
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 473

Royal Ulster Constabulary Regulations 1996

Part II

Government

Authorised establishment

3. The establishment of the force shall be constituted by the maximum number of persons in each rank mentioned in regulation 4 which is determined for this purpose in accordance with section 6 of the Act.

Ranks

4. The force shall consist of members of the following ranks—

Chief Constable
Deputy Chief Constable
Assistant Chief Constable
Superintendent
Chief Inspector
Inspector
Sergeant
Constable.

Part-time appointments

5.—(1) The chief constable may, after consultation with the Police Association, appoint persons to perform part-time service in any rank.

(2) A person serving as a full-time member may not be appointed to perform part-time service without his consent.

(3) A person may be appointed under this regulation in the rank of constable only if he has, as a full-time member, completed the period of probation in that rank that was required by regulation 12.

(4) Any appointment under this regulation in any rank above that of sergeant may only be made on terms that provide for the holder to share with one other person appointed under this regulation in the rank in question the performance of duties that would otherwise fall to be performed by a single person appointed in that rank as a full-time member; if either of the persons sharing the duties ceases to hold his appointment and is not replaced, the other continues to hold the rank in which he was appointed under this regulation but is to be treated as having become a full-time member.

(5) In this regulation “full-time member” means a member appointed otherwise than under this regulation.

(6) In relation to persons appointed under this regulation to perform part-time service these regulations have effect with the modifications set out in Schedule 1.

Restrictions on the private life of members

6. The restrictions on private life contained in Schedule 2 shall apply to all members and no restrictions, other than those designed to secure the proper exercise of the functions of a constable, shall be imposed by the Police Authority or the chief constable on the private life of members except such as may temporarily be necessary or such as may be approved by the Secretary of State after consultation with the Advisory Board and any such restriction temporarily imposed shall be reported forthwith to the Secretary of State.

Business interests incompatible with membership of the force

7.—(1) If a member or a relative included in his family proposes to have, or has, a business interest within the meaning of this regulation, the member shall forthwith give written notice of that interest to the chief constable unless that business interest was disclosed at the time of his appointment as a member.

(2) On receipt of a notice given under paragraph (1), the chief constable shall determine whether or not the interest in question is compatible with the member concerned remaining a member and, within 28 days of the receipt of that notice, shall notify the member in writing of his decision.

(3) Within 10 days of being notified of the chief constable's decision as aforesaid, or within such longer period as the Police Authority may in all the circumstances allow, the member concerned may appeal to the Police Authority against that decision by sending written notice of his appeal to the Police Authority.

(4) On receipt of a notice given under paragraph (3) the Police Authority shall require the chief constable to submit to it, within the next following 10 days, a notice setting out the reasons for his decision and copies of any documents on which he relies in support of that decision; and the Police Authority 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 Police Authority under paragraph (3) the Police Authority shall, within 28 days of receiving his comments on the notice and any other documents submitted by the chief constable under paragraph (4) or of the expiration of the period afforded for making comments if none have by then been received, give him written notice of its determination of the appeal but, where it has upheld the decision of the chief constable and, within 10 days of being so notified or within such longer period as the Police Authority may in all the circumstances allow, the member makes written request to the Police Authority 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 Police Authority 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) Where a member, or a relative included in his family, has a business interest within the meaning of this regulation which the chief constable has determined, under paragraph (2), to be incompatible with his remaining a member and either the member has not appealed against that decision under paragraph (3) or, subject to paragraph (5), on such appeal, the Police Authority has upheld that decision, then the chief constable may, subject to the approval of the Police Authority, dispense with the services of that member; and before giving such approval the Police Authority shall give the member concerned an opportunity to make representations and shall consider any representations so made.

(7) For the purposes of this regulation, a member or, as the case may be, a relative included in his family, shall have a business interest if—

- (a) the member holds any office or employment for hire or gain (otherwise than as a member of the force) or carries on any business; or
- (b) a shop is kept or a like business carried on by the member's spouse (not being separated from him) at any premises in Northern Ireland or by any relative included in his family at the premises at which he resides; or
- (c) the member, his spouse (not being separated from him) or any relative included in his family living with him holds, or possesses a pecuniary interest in, any such licence or permit as is mentioned in paragraph (8);

and a reference to a relative included in a member's family shall include a reference to his spouse, parent, son, daughter, brother or sister.

