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STATUTORY RULES OF NORTHERN IRELAND

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**2009 No. 391**

**POLICE**

**Police Reserve Trainee (Amendment)  
Regulations (Northern Ireland) 2009**

*Made* - - - - *24th November 2009*  
*Laid before Parliament* *9th December 2009*  
*Coming into force* - - *31st December 2009*

The Secretary of State, in exercise of the powers conferred by sections 41 and 44 of the Police (Northern Ireland) Act 2000(1), makes the following Regulations:

In accordance with sections 41(6) and 44(2) of that Act, he has consulted the Northern Ireland Policing Board, the Chief Constable, the Equality Commission for Northern Ireland and the Police Association for Northern Ireland:

**Citation, commencement and interpretation**

1.—(1) These regulations may be cited as the Police Reserve Trainee (Amendment) Regulations (Northern Ireland) 2009.

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

(3) In these regulations “the reserve trainee regulations” means the Police Reserve Trainee Regulations (Northern Ireland) 2004(2).

**Appointment of police reserve trainees**

2. After regulation 1 of the reserve trainee regulations insert—

**“Interpretation**

**1A.** In these regulations—

“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;

“controlled drug” has the same meaning as in the Misuse of Drugs Act 1971;

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(1) 2000 c. 32. Section 41 was amended by Article 8 of the Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (N.I. 6).  
(2) S.R. 2004 No. 2. Regulation 4A was inserted by S.R. 2008 No. 325.

“police recruitment agent” means the agent appointed under section 43 of the Police (Northern Ireland) Act 2000;

“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.

### **Appointment as a police reserve trainee**

**1B.**—(1) To be qualified for appointment as a police reserve trainee, an applicant—

- (a) must be a national of a Member State, Norway, Iceland or Liechtenstein, or have leave to enter or remain in the United Kingdom for an indefinite period;
- (b) must have attained the age of 18 years;
- (c) must demonstrate by such tests or assessments as may be determined by the Chief Constable or carried out by the police recruitment agent in accordance with arrangements prescribed under section 44(3)(c) of the Police (Northern Ireland) Act 2000 that—
  - (i) he is sufficiently competent in written and spoken English, and
  - (ii) he possesses such other skills as may be necessary to carry out the duties of a member of the Police Service of Northern Ireland Reserve;
- (d) must be certified by a registered medical practitioner approved by the Chief Constable to be fitted both physically and mentally to perform the duties of a member of the Police Service of Northern Ireland Reserve;
- (e) must pass a test for evidence of controlled drugs;
- (f) must not be, as determined in accordance with arrangements prescribed under section 44(3)(d) of the Police (Northern Ireland) Act 2000, unsuitable for appointment as a police reserve trainee within the meaning of regulation 1D; and
- (g) if applying for appointment as a police reserve trainee with a view to service in the Police Service of Northern Ireland Reserve in a particular area in Northern Ireland, must be resident in that area.

(2) Where a candidate for appointment as a police reserve trainee with a view to service in the Police Service of Northern Ireland Reserve in a particular area in Northern Ireland satisfies the requirements of paragraph (1)(a) to (f) but does not satisfy the requirement specified in paragraph (1)(g), the Chief Constable may appoint that person as a police reserve trainee if he is satisfied that that person has a connection to that area.

(3) The Chief Constable may specify the matters which he may take into account in determining whether a person has a connection to an area for the purposes of paragraph (2).

### **Testing for evidence of controlled drugs**

**1C.**—(1) For the purposes of regulation 1B(1)(e), a person passes a test for evidence of controlled drugs—

- (a) a sample of his saliva, urine, blood, or hair (other than pubic hair) is taken and tested for evidence of controlled drugs in accordance with such procedures as may be determined by the Secretary of State, and
- (b) he is not found to have taken any controlled drugs.

(2) The Chief Constable may specify the circumstances in which a person who provides evidence that he has been subject to drug testing procedures other than those

established under paragraph (1) may be deemed to have passed a test for the purposes of regulation 1B(1)(e).

(3) A determination under paragraph (1) may make different provision for different cases and circumstances.

### **Suitability for appointment as police reserve trainee**

**1D.**—(1) Subject to paragraphs (2) to (5), the Chief Constable may determine the matters which may be taken into account in deciding the suitability of an applicant for appointment as a police reserve trainee in accordance with arrangements prescribed under section 44(3)(d) of the Police (Northern Ireland) Act 2000.

