

2004 No. 1

POLICE

**Police (Recruitment) (Northern Ireland) (Amendment)
Regulations 2004**

Made - - - - - *6th January 2004*

Coming into operation *8th February 2004*

To be laid before Parliament

The Secretary of State, in exercise of the powers conferred upon him by sections 25 and 26 of the Police (Northern Ireland) Act 1998^(a) and section 44 of the Police (Northern Ireland) Act 2000^(b), and after consulting the Northern Ireland Policing Board, the Chief Constable, the Equality Commission for Northern Ireland and the Police Association for Northern Ireland, hereby makes the following Regulations:

Citation and commencement

1.—(1) These regulations may be cited as the Police (Recruitment) (Northern Ireland) (Amendment) Regulations 2004.

(2) These regulations shall come into operation on 8th February 2004.

Appointment as police reserve trainee: prohibited business interests

2.—(1) In regulation 2(2)(e) of the Police (Recruitment) (Northern Ireland) Regulations 2001^(c) (qualified candidate for appointment as a police trainee or police reserve trainee must not be ineligible for appointment by virtue of provisions on business interests and criminal convictions) after “or” there shall be inserted “regulation 2A (prohibited business interests for police reserve trainees) or”.

(2) After regulation 2 of those regulations there shall be inserted –

“Prohibited business interests for police reserve trainees

2A.—(1) A person shall not be eligible for appointment as a police reserve trainee if he or a relative included in his family has a prohibited business interest.

(2) For the purposes of this regulation a candidate for appointment as a police reserve trainee or, as the case may be, a relative included in his family, has a prohibited business interest if –

(a) the candidate –

(i) holds any office or employment for hire or gain (otherwise than as a police reserve trainee), or

(ii) carries on any business,

(a) 1998 c. 32

(b) 2000 c. 32

(c) S.R. 2001 No. 140, as amended by S.R. 2002 No. 385 and S.R. 2003 No. 372

which, if held after his appointment as a reserve constable, could reasonably be regarded as affecting his ability to discharge his duties as a reserve constable in accordance with the code of ethics issued by the Policing Board under section 52 of the Act; or

- (b) a shop is kept or a like business carried on by the candidate'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, and the keeping of the shop or carrying on of the business after his appointment as a reserve constable could reasonably be regarded as affecting his ability to discharge his duties as a reserve constable in accordance with that code of ethics; or
- (c) the candidate, 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 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, and the holding of that licence or permit or pecuniary interest after his appointment as a reserve constable could reasonably be regarded as affecting his ability to discharge his duties as a reserve constable in accordance with that code of ethics.

(3) Any reference in this regulation to a relative included in a candidate's family shall include a reference to his spouse, parent, son, daughter, brother or sister.

(4) The Chief Constable may give guidance to reserve constables, police reserve trainees and candidates for appointment as police reserve trainees in connection with prohibited business interests.

(5) The Chief Constable shall publish any guidance issued under paragraph (4)."

Functions of vetting panel

3.—(1) In regulation 11(1) of those regulations (restrictions on contracting out) after subparagraph (b) there shall be inserted –

“(bb) assessments as to whether candidates are ineligible for appointment as police trainees or police reserve trainees by virtue of any of the provisions mentioned in regulation 2(2)(e).”

(2) In regulation 12 of those regulations (vetting panel) –

(a) in paragraph (1) (function of panel) for the words from “function” to the end there shall be substituted “functions shall be to decide, in any case which is referred to it, on his behalf and subject to his direction and control –

(a) on the suitability of any candidate for appointment as a police trainee or police reserve trainee;

(b) whether a candidate is ineligible for appointment as a police trainee or police reserve trainee by virtue of any of the provisions mentioned in regulation 2(2)(e).”;

(b) in paragraph (1A) (decision that candidate is unsuitable must be taken by panel) after “unsuitable” there shall be inserted “or, by virtue of any of the provisions mentioned in regulation 2(2)(e), ineligible.”; and

(c) in paragraph (5) (right to seek review of decision that candidate not suitable) after “suitable” there shall be inserted “or eligible”.

(3) In regulation 13 of those regulations (independent assessor) –

(a) in paragraph (6) (panel to reconsider decision about suitability of candidate) after “suitability” there shall be inserted “or eligibility”; and

(b) in paragraph (8) (information for candidate following review) for “whether he is suitable for appointment following the review of the Independent Assessor” there shall be substituted –

“(a) following the review by the Independent Assessor of a decision about his suitability, whether he is suitable for appointment, or

(b) following the review by the Independent Assessor of a decision about his eligibility, whether he is ineligible for appointment by virtue of a provision mentioned in regulation 2(2)(e),”.

Northern Ireland Office
6th January 2004

Paul Murphy
One of Her Majesty’s Principal Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Police (Recruitment) (Northern Ireland) Regulations 2001 by providing that the holding of a prohibited business interest is a bar on appointment as a police reserve trainee and thus on appointment as a member of the PSNI Reserve. Business interests of the descriptions mentioned in new regulation 2A(2) of the Police (Recruitment) (Northern Ireland) Regulations 2001 are prohibited if they could reasonably be regarded as affecting a person's ability to discharge his duties as a reserve constable in accordance with the Police Service of Northern Ireland Code of Ethics.

These regulations also amend the functions of the vetting panel established under regulation 12 of the Police (Recruitment) (Northern Ireland) Regulations 2001. The Chief Constable may already refer to the panel the question of the suitability of a candidate for appointment as a police trainee or a police reserve trainee. These regulations clarify the role of the panel on the question of eligibility for appointment under the rules on business interests and criminal convictions.

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