(8) The licence or permit referred to in paragraph (7)(c) is a licence or permit granted in pursuance of the law relating to liquor licensing, refreshment houses or betting and gaming or regulating places of entertainment in Northern Ireland.

(9) If a member or a relative included in his family has a business interest within the meaning of this regulation and, on that interest being notified or disclosed as mentioned in paragraph (1), the chief constable has, by written notice, required the member to furnish particulars of such changes in that interest, as respects its nature, extent or otherwise, as may be mentioned in the notice then, in the event of any such change in that interest being proposed or occurring, this regulation shall have effect as though the changed interest were a newly proposed, or newly acquired, interest which has not been notified or disclosed as aforesaid.

(10) In its application to a chief constable, deputy chief constable or assistant chief constable, this regulation shall have effect as if—

- (a) for any reference therein to the chief constable there were substituted a reference to the Police Authority;
- (b) for any reference in paragraph (3), (5) or (6) to an appeal there were substituted a reference to a request for reconsideration; and
- (c) the references in paragraph (6) to the approval of the Police Authority were omitted;

but the Police Authority shall not dispense with the services of a chief constable, deputy chief constable or assistant chief constable under this regulation without giving him an opportunity of making representations and shall consider any representations so made.

Business interests precluding appointment to the force

8.—(1) Save in so far as the chief constable may allow at the request of the candidate concerned, a person shall not be eligible for appointment to the force if he or a relative included in his family has a business interest within the meaning of regulation 7, and paragraphs (7) and (8) thereof shall apply for the purposes of the interpretation of this regulation as they apply for the purposes of that regulation.

(2) In its application to a candidate for appointment as chief constable, deputy chief constable or assistant chief constable, paragraph (1) shall have effect as if for any reference to the chief constable there were substituted a reference to the Police Authority.

Qualifications for appointment to the force

9.—(1) A candidate for appointment to the force shall—

- (a) produce satisfactory references as to character and, if he has served in any police force, in the armed forces, in the civil service or as a seaman, produce satisfactory proof of his good conduct while so serving;
- (b) have attained the age of 18 years;

- (c) be certified by a registered medical practitioner approved by the Police Authority to be in good health, of sound constitution and fitted both physically and mentally to perform the duties on which he will be employed after appointment;
 - (d) if a candidate for appointment in the rank of constable, satisfy the chief constable that he is sufficiently educated by passing a written or oral examination in reading, writing and simple arithmetic, or an examination of a higher standard, as may be prescribed by the chief constable;
 - (e) if a candidate for appointment in the rank of sergeant or inspector, be qualified for promotion to such rank in accordance with the provisions of the Promotion Regulations;
 - (f) give such information as may be required as to his previous history or employment or any other matter relating to his appointment to the force;
 - (g) be given a notice in terms approved by the Secretary of State drawing attention to the conditions of service contained therein.
- (2) For the purposes of this regulation—
- (a) the expression “armed forces” means the naval, military or air forces of the Crown including any women’s service administered by the Defence Council; and
 - (b) the expression “seaman” has the same meaning as in the Merchant Shipping Act 1894⁽¹⁾.

Fixed term appointments for certain ranks

10.—(1) This regulation applies to every appointment 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 held one of the ranks specified in paragraph (1) 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 an 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,

(1) 1894 c. 60

whichever of the periods in heads (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 Pensions Regulations, 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 14(1) and (2) (retirement) and the provisions referred to in regulation 14(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 Pensions Regulations, that age; or
- (b) in the case of a person who, on obtaining 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 (11), an election under regulation G4 of the Pensions Regulations (election not to pay pension contributions) shall be disregarded.

Requirement to advertise vacancies in certain ranks

11.—(1) Subject to paragraph (4), where a vacancy exists in one of the ranks specified in regulation 10(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) shall—

- (a) invite applications to fill the vacancy;
- (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 10(1) until after the 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 10(7) or (8), 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 10;
 - (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 (5) or, as the case may be, (6) of regulation 10; 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 to which he could have been appointed at the time of the relevant appointment under paragraph (5) or, as the case may be, (6) of regulation 10.
- (6) In paragraph (5) “relevant appointment” means—
 - (a) an appointment made under regulation 10 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 10(2).

Probationary service in the rank of constable

12.—(1) This regulation shall apply to a member appointed in the rank of constable other than such a member who transferred to the force from a police force in Great Britain, having completed the required period of probation therein.