(2) A person is unsuitable for appointment as a police reserve trainee if he has been convicted in Northern Ireland or elsewhere of any offence, and has had passed on him a sentence of imprisonment or detention (whether suspended or not).

(3) The fact that a person—

- (a) has been convicted of any offence,
- (b) has breached a court order, or
- (c) has received a caution as defined by section 126 of the Police Act 1997(3),

may be taken into account, in accordance with any determination made by the Chief Constable under paragraph (1), in deciding his suitability for appointment as a police reserve trainee.

(4) An applicant for appointment as a police reserve trainee is unsuitable for appointment unless he gives—

- (a) such satisfactory references as to his character, and
- (b) such other information as to his suitability for appointment,

as may be required by the Chief Constable or, in accordance with arrangements prescribed under section 44(3)(b) of the Police (Northern Ireland) Act 2000, by the police recruitment agent.

(5) An applicant for appointment as a police reserve trainee is unsuitable for appointment if—

- (a) he—
  - (i) holds any office or employment for hire or gain, or
  - (ii) carries on any business, or
  - (iii) holds, or possesses a pecuniary interest in, a relevant licence or permit,

which, if held, possessed or carried on after his appointment as a reserve constable, 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 after his appointment as a reserve constable could reasonably be regarded as affecting his ability to discharge his duties as a reserve constable in accordance with the code of ethics.

(6) In paragraph (5) “relative”, in relation to an applicant, has the same meaning as it has under regulation 4 in relation to a police reserve trainee.”

### **Appointment as a reserve constable**

3.—(1) Regulation 2 of the reserve trainee regulations (conditions for appointment as a reserve constable) is amended as follows.

(2) The existing wording becomes paragraph (1).

(3) After paragraph (1) insert—

“(2) Police reserve trainees shall be appointed to serve as part-time members of the Police Service of Northern Ireland Reserve.”

### **Business interests acquired by police reserve trainees**

4.—(1) Regulation 4 of the reserve trainee regulations (prohibited business interests) is amended as follows.

(2) For paragraph (1) substitute—

“(1) The Chief Constable may give notice in writing to a police reserve trainee that a business interest is incompatible with him remaining a police reserve trainee if—

(a) the police reserve trainee—

(i) holds any office or employment for hire or gain (otherwise than as a police reserve trainee), or

(ii) carries on any business, or

(iii) holds, or possesses a pecuniary interest in, a relevant licence or permit, which, if held, possessed or carried on after his appointment as a reserve constable, 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 after his appointment as a reserve constable could reasonably be regarded as affecting his ability to discharge his duties as a reserve constable in accordance with the code of ethics.”

(3) For paragraph (7) (meaning of relative included in his family) substitute—

“(7) Any reference in this regulation to a relative, in relation to a police reserve trainee, means—

(a) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that police reserve trainee or the spouse or former spouse of that police reserve trainee, or

(b) the brother, sister, uncle, aunt, niece or nephew (whether of the full blood or the half blood or by affinity) of that police reserve trainee or of the spouse or former spouse of that police reserve trainee,

and includes, in relation to an police reserve trainee 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.”

(4) After paragraph (7) insert—

“(8) The Chief Constable may give guidance to police reserve trainees and applicants for appointment as police reserve trainees in connection with business interests which—

(a) may make a person unsuitable for appointment as a police reserve trainee, and

(b) may be incompatible with a person remaining a police reserve trainee.

(9) The Chief Constable shall publish any guidance issued under paragraph (8).”

#### **Consequential amendments: testing for substance misuse**

5.—(1) Regulation 4A(5) of the reserve trainee regulations is revoked.

(2) Regulation 5 of the Police (Testing for Substance Misuse) Regulations (Northern Ireland) 2008(4) is revoked.

#### **Consequential amendments of the Police (Recruitment) (Northern Ireland) Regulations 2001**

6.—(1) The Police (Recruitment) (Northern Ireland) Regulations 2001(5) are amended as follows.

(2) Omit regulation 2(2) (meaning of qualified candidate).

(3) Omit regulation 2A (prohibited business interests for police reserve trainees).

(4) Omit regulation 3A (appointment of police reserve trainees).

