

EXPLANATORY MEMORANDUM TO
THE POLICE (APPEALS, CONDUCT AND UNSATISFACTORY PERFORMANCE AND
ATTENDANCE)(AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2015

2015 No. 360

1. Introduction

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.

The Statutory Rule is made under powers conferred by sections 25 and 26 of the Police (Northern Ireland) Act 1998, and is subject to the negative resolution procedure.

2. Purpose

This Statutory Rule makes a technical amendment to three sets of regulations governing discipline procedures for members of the Police Service of Northern Ireland (PSNI).

The amendment will revoke and replace the definition of “member” in the Royal Ulster Constabulary (Appeals) Regulations 2000, the Royal Ulster Constabulary (Conduct) Regulations 2000 and the Police (Unsatisfactory Performance and Attendance) Regulations (Northern Ireland) 2010.

The Regulations come into operation on 30 November 2015.

3. Background

The procedure for the discipline and performance of PSNI officers is set out in 3 sets of existing regulations. It has come to light that the definition of ‘member’ in two sets of those regulations, the appeals and the performance regulations, is incorrect.

The definitions in both sets of regulations are at odds with the conduct regulations and are erroneous as they exclude member of the PSNI Part-Time Reserve (PTR).

In order to rectify the anomaly, this Statutory Rule corrects two sets of regulations and amend a further set to provide consistency across all the regulations which govern police officer conduct, performance and appeals procedures.

4. Consultation

In accordance with sections 25(8) and 26(6) of the enabling legislation, the Department has consulted with the Northern Ireland Policing Board and the Police Association for Northern Ireland. The consultation was also extended to the PSNI.

5. Equality Impact

Internal discipline and unsatisfactory performance procedures for PSNI officers apply equally to all police officers, regardless of grouping. There is no significant adverse impact on those listed under Section 75 of the Northern Ireland Act 1998.

6. Regulatory Impact

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

7. Financial Implications

None.

8. Section 24 of the Northern Ireland Act 1998

The proposed instrument is considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

Not applicable.

10. Parity or Replicatory Measure

This instrument amends legislation governing discipline and unsatisfactory performance procedures for police officers in Northern Ireland.

11. Additional Information

Not applicable.