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STATUTORY RULES OF NORTHERN IRELAND

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**2001 No. 369**

**POLICE**

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

*Made - - - - 11th October 2001*

*To be laid before Parliament*

*Coming into operation 2nd November 2001*

The Secretary of State, in pursuance of sections 36 and 41 of the Police (Northern Ireland) Act 2000<sup>(1)</sup>, and after consulting the Police Authority for Northern Ireland<sup>(2)</sup> and the Police Association for Northern Ireland, hereby makes the following regulations—

**Part I**

**General**

**Citation and commencement**

- 1.—(1) These regulations may be cited as the Police Trainee Regulations (Northern Ireland) 2001.
- (2) These regulations shall come into operation on 2nd November 2001.

**Interpretation**

2. In these regulations, unless the context otherwise requires—
  - “the Board” means the Northern Ireland Policing Board;
  - “notice” means notice in writing;
  - “police force in Great Britain” and “public holiday” have the same meaning as in the principal regulations;
  - “the principal regulations” means the Royal Ulster Constabulary Regulations 1996<sup>(3)</sup>;
  - “training” has the meaning given by regulation 4.

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(1) [2000 c. 32](#)

(2) By virtue of Article 2 of the Police (Northern Ireland) Order 2001 ([S.I. 2001 \(N.I. 3\)](#)) the reference in section 41(6) of the Police (Northern Ireland) Act 2000 to the Northern Ireland Policing Board is to be construed as if it were a reference to the Police Authority for Northern Ireland

(3) [S.R. 1996 No. 473](#). The principal regulations have been amended by [S.R. 1999 No. 362](#), [S.R. 1999 No. 412](#) and [S.R. 2001 No. 140](#)

## Part II

### Service as a Police Trainee

#### Conditions for appointment as constable

3. A person shall not be appointed to the rank of constable in the Police Service of Northern Ireland unless he has—

- (a) completed a period of service as a police trainee of 145 days or such longer period as may be specified by the Chief Constable;
- (b) obtained such qualification in police studies as may be specified by the Chief Constable; and
- (c) completed, to such standard as the Chief Constable considers satisfactory, such other training for service as a police officer as may be specified by the Chief Constable.

#### Attendance at training

4.—(1) In these regulations—

- (a) any course of study leading to a qualification mentioned in regulation 3(b);
- (b) any examination or assessment of a police trainee's performance in accordance with standing orders made under regulation 7;
- (c) any other training mentioned in regulation 3(c); and
- (d) any duties of police trainees required by standing orders made under regulation 7,

are together referred to as "training".

(2) The Chief Constable—

- (a) shall issue to every police trainee, on or before the day on which he begins his period of service as a police trainee, a schedule of where and when he is required to attend training; and
- (b) shall issue details of any change to that schedule to every police trainee to whom the change applies as soon as reasonably practicable.

(3) No police trainee shall be required to attend training on New Year's Day, Christmas Day or 26th December or, in any year where New Year's Day, Christmas Day or 26th December falls on a Saturday or Sunday, any substitute day.

(4) Where a police trainee is required to attend training on a Saturday or Sunday or on a public holiday, that requirement shall not have effect unless the Chief Constable gives notice, in a schedule issued under paragraph (2), or in standing orders made under regulation 7, or otherwise, to that police trainee of the requirement no less than 15 days before the Saturday, Sunday or public holiday on which he is to be required to attend.

#### Extending period of service of a police trainee

5.—(1) The power of the Chief Constable to specify a longer period of service under regulation 3(a) includes power to specify different periods for different cases.

(2) In particular, where the Chief Constable is of the opinion that a police trainee who has been absent from training for five or more days is unlikely to obtain the qualification specified under regulation 3(b), or complete satisfactorily any training specified under regulation 3(c), without a longer period of service as a police trainee, he may specify a longer period of service under regulation 3(a) in the case of that police trainee.

### **Termination of the period of service of a police trainee**

6.—(1) Subject to standing orders made under regulation 7, the Chief Constable may by giving one week's notice to a police trainee, terminate that person's period of service as a police trainee if—

- (a) the Chief Constable considers that the police trainee is not likely to become an efficient or well-conducted constable on completion of his period of service as a police trainee; or
- (b) the police trainee has, on three or more occasions, failed to comply with a requirement to attend training imposed by any standing orders made under regulation 7 or any schedule issued under regulation 4, without—
  - (i) being entitled to be absent under Part III (leave), or
  - (ii) having obtained the consent of the Chief Constable to his absence, or
  - (iii) being suspended under provision made by standing orders under regulation 7; or
- (c) the period of service of the police trainee has been extended in accordance with paragraph (2) of regulation 5, and having resumed training after the absence described in that regulation, the police trainee is absent from training for five or more days; or
- (d) the police trainee refuses, without reasonable excuse, to undergo an examination by a medical practitioner appointed by virtue of regulation 7(4)(h); or
- (e) following an examination by a medical practitioner appointed by virtue of regulation 7(4)(h) the Chief Constable considers that the police trainee—
  - (i) is not fit, physically or mentally, to be a police trainee, or
  - (ii) is not likely to be fit, physically or mentally, to be a constable on completion of his period of service as a police trainee; or
- (f) the penalty of termination of service is imposed on the police trainee in accordance with standing orders about cases in which it is alleged that the conduct of a police trainee did not meet the required standards of conduct.

(2) A police trainee may end his period of service as a police trainee by giving one week's notice to the Chief Constable.

### **Standing Orders**

7.—(1) The Chief Constable may make standing orders about the training of police trainees.

(2) Every police trainee shall comply with the requirements of standing orders made under paragraph (1).

