
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 3

**Police Service of Northern Ireland
Reserve (Part-Time) Regulations 2004**

**PART II
GOVERNMENT**

Persistent failure to report for duty

10.—(1) The appropriate officer may dismiss a member whose persistent failure to report for duty is unacceptable.

(2) In this regulation “the appropriate officer” means, in relation to a member –

- (a) the district commander for the police district in which the member serves, or
- (b) where he is absent, such other member of the Police Service of Northern Ireland of at least the rank of inspector as may be designated by the Chief Constable.

(3) For the purposes of paragraph (1) failure to report for duty –

- (a) is to be regarded as persistent if it occurs, with such frequency as may be specified by the Chief Constable, over such period or periods as may be so specified, and
- (b) is not to be regarded as unacceptable if it occurs in such circumstances as may be specified by the Chief Constable.

(4) No period falling within a member’s period of probation shall be taken into account for the purposes of paragraph (1).

(5) Where the appropriate officer dismisses a member under paragraph (1), he shall give the member one month’s written notice.

(6) A member who is dismissed under paragraph (1) may appeal to the Chief Constable against the dismissal by sending written notice of appeal to the Chief Constable within –

- (a) 10 days of receiving notice of the dismissal, or
- (b) such longer period as the Chief Constable may in all the circumstances allow,

and where notice of appeal is so given, the dismissal shall not take effect until notice of the decision on the appeal is given to the member under paragraph (9).

(7) The Chief Constable shall, on receipt of a notice of appeal under paragraph (6), require the appropriate officer to submit to him, within the next following 10 days –

- (a) a notice setting out the grounds for his decision to dismiss the member, and
- (b) copies of any documents on which he relies in support of that decision.

(8) Where the Chief Constable receives a notice or copies of any documents under paragraph (7), he shall send copies of them to the member, and shall afford the member a reasonable opportunity, being in no case less than 14 days, to comment thereon.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(9) Where a member has appealed under paragraph (6) the Chief Constable shall give him notice of his decision on the appeal within 28 days of –

- (a) receiving his comments on the notice and any other documents sent to the member under paragraph (8), or
- (b) the expiration of the period afforded for making comments if none have by then been received.