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STATUTORY RULES OF NORTHERN IRELAND

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**2001 No. 140**

**POLICE**

**Police (Recruitment) (Northern Ireland) Regulations 2001**

*Made* - - - - - *3rd April 2001*

*To be laid before Parliament*

*Coming into operation* *5th April 2001*

The Secretary of State, in pursuance of sections 25 and 26 of the Police (Northern Ireland) Act 1998<sup>(1)</sup>, and sections 43 and 44 of the Police Act (Northern Ireland) 2000<sup>(2)</sup>, and after consulting the Chief Constable, the Policing Board<sup>(3)</sup>, the Police Association and the Equality Commission for Northern Ireland hereby makes the following regulations:—

**Part I**

**General**

**Citation and commencement**

1.—(1) These regulations may be cited as the Police (Recruitment) (Northern Ireland) Regulations 2001.

(2) These regulations shall come into operation on 5th April 2001.

**Meanings assigned to certain expressions etc**

2.—(1) The following expressions have the meaning hereby assigned to them:—

“the Act” means the Police (Northern Ireland) Act 2000;

“the agent” means the police recruitment agent appointed under regulation 4;

“British subject” and “Commonwealth citizen” have the meanings assigned to them by section 51 of the British Nationality Act 1981<sup>(4)</sup>;

“the Independent Assessor” means a person appointed under regulation 13(1);

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(1) 1998 c. 32

(2) 2000 c. 32

(3) By virtue of section 78 and paragraph 8 of Schedule 7 the reference to the Policing Board shall be construed as a reference to the Police Authority for Northern Ireland until the commencement of section 2 of the Police Act (Northern Ireland) 2000

(4) 1981 c. 61

“independent community observers” means persons appointed under regulation 10(1);

“independent panel member” means a person nominated under regulation 12(2);

“lay assessors” means persons engaged in carrying out duties under regulation 9;

“the police” has the same meaning as in section 77 of the Act;

“Police Authority” means the Police Authority for Northern Ireland;

“police reserve trainees” means persons appointed under section 40 of the Act;

“police support staff” has the same meaning as in section 4(6) of the Act;

“police trainees” means persons appointed under section 39 of the Act;

“Policing Board” means the Northern Ireland Policing Board;

“Promotion Regulations” means the regulations relating to qualifications and selection for promotion for the time being in force;

“the Report of the Independent Commission” means the report of the Independent Commission on Policing for Northern Ireland (“A New Beginning: Policing in Northern Ireland” published on 9th September 1999);

“Road Traffic Orders” has the meaning assigned by Article 2 (2) of the Road Traffic Offenders (Northern Ireland) Order 1996(5);

“staff of the Police Authority” means a person appointed under subsection (1), persons employed under subsection (3), or persons engaged in pursuance of arrangements under subsection (4) of section 3 of the Police (Northern Ireland) Act 1998;

“staff of the Policing Board” means persons employed or engaged in pursuance of arrangements under paragraph 13 of Schedule 1 to the Act.

- (2) A qualified candidate means an applicant for appointment to the police:—
- (a) who is a British subject, a Commonwealth citizen or a citizen of the Republic of Ireland;
  - (b) who has attained the age of 18 years and is not over 52 years if a candidate for appointment as a police trainee;
  - (c) who has been certified by a registered medical practitioner approved by the Chief Constable to be in good health, of sound constitution and fitted both physically and mentally to perform the duties of a police officer;
  - (d) who gives such information as may be required by the Chief Constable or in accordance with regulation 7 as to the candidate’s suitability for appointment to the police including satisfactory references as to his character;
  - (e) who is not ineligible for appointment by virtue of regulation 8(1) of the Royal Ulster Constabulary Regulations 1996(6) or Schedule 1 (criminal convictions etc);
  - (f) who demonstrates by such tests or assessments as may be determined by the Chief Constable or carried out in accordance with regulation 8 that he possesses the skill and competencies required to carry out the duties of a police officer;
  - (g) whom the panel established under regulation 12 decides is suitable for appointment as a police trainee or police reserve trainee; and
  - (h) who, if a candidate for appointment to the rank of sergeant or inspector, is qualified for promotion to such rank in accordance with the Promotion Regulations.