(3) The Chief Constable shall issue a copy of any standing orders made under paragraph (1) to every police trainee on or before the day on which he begins his period of service as a police trainee, and shall issue details of any change to the standing orders to every police trainee to whom that change may apply as soon as reasonably practicable.

(4) Standing orders made under paragraph (1) may, in particular, make provision—

- (a) about the basis on which any qualification specified for the purposes of regulation 3(b) is awarded, and the arrangements for any course of study leading to that qualification and any examinations or assessment of a police trainee's performance;
- (b) for the conduct of any other training specified by the Chief Constable for the purposes of regulation 3(c);
- (c) for any duties to be performed by police trainees as part of their period of service as police trainees;
- (d) about where training is to take place, and when and for how long police trainees are required to attend at any site where training takes place;

- (e) as permitted under regulation 4, requiring police trainees to attend training in the evening, on public holidays and at weekends;
- (f) enabling the Chief Constable, or such person (being a member of the Police Service of Northern Ireland of a rank not lower than chief inspector) as is specified in the standing orders, to grant a police trainee special leave from training;
- (g) about uniform and equipment for police trainees;
- (h) for the appointment of medical practitioners, and the circumstances in which police trainees are to be examined by a medical practitioner;
- (i) for the determination by a medical practitioner appointed under standing orders of whether a police trainee is fit to attend training, whether a period of quarantine of a police trainee should end, or whether the absence of a police trainee from training is, for the purposes of regulation 18(4), directly attributable to an injury received as a consequence of a person's service as a police trainee;
- (j) for the resolution of any difference of opinion about questions mentioned in sub-paragraph (i) between a medical practitioner appointed under standing orders and a medical practitioner who issued a certificate under regulation 12(2);
- (k) for the circumstances in which, following a difference of opinion such as is described in sub-paragraph (j), a police trainee ceases to be entitled to be absent from training under regulation 12;
- (l) for procedures for cases in which the Chief Constable is considering exercising his powers under regulation 5 (extending period of service) or regulation 6 (terminating period of service);
- (m) for the maintenance of discipline of police trainees;
- (n) for standards of conduct for police trainees and procedures for cases in which it is alleged that the conduct of a police trainee did not meet those standards;
- (o) enabling the Chief Constable or such other person (being a member of the Police Service of Northern Ireland of a rank not lower than chief inspector) as may be specified in the standing orders to suspend a police trainee (with or without pay) in cases such as are described in sub-paragraph (n);
- (p) enabling the Chief Constable or such other person (being a member of the Police Service of Northern Ireland of a rank not lower than chief inspector) as may be specified in the standing orders to impose sanctions on a police trainee in cases such as are described in sub-paragraph (n).

(5) Where standing orders made under paragraph (1) provide for procedures for cases in which the Chief Constable is considering exercising his powers under regulation 6 (terminating period of service) or provide for the termination of the service of a police trainee whose conduct does not meet required standards, the standing orders shall include provision for a right of appeal by the police trainee against the termination of his service as a police trainee.

### **Delegation of functions by Chief Constable**

**8.** The Chief Constable may designate for the purposes of this regulation a member of the Police Service of Northern Ireland of a rank not lower than chief inspector, and may delegate to a person so designated any of the functions conferred on the Chief Constable by—

- (a) regulation 3 (conditions for appointment as constable);
- (b) regulation 4(2) (issuing schedules to police trainees) and (4) (giving notice about training on public holidays or at weekends);
- (c) regulation 5 (extending period of service of a police trainee);

- (d) regulation 6 (termination of the period of service of a police trainee);
- (e) regulation 7(3) (issuing copies of standing orders to police trainees);
- (f) Part III (leave);
- (g) regulation 18 (pay during sick leave);
- (h) regulation 21(2) (directions as to allowances);
- (i) regulation 26(1) (authorising use of motor vehicle).

### **Restrictions on the private life of police trainees**

9.—(1) No restriction on the private life of police trainees shall be imposed by the Chief Constable, except such restrictions as are set out in this regulation or as may be necessary in the interests of the safety of police trainees.

(2) Where the Chief Constable imposes a restriction on the private life of police trainees under paragraph (1), he shall report the restriction forthwith to the Secretary of State.

(3) A police trainee shall not take any active part in politics.

(4) A police trainee shall not wilfully refuse or neglect to discharge any lawful debt.

### **Business interests incompatible with service as police trainee**

10.—(1) If a police trainee or a relative included in his family proposes to have, or has, a business interest within the meaning of regulation 7 of the principal regulations, the 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.

(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 police trainee concerned remaining a police trainee and, within 28 days of the receipt of the notice, shall give notice of his decision to the police trainee.

(3) Within 10 days of being notified of the Chief Constable's decision as aforesaid, or within such longer period as the Board may in all the circumstances allow, the police trainee concerned may appeal to the Board against that decision by sending 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 notice setting out the reasons for his decision and copies of any documents on which he relies in support of that decision, and the Board shall send to the police trainee 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 police trainee has appealed to the Board under paragraph (3) the Board 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 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) Where a police trainee or a relative included in his family, has a business interest within the meaning of regulation 7 of the principal regulations which the Chief Constable has determined under paragraph (2) to be incompatible with his remaining a police trainee and either the police trainee has not appealed against that decision under paragraph (3) or, subject to paragraph (5), on such appeal,

the Board has upheld that decision, then the Chief Constable may, subject to the approval of the Board, terminate the period of service of that police trainee by giving him one week's notice; and before giving such approval the Board shall give the police trainee concerned an opportunity to make representations and shall consider any representations so made.

(7) If a police trainee or a relative included in his family has a business interest within the meaning of regulation 7 of the principal regulations and, on that interest being notified or disclosed as mentioned in paragraph (1), the Chief Constable has by notice required the police trainee 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.

