rostering will take this additional holiday into account.

8. Section 24 of the Northern Ireland Act 1998

- 8.1 The proposed legislation is considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1 There are no EU implications.

10 Parity or Replicatory Measure

- 10.1 Similar amendments to legislation for police officers serving in Scotland, England and Wales are not required due to the different construction of their equivalent regulations.
- 10.2 This amendment is required to maintain parity with holiday provisions in the public sector in Northern Ireland.

11. Additional Information

- 11.1 Not applicable.