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(5) S.I.1996/1320 (N.I. 10)

(6) S.R. 1996 No. 473

### **Pool of qualified candidates**

3.—(1) All candidates for appointment as police trainees who satisfy the requirements of regulation 2(2) shall be placed in a pool of qualified candidates.

(2) The Chief Constable shall appoint police trainees from a pool of qualified candidates referred to in paragraph (1) for the purposes of section 39 of the Act in accordance with section 46 of the Act.

## **Part II**

### **Recruitment**

#### **Appointment of Police Recruitment Agent**

4.—(1) The Chief Constable shall appoint a person to exercise the functions prescribed by these regulations in connection with the selection of qualified candidates for appointment:—

- (a) as police trainees
- (b) as police reserve trainees;

(2) Police reserve trainees shall be appointed to serve as part-time members of the Police Service of Northern Ireland Reserve.

#### **Police Recruitment Agent**

5.—(1) The person appointed under regulation 4(1) shall be known as the police recruitment agent (“the agent”).

(2) The Chief Constable shall require the agent to carry out the functions prescribed by regulations 3(1), 6, 7, 8, 9 and 10(5).

(3) The Chief Constable may appoint more than one agent.

(4) The agent shall be appointed by the Chief Constable on such terms and conditions including conditions as to payment as he shall determine with the approval of the Policing Board.

#### **Advertising of vacancies**

6.—(1) Notice of vacancies for trainee members of the Police Service of Northern Ireland and trainee part time members of the Police Service of Northern Ireland Reserve shall be published.

(2) In publishing notice of vacancies in accordance with paragraph (1) the agent shall have regard to the recommendations contained in paragraph 15.8 of the Report of the Independent Commission.

#### **Information to be provided by applicants**

7.—(1) Subject to regulation 11 and paragraph (2), the agent shall request candidates for appointment as a police trainee or a police reserve trainee to provide such information as may be appropriate to establish whether the candidate meets the requirements of regulation 2(2).

(2) Candidates shall not be asked to send information about criminal convictions other than to the Chief Constable.

#### **Tests to be undertaken by applicants**

8.—(1) Subject to regulation 11, the agent shall carry out tests and assessments to determine whether a candidate for appointment as a police trainee or a police reserve trainee is qualified for the purposes of regulation 2(2).

(2) Paragraph (1) includes a requirement to make arrangements for tests and assessments to be carried out for the purposes of regulation 2(2)(c).

### **Lay assessors**

9.—(1) The agent shall establish a pool of lay assessors.

(2) The agent shall ensure that lay assessors are involved in assessing candidates for appointment as police trainees and police reserve trainees.

(3) No person who is a serving member of the police, the Police Authority, the staff of the Police Authority, the Policing Board, the staff of the Policing Board, or the police support staff shall be appointed as a lay assessor.

(4) A person is disqualified from being a lay assessor if he has at any time been convicted in Northern Ireland or elsewhere of any offence and has had passed on him a sentence of imprisonment (whether suspended or not).

### **Independent community observers**

10.—(1) The Policing Board shall appoint a pool of independent community observers who shall report to the Board on such aspects of the recruitment process for police trainees and police reserve trainees as may be agreed by the Board and the Chief Constable.

(2) Independent community observers shall not be involved in any aspect of the recruitment process under Part III of these regulations.

(3) The reports of independent community observers shall deal with:—

- (a) the adequacy of facilities and arrangements; and
- (b) whether, so far as practical, the same procedures are being applied to all candidates.

(4) The reports of independent community observers shall be made in such form and on such occasions as the Policing Board may determine.

(5) The agent shall make such arrangements as are necessary to enable the independent community observers to carry out their duties.

(6) The Policing Board shall exercise the duty to appoint the pool of independent community observers under this regulation, so as to ensure, as far as practicable, that it is representative of the community in Northern Ireland.

(7) No person who is a serving or former member of the police, the Police Authority, the staff of the Police Authority, the Policing Board, the staff of the Policing Board, or the police support staff shall be appointed as an independent community observer.

(8) A person is disqualified from being an independent community observer if he has at any time been convicted in Northern Ireland or elsewhere of any offence and has had passed on him a sentence of imprisonment (whether suspended or not).