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

(9) At any time before the commencement of section 2 of the Police (Northern Ireland) Act 2000(4) any reference in this regulation to the Board shall be construed as if it were a reference to the Police Authority for Northern Ireland.

## Part III

### Leave

#### Leave

11.—(1) A police trainee shall be allowed—

- (a) eight days' leave;
- (b) subject to any requirement of which notice is given under regulation 4(4), a day's leave on each Saturday, Sunday or public holiday falling within the period of service as a police trainee; and
- (c) a day's leave for every Saturday, Sunday or public holiday on which he is required to attend training.

(2) Where the Chief Constable specifies a longer period of service for a police trainee under regulation 3(a) the number of days specified in paragraph (1)(a) shall be increased proportionately for that police trainee.

(3) Days of leave granted under paragraph (1) may only be taken at times approved by the Chief Constable.

(4) Where a Saturday, Sunday or public holiday falls within a period of leave taken under paragraph (1), that day shall be ignored for the purposes of reckoning the number of days' leave taken.

#### Sick leave

12.—(1) A police trainee shall not be entitled to be absent from training for a period of seven days or less on account of injury, illness or quarantine except with the consent of the Chief Constable.

(2) A police trainee shall not be entitled to be absent from training for a period exceeding seven days on account of injury, illness or quarantine unless certified by a registered medical practitioner as being unfit to attend training or as being in quarantine.

(3) For the purposes of paragraphs (1) and (2), the period of seven days includes Saturdays, Sundays and public holidays.

(4) A police trainee who is, or ceases to be, certified under paragraph (2) shall, as soon as reasonably practicable, inform the Chief Constable of the fact and send any certificate to the Chief Constable.

### **Leave for ante-natal care**

**13.**—(1) A female police trainee who is pregnant and who, on the advice of a registered medical practitioner, registered midwife or registered health visitor, has made an appointment to attend at any place for the purpose of receiving ante-natal care shall, subject to the following provisions of this regulation, have the right not to be unreasonably refused special leave from training to enable her to keep the appointment.

(2) Subject to paragraph (3), the Chief Constable shall not be required by virtue of this regulation to permit a female police trainee to take special leave from training to keep an appointment unless, if he requests her to do so, she produces for his inspection—

- (a) a certificate from a registered medical practitioner, registered midwife or registered health visitor stating that she is pregnant, and
- (b) an appointment card or other document showing that the appointment has been made.

(3) Paragraph (2) shall not apply where the female police trainee's appointment is the first appointment during her pregnancy for which she seeks permission to take special leave from training in accordance with paragraph (1).

### **Maternity leave**

**14.**—(1) In this regulation—

“expected date of birth” means, subject to paragraph (4), the date given in accordance with paragraph (2)(b);

“maternity leave” means leave taken in accordance with the provisions of this regulation by a qualified police trainee during the maternity period;

“maternity period”, in relation to a qualified police trainee, means the period beginning six months before the probable date of birth of the police trainee's child, as given under paragraph (2)(b) or, as the case may be, paragraph (4), and ending nine months after the date so given; and

“qualified police trainee” means a police trainee who qualifies under paragraph (2).

(2) Subject to the following provisions of this regulation, a female police trainee qualifies for maternity leave when she has given to the Chief Constable notice stating—

- (a) that she is pregnant;
- (b) the probable date of the birth of her child; and
- (c) the date on which she intends to commence maternity leave or, where she proposes to take more than one period of maternity leave before the probable date of birth of her child, the proposed dates of those periods.

(3) A female police trainee does not qualify for maternity leave where the Chief Constable has requested 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) and she fails to produce such a certificate.

(4) Where a certificate produced under paragraph (3) sets out a different date as the probable date of the birth of the child of the female police trainee from the date given in accordance with

paragraph (2)(b), the date given in the certificate shall have effect in place of the date given in the notice.

(5) A female police trainee who is pregnant shall give the notice required by paragraph (2) as soon as reasonably practicable after she becomes aware of the probable date of birth of her child.

(6) The date given in accordance with paragraph (2)(c) may be amended by a subsequent notice to the Chief Constable, provided not less than 21 days' notice is given of the qualified police trainee's intention to return to training.

(7) A qualified police trainee shall commence maternity leave no later than the date given in accordance with paragraph (2)(b) and, subject to paragraphs (8) and (9), the leave shall continue until the last day of the maternity leave.

(8) Where a qualified police trainee intends to return to training before the end of the maternity period after taking maternity leave, she shall give the Chief Constable not less than 21 days' notice of her intention.

(9) A notice under paragraph (8) may be subsequently revoked; and any such revocation shall be without prejudice to the giving of another notice under that paragraph of an intention to return to duty before the end of the maternity period.

(10) During any period of maternity leave, a qualified police trainee shall not be entitled to any sick leave under regulation 12.

(11) In paragraph (10) "period of maternity leave" means the period—

(a) beginning on—

- (i) the date given in accordance with paragraph (2)(c) as the date on which the qualified police trainee intends to commence maternity leave or, where she proposes to take more than one period of such leave, the first of those dates, or
- (ii) where that date or, as the case may be, the first of those dates has been amended by a subsequent notice under paragraph (6), that date; and

(b) ending on—

- (i) where a notice has been given under paragraph (8) and has not been subsequently revoked, the date so given, or
- (ii) where no such notice has been given or remains in force, the last day of the maternity period.

### **Paternity leave**

**15.**—(1) Standing orders under regulation 7 shall make provision for the circumstances in which a police trainee is to be entitled to paternity leave.

(2) Paternity leave shall consist of two days' leave.

