

2009 No. 393

POLICE

**Police Service of Northern Ireland Reserve (Part-Time)
(Amendment) Regulations 2009**

<i>Made</i> - - - -	<i>24th November 2009</i>
<i>Laid before Parliament</i>	<i>9th December 2009</i>
<i>Coming into operation</i> -	<i>31st December 2009</i>

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The Secretary of State, in exercise of the powers conferred by section 26 of the Police (Northern Ireland) Act 1998(a), makes the following Regulations:

In accordance with section 26(6) of that Act, he has consulted the Northern Ireland Policing Board and the Police Association for Northern Ireland:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Police Service of Northern Ireland Reserve (Part-Time) (Amendment) Regulations 2009.

(2) These regulations shall come into operation on 31st December 2009.

(3) In these regulations “the principal regulations” means the Police Service of Northern Ireland Reserve (Part-Time) Regulations 2004(b).

Restrictions on private life

2. In regulation 6 of the principal regulations (restrictions on private life) after paragraph (1) insert—

“(1A) No restriction may be imposed under paragraph (1) on the private life of a member except—

(a) 1998 c. 32.
(b) S.R. 2004 No. 3.

- (a) in the interests of public safety,
- (b) for the purpose of preventing disorder or crime, or
- (c) for the protection of the rights and freedoms of others.”

Business interests

3.—(1) Regulation 7 of the principal regulations (prohibited business interests) shall be amended as follows.

(2) For paragraph (1) substitute—

“(1) The Chief Constable may give notice in writing to a member that a business interest is incompatible with that person remaining a member if—

- (a) the member—
 - (i) holds any office or employment for hire or gain (otherwise than as a member), or
 - (ii) carries on any business, or
 - (iii) holds, or possesses a pecuniary interest in, a relevant licence or permit, which could reasonably be regarded as affecting his ability to discharge his duties as a reserve constable in accordance with the code of ethics; or
- (b) a relative holds, or possesses a pecuniary interest in, a relevant licence or permit, and the holding of that licence or permit or the possession of that pecuniary interest could reasonably be regarded as affecting his ability to discharge his duties as a reserve constable in accordance with the code of ethics.

(1A) In paragraph (1)—

“the code of ethics” means the code of ethics issued by the Northern Ireland Policing Board under section 52 of the Police (Northern Ireland) Act 2000; and

“relevant licence or permit” means a 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.”

(3) In paragraph (2) for “included in his family may have a prohibited business interest” substitute “may have a business interest such as is described in paragraph (1)”.

(4) For paragraph (8) substitute—

“(8) Any reference in this regulation to a relative, in relation to a member, means—

- (a) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that member or the spouse or former spouse of that member, or
- (b) the brother, sister, uncle, aunt, niece or nephew (whether of the full blood or the half blood or by affinity) of that member or of the spouse or former spouse of that member,

and includes, in relation to a member who is living or has lived with another person as husband and wife, any person who would fall within sub-paragraph (a) or (b) if the parties were married to each other.”

(5) After paragraph (8) insert—

“(9) The Chief Constable may give guidance to members in connection with business interests which may be incompatible with a person remaining a member.

(10) The Chief Constable shall publish any guidance issued under paragraph (9).”

Samples

4. After regulation 15A of the principal regulations insert—

“Samples

15B.—(1) Every member, except those members appointed following their transfer from a police force in Great Britain, shall on appointment and in accordance with the directions of the Chief Constable, have a sample taken.

(2) Samples or the information derived from samples of members taken in accordance with this regulation shall be kept separate from the samples or information derived from samples taken in accordance with Article 63 of the Police and Criminal Evidence (Northern Ireland) Order 1989.

(3) The samples or information derived from samples of a member taken in accordance with this regulation, and all copies and records thereof shall be destroyed on his ceasing to be a member.

(4) In this regulation “sample” means—

- (a) a sample of hair, other than pubic hair, complete with roots;
- (b) saliva; or
- (c) a swab taken from the mouth.”

Pay

5. In regulation 17(2) of the principal regulations (determination of pay of members of PSNI Reserve) the words “but nothing in this paragraph shall be construed as authorising the pay payable to any person to be reduced retrospectively” shall cease to have effect.

Deductions from pay of benefits and statutory sick pay

6. In regulation 20(1) of the principal regulations (which provides for incapacity benefit and statutory sick pay to be deducted from pay) omit the words “or allowance”.
Signatory text

Northern Ireland Office
24th November 2009

Paul Goggins
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations amend the Police Service of Northern Ireland Reserve (Part-Time) Regulations 2004.

Regulation 2 amends regulation 6, in response to the 8th Report of the Joint Committee of Statutory Instruments for the Session 2003-2004, limiting the purposes for which restrictions may be placed on the private life of members of the PSNI Reserve.

Regulation 3 clarifies the rules about the business interests which are prohibited for Police Officers (Part-Time) serving in the PSNI Reserve and their relatives. Similar amendments have recently been made for police officers in the PSNI, police trainees, and police reserve trainees.

Regulation 4 provides for DNA samples to be taken from Police Officers (Part-Time) serving in the PSNI Reserve.

Regulation 5 corrects defective drafting in regulation 17(2), in response to the 8th Report of the Joint Committee of Statutory Instruments for the Session 2003-2004.

Regulation 6 removes an obsolete reference from regulation 20.

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