(9) Independent community observers shall be appointed on such terms and conditions including provision as to expenses and allowances as the Policing Board may determine.

### **Restrictions on Contracting Out**

11.—(1) The Chief Constable shall not require the agent to carry out :—

- (a) tests in relation to firearms;
- (b) assessments of the suitability of candidates under Part III of these regulations;

(c) the monitoring of candidates in accordance with the Fair Employment (Monitoring) Regulations (Northern Ireland) 1999(7).

(2) Without prejudice to paragraph (1) the Chief Constable may require the agent to carry out ancillary functions in relation to the matters specified in that paragraph.

## Part III

### Vetting

#### Vetting Panel

**12.**—(1) The Chief Constable shall establish a panel of persons whose function shall be to decide, on his behalf and subject to his direction and control, on the suitability of any candidate for appointment as a police trainee or a police reserve trainee.

(2) The panel established under paragraph (1) shall include a person nominated by the Policing Board (“the independent panel member”).

(3) Schedule 2 shall have effect in relation to the person nominated to the panel under paragraph (2).

(4) The matters which the panel established under paragraph (1) may take into account in deciding on the suitability of a candidate may include the fact that the candidate has been convicted of any offence, has breached a court order or has received a caution as defined by section 126 of the Police Act 1997(8).

(5) If the panel is of the opinion that a candidate is not suitable for appointment he shall be notified to that effect and that he may seek, in writing, to have that decision reviewed by the Independent Assessor appointed under regulation 13.

(6) A request for a review of a decision under paragraph (5) shall be sent to the Independent Assessor as soon as reasonably practical.

#### Independent Assessor

**13.**—(1) The Secretary of State shall appoint a person (“the Independent Assessor”) to review decisions of the panel established under regulation 12 in response to requests under regulation 12(5).

(2) Before making an appointment under paragraph (1) the Secretary of State shall consult the Policing Board.

(3) The Independent Assessor shall have access to all material which is before the panel in regard to any candidate who has requested a review.

(4) The Independent Assessor may request such additional information from the Chief Constable as is necessary to carry out his functions.

(5) The Independent Assessor shall make a report to the Chief Constable stating whether he agrees or disagrees with the decision of the panel, and may make such recommendations as he considers appropriate.

(6) Before making a report under paragraph (5) the Independent Assessor may require the panel to reconsider its decision about the suitability of a candidate and to resubmit its decision for review by the Independent Assessor.

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(7) S.R. 1999 No. 148

(8) 1997 c. 50

(7) On receipt of a report of the Independent Assessor the Chief Constable may take such action as he considers necessary, including consulting the Independent Assessor, and shall advise him of the action he intends to take.

(8) The Chief Constable shall make arrangements for the candidate to be informed whether he is suitable for appointment following the review of the Independent Assessor, and shall advise the candidate whether the Independent Assessor agrees or disagrees with the Chief Constable's decision.

(9) References to the Chief Constable in this regulation include a reference to a senior officer within the meaning of section 77 of the Act or a senior employee of the police support staff within the meaning of section 4(7) of the Act nominated by the Chief Constable for the purposes of this regulation.

(10) Schedule 3 shall have effect in relation to the Independent Assessor.

### **Reports**

**14.**—(1) The Independent Assessor shall, not later than 3 months after the end of each financial year, make to the Secretary of State a report on the discharge of his functions under these regulations during that year.

(2) The Independent Assessor shall send a copy of the report made under paragraph (1) to the Policing Board.

(3) A report under paragraph (1) shall not identify individual candidates.

### **Disclosure of information**

**15.** No information received under Part III of these regulations by the independent panel member or the Independent Assessor shall be disclosed to any person except:—

- (a) to the Chief Constable;
- (b) to a police officer or a member of the police support staff carrying out on behalf of the Chief Constable his functions under these regulations;
- (c) by the independent panel member, to the Independent Assessor for the purpose of his functions under Part III of these regulations;
- (d) by the Independent Assessor to the independent panel member for the purpose of his functions under Part III of these regulations;
- (e) by the Independent Assessor for the purposes of regulation 14.

## **Part IV**

### **Revocations**

#### **Revocations**

**16.** Regulation 9 of the Royal Ulster Constabulary Regulations 1996 and regulation 6 of the Royal Ulster Constabulary Reserve (Part-Time) (Appointment and Conditions of Service) Regulations 1996(9) are hereby revoked.