(3) Where a woman becomes pregnant, paternity leave in connection with that pregnancy shall be taken during the period beginning with the later of—

- (a) the date on which she is certified by a registered medical practitioner to be pregnant, and
- (b) the date 6 months before the one estimated by that practitioner as being the probable date of birth,

and ending 9 months after the birth of the child.



## Part IV

### Pay, Allowances and Pensions

#### **Pay: general**

16.—(1) Subject to the following provisions of this regulation and regulation 17, the annual rate of pay of police trainees shall be determined by the Secretary of State.

(2) A determination under paragraph (1) may be made with retrospective effect to any date specified in the determination, but nothing in this paragraph shall be construed as authorising the pay payable to any person to be reduced retrospectively.

(3) A determination under paragraph (1) may make different provision for different cases, including different provision for the pay of police trainees who have completed different periods of service.

(4) A month's pay of a police trainee shall be calculated, for all purposes, at a monthly rate of pay determined by dividing by 12 the annual rate.

(5) A week's pay of a police trainee shall be calculated, for all purposes, at a weekly rate of pay determined by dividing by 52# the annual rate.

(6) A day's pay of a police trainee shall be calculated, for all purposes, at a daily rate determined by dividing by 7 the weekly rate, determined in accordance with paragraph (5).

(7) Police trainees shall be paid monthly in arrears, or at such other intervals as the Chief Constable may fix.

(8) The Chief Constable may, if he thinks fit, pay to a police trainee such part of his pay as he may determine in advance of the day on which it would otherwise be due to be paid in accordance with this regulation.

#### **Pay: reckonable service**

17.—(1) For the purposes of any determination under regulation 16(1) the period of service completed by a police trainee shall, subject to paragraph (4), include any period of service described in Part I of Schedule 1.

(2) For the purposes of any determination under regulation 16(1), where a person has served in the Police Service of Northern Ireland Reserve, then, subject to paragraph (4), the period of service completed by him as a police trainee shall include a period calculated in accordance with Part II of Schedule 1.

(3) For the purposes of any determination under regulation 16(1), where a person has served in a police force in a country or territory outside the United Kingdom (other than as mentioned in paragraph 4 of Part I of Schedule 1), then, subject to paragraph (4), the period of service completed by him as a police trainee shall include a period calculated in accordance with Part III of that Schedule.

(4) Where a person has completed service such as is described in Part I of Schedule 1 and has served as mentioned in paragraph (2) or (3), then, for the purposes of any determination under regulation 16(1)—

- (a) paragraph (1) shall apply to his period of service as a police trainee, and service such as is mentioned in paragraph (2) or (3) shall be disregarded; or
- (b) if applying paragraph (2) or (3) to him would result in a longer period being included in his period of service as a police trainee, paragraph (2) or (as the case may be) (3) shall apply and paragraph (1) shall not apply.

### **Pay during sick leave**

**18.**—(1) Subject to paragraphs (2), (3) and (4), if, on any relevant day, a police trainee has, during his period of service as a police trainee, been on sick leave for 42 days, he ceases for the time being to be entitled to full pay, and becomes entitled to half pay, while on sick leave.

(2) Subject to paragraphs (3) and (4), if on any relevant day, a police trainee has, during his period of service as a police trainee, been on sick leave for 196 days, he ceases for the time being to be entitled to any pay while on sick leave.

(3) The Chief Constable may in a particular case determine that for a specified period—

- (a) a police trainee who is entitled to half pay while on sick leave is to receive full pay; or
- (b) a police trainee who is not entitled to any pay while on sick leave is to receive either full pay or half pay,

and may from time to time determine to extend the period.

(4) The Chief Constable, if he is satisfied after consultation with a medical practitioner appointed under standing orders made under regulation 7, that a particular case is exceptional, shall determine in consultation with the said medical practitioner that for a specified period—

- (a) a police trainee who is entitled to half pay while on sick leave is to receive full pay; or
- (b) a police trainee who is not entitled to any pay while on sick leave is to receive either full pay or half pay.

An exceptional case is a case in which the police trainee's being on sick leave is directly attributable to an injury received as a consequence of a person's service as a police trainee.

(5) For the purpose of this regulation a relevant day is a day on which a police trainee is on sick leave, and in this regulation—

- (a) references to a police trainee's being on sick leave are references to his being absent from training while entitled to be so under regulation 12, and include his being absent from training on a Saturday, Sunday or public holiday regardless of whether he was required to attend training on that day under regulation 4;
- (b) references to full pay are references to pay at the rate ascertained from a determination made under regulation 16;
- (c) references to half pay are references to pay at half the rate of the police trainee's full pay; and
- (d) "an injury received as a consequence of a person's service as a police trainee" has the same meaning as in regulation A10 of the Royal Ulster Constabulary Pensions Regulations 1988<sup>(5)</sup> as modified by paragraph 8 of Schedule 2.

### **Deductions from pay of social security benefits and statutory sick pay**

**19.**—(1) There shall be deducted from the pay of a police trainee who is in receipt of full pay (within the meaning of regulation 18(5)(b))—

- (a) any statutory sick pay to which he is entitled under the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(6)</sup>; and
- (b) the amount of any short-term or long-term incapacity benefit to which he is entitled under the Social Security (Incapacity for Work) (Northern Ireland) Order 1994<sup>(7)</sup>,

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<sup>(5)</sup> S.R. 1988 No. 374

<sup>(6)</sup> 1992 c. 7

<sup>(7)</sup> S.I. 1994 (N.I. 12)

and for the purposes of sub-paragraph (b) any increase for adult and child dependants shall be treated as forming part of the benefit or allowance to which it relates.