(2) A member to whom this regulation applies shall, unless paragraph (3) applies to his case, be on probation for the first 2 years of his service as a constable following his last appointment thereto or for such longer period as the chief constable determines in the circumstances of a particular case.

(3) A member to whom this regulation applies who has served on probation for a period of not less than a year following a previous appointment to the force or a police force in Great Britain shall be on probation for the first year of his service as a constable following his last appointment thereto or for such longer period as the chief constable determines in the circumstances of a particular case:

Provided that the chief constable may at his discretion—

- (a) reduce the period of probation, so however that the reduced period, when aggregated with the previous period of probation, shall not be less than 2 years; or
 - (b) dispense with the period of probation, if the member, following his previous appointment, completed the required period of probation in the force in question.
- (4) For the purposes of this regulation—
- (a) in reckoning service, any period of unpaid leave shall be disregarded;
 - (b) in the case of a university scholar, in reckoning service his period of study shall be disregarded;
 - (c) in the case of a member who has been transferred to the force from an aerodrome constabulary by an order under section 30 of the Aviation Security Act 1982, his service in that constabulary shall, for the purposes of this regulation, be treated as if it were service in the force;

- (d) in reckoning service in the case of a female member who has taken one or more periods of maternity leave—
 - (i) where that leave has been for fourteen weeks or more, the first fourteen weeks whilst on maternity leave shall be treated as if it were service in the force;
 - (ii) where that leave has been for less than fourteen weeks, any period spent on maternity leave shall be treated as if it were service in the force.

Discharge of probationer

13.—(1) Subject to the provisions of this regulation, during his period of probation in the force the services of a constable may be dispensed with at any time if the chief constable considers that he is not fitted, physically or mentally, to perform the duties of his office, or that he is not likely to become an efficient or well-conducted constable.

(2) A constable whose services are dispensed with under this regulation shall be entitled to receive a month's notice or a month's pay in lieu thereof.

(3) A constable'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 Police Authority 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 Police Authority notwithstanding that less than a month's notice is given.

(4) Where a constable has received a notice under this regulation that his services are to be dispensed with and he gives written notice of his intention to retire and retires under paragraph (3), he shall nevertheless be entitled to receive pay up to and until the date on which the month's notice he has received would have expired or where he has received or is due to receive a month's pay in lieu of notice he shall remain entitled to that pay notwithstanding the notice he has given under paragraph (3).

Retirement

14.—(1) Without prejudice to the provisions mentioned in paragraph (3) and subject to paragraph (2), a member may retire only if he has given to the Police Authority a month's written notice of his intention to retire or such shorter notice as may have been accepted by that Authority:

Provided that, while suspended under the Discipline Regulations, a member may not, without the consent of the chief constable, give notice for the purposes of this regulation or retire in pursuance of a notice previously given.

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

- (a) for "a month's" there shall be substituted "three months'"; and
- (b) for "chief constable" there were substituted "Police Authority".

(3) The provisions referred to in paragraph (1) are—

- (a) the provisions of section 7 of the Act relating to retirement in the interests of efficiency;
- (b) the provisions of the Pensions Regulations relating to compulsory retirement; and
- (c) the provisions of the Discipline Regulations relating to resignation as an alternative to dismissal.

Contents of personal records

15.—(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 Royal Ulster Constabulary Reserve) and of his transfers (if any) from one police force to another;
- (f) a record of whether he passed or failed to pass any qualifying examination at which he was a candidate;
- (g) a record of his service in the force including particulars of all promotions, 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.

Provided that—

- (i) a punishment of a fine or of a reprimand shall be expunged after 3 years free from punishment, other than a caution;
- (ii) any other punishment shall be expunged 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.

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

Transfer of personal records

16. Where a member transfers to another police force his personal record shall be transferred to the chief officer of police of that other police force.

Personal record of member leaving the force

17.—(1) Where a member ceases to be a member he shall, unless he transfers to another police force, be given a certificate showing his rank and setting out the period of his service in the force and in any other police force.

(2) The chief constable may append to the certificate any recommendation which he feels justified in giving, such as that—

- his conduct was exemplary;
- his conduct was very good;
- his conduct was good.

(3) Where a member ceases to be a member otherwise than by transferring to another police force, his personal record shall be kept for such time as the chief constable may think fit and shall then be destroyed.

Fingerprints

18.—(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, except that, where by reason of a transfer he becomes a member of another police force, his fingerprints and all copies and records thereof shall be transferred to the chief officer of police of that other police force.