3rd April 2001

*John Reid*  
Northern Ireland Office One of Her Majesty's  
Principal Secretaries of State

## SCHEDULE 1

Regulation 2

**Criminal Convictions etc**

A person shall not be eligible for appointment to the police if he:—

(1) has been convicted of a serious arrestable offence within the meaning of Article 87 of and Schedule 5 to the Police and Criminal Evidence (Northern Ireland) Order 1989<sup>(10)</sup> or an equivalent offence elsewhere;

(2) 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);

(3) has been disqualified from driving in Northern Ireland or elsewhere on more than one occasion;

(4) has been convicted of an arrestable offence within the meaning of Article 26 of the Police and Criminal Evidence (Northern Ireland) Order 1989 or an equivalent offence elsewhere within 5 years from the date of application;

(5) has been convicted of the following offences or any equivalent offence elsewhere:

- (a) driving, or causing or permitting a person to drive, a motor vehicle while uninsured under Article 90 of the Road Traffic (Northern Ireland) Order 1981<sup>(11)</sup>;
- (b) driving a motor vehicle while otherwise disqualified under Article 167(1)(b) of the Road Traffic (Northern Ireland) Order 1981;
- (c) forgery or fraudulently altering etc, identification marks, badges, licences, certificate or certificates of insurance under Article 174(2) of the Road Traffic (Northern Ireland) Order 1981;
- (d) failure of driver of mechanically propelled vehicle to comply with duties on occurrence of an accident caused by that vehicle under Article 175(2) of the Road Traffic (Northern Ireland) Order 1981;
- (e) interference with vehicles under Article 8 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983<sup>(12)</sup>;
- (f) dangerous driving under Article 10 of the Road Traffic (Northern Ireland) Order 1995<sup>(13)</sup>;
- (g) any offence under Articles 15(1), 15(2), 16(1)(a) or 16(1)(b) of the Road Traffic (Northern Ireland) Order 1995 relating to driving, attempting to drive or being in charge of a vehicle while unfit through drugs or drink or with excess alcohol in breath, blood or urine;

within 5 years from the date of application;

(6) has been convicted on three or more occasions arising separately of any other offences under the Road Traffic Orders or any equivalent offences elsewhere within 5 years from the date of application; or

(7) has received on three or more occasions a caution or any equivalent elsewhere within 3 years from the date of application.

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<sup>(10)</sup> S.I. 1989/1341 (N.I. 12)

<sup>(11)</sup> S.I. 1981/154 (N.I. 1)

<sup>(12)</sup> S.I. 1983/1120 (N.I. 13)

<sup>(13)</sup> S.I. 1995/2994 (N.I. 18)



## SCHEDULE 2

Regulation 12

### **Independent Panel Member**

1. The independent panel member shall be appointed on such terms and conditions as may be determined by the Chief Constable with the approval of the Policing Board.
2. In making a nomination the Board shall satisfy itself that the person is either:—
  - (a) a barrister; or
  - (b) has substantial experience of working with personnel matters.
3. A person is disqualified from being the independent panel member if he has at any time been convicted in Northern Ireland or elsewhere of any offence and has had passed on him a sentence of imprisonment (whether suspended or not).
4. A person shall not be nominated as an independent panel member if he is a serving or former member of the police, the Police Authority, the staff of the Police Authority, the Policing Board, the staff of the Policing Board, or the police support staff.

## SCHEDULE 3

Regulation 13

### **Independent Assessor**

- 1.—(1) Subject to the following provisions of this paragraph, a person shall hold and vacate office as Independent Assessor in accordance with the terms of his appointment.
  - (2) A person may at any time resign his office as Independent Assessor by notice in writing to the Secretary of State.
  - (3) The Secretary of State may call upon the Independent Assessor to retire:—
    - (a) in the interests of efficiency or effectiveness; or
    - (b) if satisfied that the Independent Assessor—
      - (i) has failed to comply with their terms of appointment;
      - (ii) has been convicted of a criminal offence;
      - (iii) has become bankrupt or made a composition or arrangement with his creditors; or
      - (iv) is otherwise unable or unfit to discharge his duties.
2. The person appointed as Independent Assessor shall have held judicial office within any part of the United Kingdom.
- 3.—(1) The Secretary of State may pay such remuneration, allowances and expenses to or in respect of a person appointed as Independent Assessor as he may determine.
  - (2) The Secretary of State may make arrangements for administrative, secretarial or other assistance to be provided to the Independent Assessor.