(2) For the purposes of this regulation a female police trainee who, as a married woman or widow, has elected to pay contributions under section 19 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(8)</sup> at the reduced rate shall be deemed to be entitled to any social security benefits mentioned in paragraph (1) to which she would have been entitled had she not elected to contribute at the reduced rate.

### **Pay during maternity leave**

**20.**—(1) Subject to the following provisions of this regulation, a female police trainee who satisfies the conditions in paragraph (2) is entitled to be paid as respects the first three months of any period or periods of maternity leave in any one maternity period (as defined by regulation 14) taken in accordance with regulation 14 but is not entitled to be paid thereafter.

(2) The conditions referred to in paragraph (1) are that—

- (a) at the beginning of the week in which the expected date of birth (as defined in regulation 14(1)) occurs, the police trainee will have completed relevant service of a total period of not less than sixty-three weeks; and
- (b) on the date (“the relevant date”) fifteen weeks before the expected date of birth (as so defined) she either—
  - (i) remains pregnant, or
  - (ii) has given birth prematurely to a baby who is alive on the relevant date.

(3) In this regulation—

“relevant service” means continuous service, comprising—

- (a) service as a police trainee;
- (b) service such as is mentioned in regulation 17(1); or
- (c) service in any rank in the Police Service of Northern Ireland Reserve, being service on a full-time basis, or part-time service which a person was appointed to perform under regulation 4A of the Royal Ulster Constabulary Reserve (Full-Time) (Appointment and Conditions of Service) Regulations 1996<sup>(9)</sup>;

“week” means a period of seven days beginning with Sunday.

### **Allowances: general**

**21.**—(1) No allowances shall be paid to a police trainee except as provided by these regulations or approved by the Secretary of State, and the amounts and conditions of payment of such allowances shall be as provided by or under these regulations or as approved by the Secretary of State.

(2) A police trainee claiming any allowance under this Part shall comply with such directions as may be given by the Chief Constable from time to time as to the time and manner of claiming and certification.

### **Expenses of moving home: officers from other police forces**

**22.**—(1) This regulation applies where a person who has been appointed as a police trainee moves his home as a consequence of leaving a police force in Great Britain or in any country or territory outside the United Kingdom to become a police trainee.

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<sup>(8)</sup> 1992 c. 7

<sup>(9)</sup> S.R. 1996 No. 564. Regulation 4A was inserted by S.R. 2001 No. 80

- (2) Where this regulation applies to a person moving his home, the Chief Constable may—
- (a) either reimburse the reasonably incurred cost of removal or arrange for the removal to be carried out at the Chief Constable's expense;
  - (b) reimburse that person his payments in connection with his former home by way of mortgage interest, rent or rates payable in respect of the first 26 weeks following the move; and
  - (c) if he thinks fit, reimburse those payments in respect of such further period as he may determine so, however, that where he is of the opinion that that person had not taken all reasonable steps to reduce or terminate his liability to make such payments, the Chief Constable may restrict the reimbursement to payments which that person would have been liable to make had he taken all such steps.

### **Expenses of moving home at request of Chief Constable**

**23.**—(1) This regulation applies where a police trainee moves his home at the request of the Chief Constable, and the removal is not a consequence of becoming a police trainee.

- (2) Where this regulation applies, the Chief Constable shall—
- (a) either reimburse the reasonably incurred cost of removal or arrange for the removal to be carried out at the Chief Constable's expense;
  - (b) reimburse that person his payments in connection with his former home by way of mortgage interest, rent or rates payable in respect of the first 26 weeks following the move; and
  - (c) if he thinks fit, reimburse those payments in respect of such further period as he may determine so, however, that where he is of the opinion that that person had not taken all reasonable steps to reduce or terminate his liability to make such payments, the Chief Constable may restrict the reimbursement to payments which that person would have been liable to make had he taken all such steps.

### **Removal allowance**

**24.**—(1) Where the cost of removal is paid or reimbursed by the Chief Constable under regulation 22 or 23, the Chief Constable shall, subject to paragraph (2), pay the police trainee an allowance in respect of expenditure incidental to the move of an amount determined under paragraphs (3) to (5).

- (2) An allowance under paragraph (1)—
- (a) shall not be payable where a person who has never been married moves from furnished accommodation;
  - (b) shall only be payable if the Chief Constable so decides, where a person moves from unfurnished into furnished accommodation.
- (3) In the case of a person who—
- (a) moves into furnished accommodation; or
  - (b) moves into unfurnished accommodation but has not previously lived in such accommodation while a police trainee or while serving in any police force which he left to become a police trainee,

the allowance shall be such amount as may be determined by the Secretary of State.

- (4) In the case of any other person, the allowance—
- (a) shall not exceed such maximum amount as may be determined by the Secretary of State; and

- (b) shall not be less than such minimum amount as may be determined by the Secretary of State,

but, subject to that, shall equal the aggregate of the amount of the expenditure incidental to the move reasonably incurred by that person and the amount of any relevant additional expenditure.

(5) In paragraph (4) “relevant additional expenditure” means, where a person satisfies the Chief Constable that, in consequence of the move, he has failed to benefit, in whole or in part, from expenditure reasonably incurred by him prior to the move (other than such payments as are referred to in regulation 22(2)(b) or 23(2)(b)), so much of that expenditure as is not recoverable by him.

### **Allowance in respect of medical charges**

**25.**—(1) A police trainee who incurs normal standard charges under Articles 5, 61, 62, 63 and 98 of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(10)</sup> (which Articles relate to charges for certain drugs, medicines and appliances and for dental treatment)—

- (a) shall be reimbursed the charges if they are incurred by reason of an injury received without his default during training; and
- (b) may be reimbursed the charges if they are incurred by reason of an injury which, in the opinion of the Chief Constable—
- (i) would not have been received had he not been known to be a police trainee, or
- (ii) is an injury to which paragraph (i) may apply, and should be treated as one to which paragraph (i) does apply.
- (2) For the purposes of paragraph (1)—
- (a) “injury” includes any injury or disease, whether of body or mind; and
- (b) an injury shall be treated as received without the default of the police trainee concerned unless the injury is wholly or mainly due to his own serious and culpable negligence or misconduct.

