

EXPLANATORY MEMORANDUM TO
THE POLICE RESERVE TRAINEE (AMENDMENT) REGULATIONS
(NORTHERN IRELAND) 2009

2009 No. 391

1. 1.1 This explanatory memorandum has been prepared by the Northern Ireland Office and is laid before Parliament by Command of Her Majesty.

1.2 It has been prepared by the Northern Ireland Office to assist the reader in understanding this statutory rule (SR). It does not form part of the SR.
2. **Purpose of the instrument**

2.1 The purpose of the instrument is to amend regulations in relation to the appointment criteria for police reserve trainees in Northern Ireland.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.
4. **Legislative Context**

4.1 Section 40 of the Police (Northern Ireland) Act 2000 gives the Chief Constable the power to appoint police reserve trainees. The government, administration and conditions of service of the police reserve trainees are set out in the Police Reserve Trainee Regulations (Northern Ireland) 2004 (S.R. 2004/2), as amended.

4.2 The Police (Recruitment) (Northern Ireland) Regulations 2001 (S.R. 2001/140) as amended, set out the qualifications required for appointment as a police reserve trainee.
5. **Territorial Extent and Application**

5.1 This instrument applies to Northern Ireland.
6. **European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- ***What is being done and why***

7.1 The main purpose of the Police Reserve Trainee (Amendment) Regulations (Northern Ireland) 2008 is to amend current regulations in relation to the appointment criteria for police reserve trainees in Northern Ireland. These include the criminal conviction criteria which will be used to determine an applicant's suitability for appointment.

7.2 The need for these amendments arise following similar amendments which were made for trainee police officers in the Police Trainee (Amendment) Regulations (Northern Ireland) 2008 (S.R. 2008/314).

7.3 The instrument amends a legislative error by moving the appointment criteria for police trainees from the Recruitment Regulations to the Reserve Trainee Regulations.

7.4 The regulations also clarify the rules about business interests which are incompatible with being a police reserve trainee. The relatives whose business interests will be considered are also specified.

- ***Consolidation***

7.5 No consolidation is planned.

8. Consultation outcome

8.1 As required by sections 41(6) and 44(2) of the Police (Northern Ireland) Act 2000, the Secretary of State has consulted the Northern Ireland Policing Board, the Chief Constable, the Equality Commission for Northern Ireland and the Police Association for Northern Ireland.

8.2 The draft regulations were issued for a 12 week consultation from 1 May to 24 July. Most responses were broadly supportive of the proposed changes. However, the regulations originally contained a provision to ban members of the PSNI Reserve from membership of organisations determined by the Secretary of State. Following a response from the Equality Commission, this provision was removed while we consider the legality of making such a provision.

9. Guidance

9.1 Regulation 1C(1)(a), as inserted by regulation 2, allows the Secretary of State to determine the procedures which will be used for the testing for evidence of controlled drugs.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument as no impact on the private or voluntary sector is foreseen.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 Regulations will be reviewed in line with any comments received from the Police Service of Northern Ireland. Any changes to the conditions of service for trainee police officers in the Police Service of Northern Ireland will be considered for reserve trainees.

13. Contact

Clare Brady at the Northern Ireland Office Tel: 028 9052 3458 or email:
Clare.Brady@nio.x.g.si.gov.uk can answer any queries regarding the instrument.