
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 122

**The Police Service of Northern Ireland
(Secondment) (Garda Síochána) Regulations 2004**

PART II

SECONDMENTS FROM THE GARDA SÍOCHÁNA

Efficiency and effectiveness of seconded officers

3.—(1) Where a candidate for appointment under section 36A(1) of the Police (Northern Ireland) Act 2000 is a member of the Garda Síochána, the Chief Constable shall not make the appointment unless he is satisfied that the candidate –

- (a) is fitted physically and mentally to perform the duties of a member of the Police Service of Northern Ireland, and
- (b) is likely to become an efficient and well-conducted member of the Police Service of Northern Ireland.

(2) The Chief Constable shall make arrangements for such training as he considers appropriate for the purposes of ensuring that a member seconded from the Garda Síochána is able to perform the duties of his office efficiently and effectively.

Appointment of seconded officers

4. Where a member of the Garda Síochána is appointed to the Police Service of Northern Ireland under section 36A(1) of the Police (Northern Ireland) Act 2000, the appointment is subject to the provisions of any such protocols, addressing detailed aspects of secondments from the Garda Síochána to the Police Service of Northern Ireland, as may be signed under Article 3 of the inter-governmental agreement.

Seconded officers not eligible for promotion

5. A member who is seconded from the Garda Síochána and appointed to a rank in the Police Service of Northern Ireland under section 36A(1) of the Police (Northern Ireland) Act 2000 shall not be eligible for any promotion to a higher rank.

Police Association for Northern Ireland

6. In regulation 5 of the Police Association for Northern Ireland Regulations 1991(1) (every member of the police force shall be a member of the Police Association) after “force” insert “(other than a member seconded from the Garda Síochána (within the meaning of the Police Service of Northern Ireland (Secondment) (Garda Síochána) Regulations 2004))”.

Conditions of service

7. The 1996 regulations shall not apply in relation to any member seconded from the Garda Síochána, except as provided by Schedule 1.

Conduct

8.—(1) In relation to any member seconded from the Garda Síochána, the conduct regulations shall have effect with the modifications set out in Schedule 2.

(2) The Royal Ulster Constabulary (Appeals) Regulations 2000(2) shall not apply in relation to any member seconded from the Garda Síochána.

Notices about misconduct cases

9.—(1) Where the Chief Constable suspends a member seconded from the Garda Síochána under regulation 5 of the conduct regulations, the Chief Constable shall notify the Commissioner of the Garda Síochána in writing of the suspension.

(2) Where an officer appointed under regulation 8 of the conduct regulations (“the investigating officer”) gives notice under regulation 9 of those regulations to a member seconded from the Garda Síochána of the matters mentioned in regulation 9(a) of those regulations, the investigating officer shall send a copy of the notice to the Commissioner of the Garda Síochána.

(3) Where the investigating officer appointed to investigate a case relating to the conduct of a member seconded from the Garda Síochána submits a report under regulation 10 of the conduct regulations, he shall send a copy of the report to the Commissioner of the Garda Síochána.

(4) Where an officer to whom a case is referred under regulation 7 of the conduct regulations gives notice to a member seconded from the Garda Síochána under regulation 13(1) of the conduct regulations of a decision to refer the case to a hearing, he shall send to the Commissioner of the Garda Síochána –

- (a) a copy of the notice, and
- (b) copies of anything supplied to the member under regulation 13(1).

(5) At the conclusion of any hearing under the conduct regulations the presiding officer or (in a directed hearing) the Chief Constable shall inform the Commissioner of the Garda Síochána in writing of the finding and shall send to the Commissioner a copy of the record of the hearing taken under regulation 30 of those regulations.

(6) The Chief Constable may delegate any of his functions under paragraph (1) or (5) to another senior officer.

Members of the Garda Síochána whose appointment to the PSNI has ended

10.—(1) The conduct regulations shall apply to any person –

- (a) who was a member seconded from the Garda Síochána,
- (b) whose appointment under section 36A(1) of the Police (Northern Ireland) Act 2000 has ended, and
- (c) who remains a member of the Garda Síochána,

as if he were still a member seconded from the Garda Síochána, subject to the modifications set out in paragraphs (2) to (4).

(2) In regulation 5(3) after “paragraph (2)(a) to (d)” there shall be inserted “or until the member concerned ceases to be a member”.

- (3) Any reference to the rank of the member concerned shall be construed as –
- (a) a reference to the rank which he held under the appointment referred to in paragraph (1) (b), or
 - (b) (if higher) the rank which is designated by the Secretary of State for the purposes of this regulation as the rank in the Police Service of Northern Ireland corresponding to the rank which the member holds for the time being in the Garda Síochána.
- (4) Any reference to the sub-division or branch in which a member under investigation is serving includes a reference to any sub-division or branch in which the member served during the appointment referred to in paragraph (1)(b).

Pensions and injury benefit

11. The regulations relating to Police Service of Northern Ireland pensions and injury benefit for the time being in force shall not apply in relation to any service as a member seconded from the Garda Síochána.

Unsatisfactory performance

12. The Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000(3) shall not apply in relation to any member seconded from the Garda Síochána.