### **Motor vehicle allowance**

**26.**—(1) Where the Chief Constable specifies a place as a qualifying site for the purposes of this regulation, and authorises a police trainee to use a motor vehicle for the purposes of attending training at a qualifying site, the police trainee shall be paid a motor vehicle allowance.

(2) A motor vehicle allowance shall be payable on such conditions and at such rate as are specified in standing orders made under regulation 7.

### **Replacement allowance**

**27.**—(1) A police trainee who left a police force in Great Britain to become a police trainee and was, immediately before leaving that force, entitled to a replacement allowance under Schedule 13 to the Police Regulations 1995<sup>(11)</sup> shall, subject to paragraph (3), be entitled to an allowance of an amount equal to the amount of the replacement allowance to which he would have been entitled had he not left that force.

(2) A police trainee who left the Police Service of Northern Ireland Reserve to become a police trainee and was, immediately before leaving the Police Service of Northern Ireland Reserve, entitled to a replacement allowance under Schedule 11 to the Royal Ulster Constabulary Reserve (Full-Time) (Appointment and Conditions of Service) Regulations 1996<sup>(12)</sup> shall, subject to paragraph (3), be

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<sup>(10)</sup> S.I. 1972/1265 (N.I. 14)

<sup>(11)</sup> S.I. 1995/215; Schedule 13 was brought into existence by S.I. 2000/2013 reg. 12

<sup>(12)</sup> S.R. 1996 No. 564; Schedule 11 was brought into existence by S.R. 1997 No. 363 reg. 2

entitled to an allowance of an amount equal to the amount of the replacement allowance to which he would have been entitled had he not left the Police Service of Northern Ireland Reserve.

(3) In any circumstances in which the replacement allowance to which a person was entitled as a member of a police force in Great Britain or as a member of the Police Service of Northern Ireland Reserve would have fallen (by reason of a period of unpaid leave or otherwise) to be increased, reduced or terminated if he had not left that force or that service, the allowance under this regulation shall be accordingly increased, reduced or terminated.

**Pension regulations: application to police trainees**

**28.** The regulations mentioned in paragraph 1 of Schedule 2 (which make provision about pensions for police officers) shall apply to police trainees as they apply to members of the Police Service of Northern Ireland, and in their application by virtue of this regulation those regulations shall have effect as if—

- (a) the modifications specified in Schedule 2, and
- (b) such other modifications as may be necessary,

were made to those regulations.

Northern Ireland Office  
11th October 2001

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

## SCHEDULE 1

Regulation 17

### Pay: Reckonable Service

#### Part I

##### Previous Service Included in Police Trainee Service

1. Any period of service completed by a person in any rank in the Police Service of Northern Ireland.
2. Any period of service completed by a person in any rank in a police force in Great Britain.
3. Any period of service completed by a person in any rank in a constabulary mentioned in regulation 39(2)(13) of the principal regulations (service in the Ministry of Defence Police or Port of Tilbury Constabulary).
4. Any period of service such as is mentioned in regulation 41(1)(a) or (c) of the principal regulations (overseas police service).

#### Part II

##### Previous Service in the Police Service of Northern Ireland Reserve

5.—(1) Where a person has completed any service in any rank in the Police Service of Northern Ireland Reserve, being—

- (a) service on a full-time basis, or
- (b) part-time service which he was appointed to perform under section 4A of the Royal Ulster Constabulary Reserve (Full-Time) (Appointment and Conditions of Service) Regulations 1996(14).

the period mentioned in regulation 17(2) shall be calculated as follows.

(2) Determine from the annual rates of pay payable to constables in the Police Service of Northern Ireland in accordance with the principal regulations—

- (a) which annual rate is equal to the relevant reserve pay, or
- (b) if none is equal, which of the annual rates exceeding the relevant reserve pay is closest to it, or
- (c) if none equals or exceeds the relevant reserve pay, which of the annual rates is highest.

(3) Determine the period of service in the rank of constable for which the annual rate determined under sub-paragraph (2) is payable.

(4) Include the period mentioned in sub-paragraph (3) in the period of service completed by the police trainee.

6.—(1) In this Part of this Schedule the “relevant reserve pay” means, in relation to any person, the annual rate of normal basic pay (excluding any allowance for overtime, any other allowance and the effect of any temporary promotion) which would be payable on the relevant day to a constable in the Police Service of Northern Ireland Reserve whose service therein—

- (a) was of the same length as the service of that person, and

(13) Regulation 39 was amended by S.R. 1997 No. 362 reg. 4

(14) S.R. 1996 No. 564; Regulation 4A was inserted by S.R. 2001 No. 80

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(b) was on a full-time basis.

(2) In this Part of this Schedule the “relevant day” means, in relation to any person, the day on which that person begins service as a police trainee.

### Part III

#### Previous Service outside the United Kingdom

7.—(1) Where a person has completed any service (not falling within paragraph 4 of Part I of this Schedule) in a police force in a country or territory outside the United Kingdom, the period mentioned in regulation 17(3) shall be calculated as follows.

(2) Convert the relevant pay into sterling using the rate of exchange prevailing on the relevant day.