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations set out the qualifications required for appointment to the police and prescribe functions to be exercised by a person (the police recruitment agent) appointed by the Chief Constable in connection with the recruitment of police trainees and police reserve trainees. They also prescribe arrangements for the recruitment of police trainees and police reserve trainees. They give effect to recommendations of the Independent Commission on Policing for Northern Ireland in its report “A New Beginning: Policing in Northern Ireland” (the “Patten Report”) published on 9th September 1999.

Reference is made in this explanatory note to “police trainees”. The Patten Report recommended that those appointed to be police constables should have to complete their initial training successfully before acquiring all the powers, duties and privileges of a police officer. The Police (Northern Ireland) Act 2000 gives effect to this recommendation. In future candidates for appointment as police constables will be appointed as police trainees or police reserve trainees until the successful completion of their training.

Regulation 2, paragraph (2) sets out the requirements for appointment as a police officer, including criminal conviction criteria at Schedule 1 to the Regulations.

Regulation 3 requires that suitably qualified candidates for appointment as police trainees enter a pool of candidates from which appointments will be made in accordance with section 46 of the Police (Northern Ireland) Act 2000 (commonly referred to as the 50:50 recruitment provisions whereby half of those appointed are to be treated as Roman Catholic and half not so treated).

Regulation 4 requires the Chief Constable to appoint an agent to recruit qualified candidates for appointment as police trainees and police reserve trainees. The latter will serve in the Police Service of Northern Ireland Reserve on a part-time basis.

Regulation 5 sets out the functions which the police recruitment agent is to undertake including the testing of candidates, the information to be supplied by candidates, the advertising of vacancies, the appointment of lay assessors and the formation of pools of qualified candidates. Regulation 11 requires that the Chief Constable shall not contract out the vetting of candidates, firearms testing or equal opportunities monitoring.

Regulation 5(4) provides that the Chief Constable will determine the terms and conditions upon which the agent is appointed with the approval of the Policing Board (by virtue of paragraph 2 of Schedule 7 to the Police (Northern Ireland) Act 2000 the Police Authority for Northern Ireland can carry out the Policing Board’s functions in connection with recruitment).

Regulation 6 requires that vacancies for police trainees and police reserve trainees be published and that the police recruitment agent must have regard to the recommendations of the Patten Report in conducting advertising.

Regulation 7 requires the agent to obtain information from candidates to establish whether they are qualified. Information about criminal convictions will, however, be dealt with by the police.

Regulation 8 requires the agent to carry out, or make arrangements for doing so in the case of medical tests, testing of candidates. The police will carry out firearms testing (regulation 11).

Regulation 9 requires the agent to appoint lay assessors to take part in assessing candidates for recruitment as police and police reserve trainees.

Regulation 10 requires the Policing Board (the Police Authority prior to the Board's establishment) to appoint independent community observers to observe aspects of the recruitment process and make reports to the Board on its adequacy and consistency of application.

Regulation 12 requires the Chief Constable to establish a vetting panel, which must include an independent member nominated by the Policing Board, to assess the suitability of candidates for appointment as police trainees and police reserve trainees.

Where a candidate is rejected by the panel under regulation 12 he or she may ask for the panel's decision to be reviewed by an Independent Assessor appointed by the Secretary of State after consulting the Policing Board under regulation 13. The Independent Assessor can ask the panel to review its decision or make recommendations but must make a report to the Chief Constable or a senior officer or member of the police support staff nominated by the Chief Constable stating whether he agrees or disagrees with the panel's decision. The final decision as to a candidate's suitability rests with the Chief Constable but the candidate must be informed of the Independent Assessor's conclusion.

Regulation 14 requires the Independent Assessor to make an annual report on his functions to the Secretary of State and the Policing Board.

Regulation 15 places restriction on the disclosure of information by the Independent Assessor and the independent vetting panel member.