

**EXPLANATORY MEMORANDUM TO
POLICE SERVICE OF NORTHERN IRELAND AND POLICE SERVICE OF
NORTHERN IRELAND RESERVE (FULL-TIME) (AMENDMENT)
REGULATIONS 2011**

2011 No. 50

1.

- 1.1 This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under powers conferred by sections 25 and 26 of the Police (Northern Ireland) Act 1998, and is subject to negative resolution procedure.

2. Purpose

- 2.1. This Statutory Rule amends the Royal Ulster Constabulary Reserve (Full-Time) (Appointments and Conditions of Service) Regulations 1996, the Police Service of Northern Ireland Regulations 2005 to provide an additional public holiday for police officers on 29 April 2011. The Statutory Rule also amends the definition of "public holiday" in the Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006.

3. Background

- 3.1 On 11 January 2011, the London Gazette published notification of Her Majesty The Queen's proclamation appointing Friday 29 April 2011 as an additional bank holiday in England, Wales and Northern Ireland, to mark the marriage of Prince William and Katherine Middleton. Such a proclamation is allowed by section 1(3) of the Banking and Financial Dealings Act 1971.
- 3.2 To apply this bank holiday in the PSNI it is necessary to amend the definition of "public holiday" in the regulations governing the terms and conditions of police officers to include specific reference to the extra day. A similar approach was taken in 1999 when regulations were amended to allow for an extra day of leave on 31 December 1999, "to mark the Millennium". In 1995 and 2002 regulations were also amended to move public holidays to mark key occasions (respectively to mark V.E. Day, and the 50th anniversary of Her Majesty The Queen's accession to the throne)
- 3.3 PSNI Regulations specifically define "public holiday" for PSNI officers as New Year's Day, St Patrick's Day, first and last Monday in May, 12 July, last Monday in August, Christmas Day and 26 December. Some of these days are also bank holidays and are the only days which can be treated as such.
- 3.4 The amendment will be a statutory rule by negative resolution. Amendments to three sets of regulations are required to add 29 April 2011 to the definition of "public holiday".

4. Consultation

- 4.1 The Department of Justice has consulted with the Northern Ireland Policing Board as required by section 26(6) of the Police (Northern Ireland) Act 1998. The Department also consulted with the Chief Constable of the Police Service of Northern Ireland [and obtained the consent of the Department of Finance and Personnel]. The Department of Justice has taken into account the recommendations made by the Police Negotiating Board for the United Kingdom and supplied that Board with a draft of the Regulations as required by section 62(1ZA) of the Police Act 1996.
- 4.2 A copy of the draft regulations was sent to the Northern Ireland Human Rights Commission.
- 4.3 There was no public consultation process and no media coverage.

5. Equality Impact

- 5.1 Consideration has been given to compliance with Section 75 of the Northern Ireland Act 1998 and no equality issues have been identified by the Department.

6. Regulatory Impact

- 6.1 The Department does not consider that there is a need for a regulatory impact assessment for these Regulations as it has no impact on business, charities or voluntary bodies.

7 Financial Implications

- 7.1 The impact on the public sector is limited to salary-related costs associated with bank holiday payments for police officers. The potential additional costs have been noted by the Chief Constable and rostering will take this additional holiday into account.

8. Section 24 of the Northern Ireland Act 1998

- 8.1 The proposed legislation is considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1 There are no EU implications.

10 Parity or Replicatory Measure

- 10.1 Similar amendments to legislation for police officers serving in Scotland, England and Wales are not required due to the different construction of their equivalent regulations. This amendment is required to maintain parity with policing provisions in the rest of the United Kingdom, and the public sector in Northern Ireland.

11. Additional Information

- 11.1 Not applicable.