(3) Take the amount in sterling determined under sub-paragraph (2) (“the sterling equivalent”) and determine from the annual rates of pay payable to constables in the Police Service of Northern Ireland in accordance with the principal regulations—

- (a) which annual rate is equal to the sterling equivalent, or
- (b) if none is equal, which of the annual rates exceeding the sterling equivalent is closest to it, or
- (c) if none equals or exceeds the sterling equivalent, which of the annual rates is highest.

(4) Determine the period of service in the rank of constable for which the annual rate determined under sub-paragraph (3) is payable.

(5) Include the period mentioned in sub-paragraph (4) in the period of service completed by the police trainee.

8.—(1) In this Part of this Schedule the “relevant pay” means, in relation to a person who has served in a police force in a country or territory outside the United Kingdom, the annual rate of normal basic pay (excluding any allowances) which would have been payable on the relevant day to that person had he been serving in that force on that day.

(2) For the purposes of sub-paragraph (1) as it applies in relation to a person who has served in a police force, it shall be assumed—

- (a) that he was serving on a full-time basis,
- (b) that the length of his period of service as reckoned for the purposes of pay as a member of that force is equal to the length of the period which he had completed on the date on which he in fact left that force, and
- (c) where that force has different ranks, that he was serving in the lowest rank in which service of that length can be completed,

and where it is necessary to make an assumption about any other factor to determine the rate of pay which would have been payable to that person on the relevant day, the assumption shall be made by the Chief Constable.

(3) In this Part of this Schedule the “relevant day” means, in relation to any person, the day on which that person begins service as a police trainee.



## SCHEDULE 2

Regulation 28

### Pensions

#### Pensions regulations

1. The regulations referred to in regulation 28 are—
  - (a) the Royal Ulster Constabulary Pensions Regulations 1988**(15)**,
  - (b) the Royal Ulster Constabulary (Injury Benefit) Regulations 1988**(16)**,
  - (c) the Royal Ulster Constabulary (Purchase of Increased Benefits) Regulations 1988**(17)**, and
  - (d) the Royal Ulster Constabulary Pensions (Additional Voluntary Contributions) Regulations 1993**(18)**,

and the modifications referred to in regulation 28(a) are set out in the remaining paragraphs of this Schedule (the general modifications in paragraphs 2 to 6 being subject to paragraphs 7 to 22).

#### General modifications

2. For any reference in those regulations to a member of the force, except in regulations A11(2), G5(3)(a)**(19)** and H5(2) of the Royal Ulster Constabulary Pensions Regulations 1988, substitute a reference to a police trainee.

3.—(1) Subject to sub-paragraph (2), for any reference in those regulations to service in the force—

- (a) if it is a reference to a person joining or re-joining the force substitute a reference to a person respectively becoming a police trainee or becoming a police trainee again,
- (b) if it is a reference to a person ceasing to serve as a member or leaving the force substitute a reference to a person ceasing to serve as a police trainee without being appointed as a member of the Police Service of Northern Ireland,
- (c) if it is a reference to a person continuing to serve as a member substitute a reference to that person being appointed to the rank of constable in the Police Service of Northern Ireland on completion of his service as a police trainee, and continuing to serve as a member of that service, and
- (d) in the case of any other reference to service as a member substitute a reference to service as a police trainee.

(2) In the case of a police trainee who has served as a member of the force before becoming a police trainee, any reference in those regulations to service in, or retirement from, the force before last joining or rejoining the force shall continue to refer to that previous service as well as having the meaning given by the modifications set out in sub-paragraph (1).

4. For any reference in those regulations to the Police Authority for Northern Ireland substitute a reference to the Chief Constable.

5. For any reference in those regulations to an injury received in the execution of duty by a member substitute a reference to an injury received as a consequence of a person's service as a police

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**(15)** S.R. 1988 No. 374 as amended by S.R. 1988 No. 438, S.R. 1989 No. 387, S.R. 1990 No. 411, S.R. 1993 No. 223, S.R. 1993 No. 327, S.R. 1996 No. 4, S.R. 1997 No. 259, S.R. 1998 No. 240 and S.R. 2001 No. 263

**(16)** S.R. 1988 No. 376, as amended by S.R. 1993 No. 327 and S.R. 1998 No. 440

**(17)** S.R. 1988 No. 379, as amended by S.R. 1988 No. 442, S.R. 1989 No. 388 and S.R. 1990 No. 411

**(18)** S.R. 1993 No. 249, as amended by S.R. 1997 No. 464

**(19)** Regulations G4 and G5 were substituted by S.R. 1990 No. 411 reg. 6(17)

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trainee within the meaning of regulation A10 of the Royal Ulster Constabulary Pensions Regulations 1988 as modified by this Schedule.

6. For any reference in those regulations to the principal regulations or the 1988 regulations substitute a reference to the Royal Ulster Constabulary Pensions Regulations 1988 as modified by this Schedule.

### **Royal Ulster Constabulary Pensions Regulations 1988**

7. In regulation A9(2)(d) of the Royal Ulster Constabulary Pensions Regulations 1988 (aggregate pension contributions for purposes of awards) for “has transferred to the force from a police force in Great Britain” substitute “has become a police trainee on leaving a police force in Great Britain for that purpose”.

8. For regulation A10(1) and (2) of the Royal Ulster Constabulary Pensions Regulations 1988 substitute—

“(1) For the purposes of these regulations an injury shall be treated as received as a consequence of a person’s service as a police trainee if—

- (a) the police trainee concerned received the injury while attending training or while on a journey necessary to enable him to attend training or return home after training, or
- (b) he would not have received the injury had he not been known to be a police trainee, or
- (c) the Chief Constable is of the opinion that the preceding condition may be satisfied and that the injury should be treated as one received as aforesaid.”;

9. In regulation A14(2) of the Royal Ulster Constabulary Pensions Regulations 1988 (transfers) for “having transferred from a police force in Great Britain” substitute “leaving a police force in Great Britain for the purpose of becoming a police trainee”.

10. In regulation A15 of the Royal Ulster Constabulary Pensions Regulations 1988 (retirement) in sub-paragraph (1) for the words from “includes” to “but does not include” substitute “is a reference to a police trainee ending his period of service under regulation 6(2) of the Police Trainee Regulations (Northern Ireland) 2001 or under regulation A16, A17 or A18, and does not include a reference to the period of service of a police trainee being terminated under any other provision of the Police Trainee Regulations (Northern Ireland) 2001 or a reference to a police trainee being appointed to the rank of constable in the Police Service of Northern Ireland on completion of his service as a police trainee or”.

11. For any reference in the Royal Ulster Constabulary Pensions Regulations 1988 to a person being dismissed substitute a reference to the period of service of a police trainee being terminated under the Police Trainee Regulations (Northern Ireland) 2001.

12. In regulation E3A(3)(b)(20) of the Royal Ulster Constabulary Pensions Regulations 1988 (lump sum death grant — widows and widowers) for “absent from duty without pay” substitute “absent from training without pay”.

13. In regulation E10 of the Royal Ulster Constabulary Pensions Regulations 1988 (determination of amount of widow’s or child’s flat-rate award and increase thereof by reference to the Pensions (Increase) Act 1971)—

(a) for paragraph (2) substitute—

“(2) In the case of a widow’s pension the appropriate sum for the purposes of this regulation shall be, subject to paragraph (3), £29·05.”,

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(20) Regulation E3A was inserted by [S.R. 1993 No. 327](#)

- (b) in paragraph (3) for “Each of the sums” substitute “The sum”, and
- (c) for paragraph (4) substitute—

“(4) In the case of a child’s allowance the appropriate sum for the purposes of this regulation shall be £9·55.”.

14. In regulation F3(21) of the Royal Ulster Constabulary Pensions Regulations 1988 (previous service reckonable without payment)—

- (a) for paragraph (1)(a) substitute—

“(a) where he became a police trainee on leaving a police force in Great Britain for that purpose, any period of pensionable service reckonable by him, immediately before leaving that force, for the purposes of the legislation for the time being in force relating to the pensions of regular policemen in Great Britain;”, and

- (b) in paragraph (2) for “transferred as mentioned in paragraph (1)(a)” substitute “to whom paragraph (1)(a) applies became a police trainee”.

15. In regulation I4 of the Royal Ulster Constabulary Pensions Regulations 1988 for “returning to duty” substitute “returning to training”.

16. In regulation K1(3) of the Royal Ulster Constabulary Pensions Regulations 1988 substitute—

“(3) If the person concerned within the period referred to in paragraph (2) offers to become a police trainee again, he shall be permitted to do so.”

17. In the Royal Ulster Constabulary Pensions Regulations 1988 omit Part M (auxiliary members).

18. In Part III of Schedule C to the Royal Ulster Constabulary Pensions Regulations 1988 (widow’s accrued pension) in paragraph 3(1)(22) omit the words “by reference to the rank held by her husband”.

19. In Part I of Schedule D to the Royal Ulster Constabulary Pensions Regulations 1988 (children’s ordinary allowance) in paragraph 5 omit the words “by reference to the rank held by the relevant parent”.

### **Royal Ulster Constabulary Pensions (Additional Voluntary Contributions) Regulations 1993**

20. For “pensionable member” where it appears in the Royal Ulster Constabulary Pensions (Additional Voluntary Contributions) Regulations 1993 substitute “pensionable police trainee”.

21. For the definition of “pensionable member” in regulation 2(2) of the Royal Ulster Constabulary Pensions (Additional Voluntary Contributions) Regulations 1993 substitute—

““pensionable police trainee” means a police trainee by whom contributions are for the time being payable under regulation G2 of the 1988 regulations;”.

22. In paragraph 5(2) of Schedule 2 to the Royal Ulster Constabulary Pensions (Additional Voluntary Contributions) Regulations 1993 (benefit limits: definitions) for “as a regular member within the meaning of the 1988 Regulations” substitute “as a police trainee”.

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(21) Regulation F3 was amended by S.R. 1997 No. 259 reg. 6(2) and S.R. 1998 No. 240 reg. 3(2)

(22) Paragraph 3(1) was amended by S.R. 1990 No. 411 reg.6(21)

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## EXPLANATORY NOTE

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

These regulations 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. 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.

Section 36(3) of the Police (Northern Ireland) Act 2000 gives effect to this recommendation. It requires a person to serve as a police trainee before he or she can be appointed to the rank of constable in the Police Service of Northern Ireland. These regulations make provision about the government, administration and conditions of service of police trainees.

Regulation 3 prescribes the length of the period which police trainees must serve, and the other conditions with which police trainees must comply, before they can be appointed as constables.

Regulations 4 and 5 make further provision about the length of period of service of police trainees and about their training.

Regulation 6 makes provision for the termination of the period of service of a police trainee by the Chief Constable (on the grounds set out in paragraph (1)) or by the police trainee (under paragraph (2)).

Regulation 7 confers power on the Chief Constable to make standing orders about the training of police trainees.

Regulation 8 allows the Chief Constable to delegate certain functions under the regulations.

Regulation 9 makes provision about the restrictions which are, or may be, imposed on the private lives of police trainees.

Regulation 10 makes provision about business interests which may be incompatible with a person remaining a police trainee.

Regulations 11 to 15 make provision about the leave entitlement of police trainees.

Regulations 16 to 28 and Schedules 1 and 2 make provision about the pay, pensions and allowances of police trainees.