(5) In regulation 7(1) (information to be provided by applicants) for “regulation 2(2)” substitute “regulation 1B of the Police Reserve Trainee Regulations (Northern Ireland) 2004”.

(6) In regulation 8 (tests to be undertaken by applicants)—

(a) in paragraph (1) for “regulation 2(2)” substitute “regulation 1B of the Police Reserve Trainee Regulations (Northern Ireland) 2004”; and

(b) in paragraph (2) for “regulation 2(2)(c)” substitute “regulation 1B(1)(d) of those regulations”.

(7) Omit regulation 11(1)(bb).

(8) In regulation 12 (vetting panel)—

(a) omit paragraph (1)(b),

(b) omit paragraph (4), and

(c) in paragraph (5), omit the words “or eligible”.

(9) In regulation 13 (independent assessor)—

(a) in paragraph (6) omit the words “or eligibility”, and

(b) in paragraph (8) omit sub-paragraph (b) and the word “or” at the end of sub-paragraph (a).

(10) Omit Schedule 1.

#### **Revocation of earlier amending instruments**

7.—(1) The following provisions of the Police (Recruitment) (Northern Ireland) (Amendment) Regulations 2002(6) are revoked—

(a) regulation 2;

(b) regulation 3;

(c) regulation 7(4).

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(4) S.R. 2008 No. 325.

(5) S.R. 2001 No. 140. Regulations 2, 3, 7, 8, 11 and 12 were amended by the Police Trainee (Amendment) Regulations 2008 (S.R. 2008 No. 314). Other amendments were made by S.R. 2002 No. 385, S.R. 2003 No. 372, S.R. 2004 No.1, S.R. 2004 No. 379 and S.R. 2006 No. 69.

(6) S.R. 2002 No. 385. Regulation 2 of S.R. 2002 No. 385 amended regulation 2(2) of the Police (Recruitment) (Northern Ireland) Regulations 2001, which is revoked by regulation 7(2) of these regulations. Regulation 3 of S.R. 2002 No. 385 inserted regulation 3A of the Police (Recruitment) (Northern Ireland) Regulations 2001, which is revoked by regulation 7(4) of these regulations. Regulation 7(4) of S.R. 2002 No. 385 amended regulation 12(4) of the Police (Recruitment) (Northern Ireland) Regulations 2001, which is revoked by regulation 7(8) of these regulations.

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

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(2) The following provisions of the Police (Recruitment) (Northern Ireland) (Amendment) Regulations 2004(7) are revoked—

- (a) regulation 2;
- (b) regulation 3(1).

(3) Regulation 2(2) of the Police (Recruitment) (Amendment) Regulations (Northern Ireland) 2006(8) is revoked.

Signatory text

Northern Ireland Office  
24th November 2009

*Paul Goggins*  
Minister of State

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- (7) [S.R. 2004 No. 1](#). Regulation 2 of [S.R. 2004 No. 1](#) amended regulation 2 of the Police (Recruitment) (Northern Ireland) Regulations 2001, which is revoked by regulation 7(2) of these regulations, and inserted regulation 2A of those regulations which is revoked by regulation 7(3) of these regulations. Regulation 3(1) of [S.R. 2004 No. 1](#) inserted regulation 11(1)(bb) of the Police (Recruitment) (Northern Ireland) Regulations 2001, which is revoked by regulation 7(7) of these regulations,
- (8) [S.R. 2006 No. 69](#). Regulation 2(2) of [S.R. 2006 No. 69](#) inserted regulation 3A(4) of the Police (Recruitment) (Northern Ireland) Regulations 2001, which is revoked by regulation 7(4) of these regulations.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

These regulations make provision about police reserve trainees.

Regulation 2 inserts new regulations 1A to 1D into the Police Reserve Trainee Regulations (Northern Ireland) 2004 (“the 2004 regulations”). These provisions about the appointment of police reserve trainees are being re-enacted with amendments, having previously been part of the Police (Recruitment) (Northern Ireland) Regulations 2001 and the Police (Testing for Substance Misuse) Regulations (Northern Ireland) 2008. The main change to the provisions is in new regulation 1D(2) which sets out the criteria on which an applicant for appointment as a police reserve trainee is rejected by reason of criminal convictions.

Regulation 3 re-enacts in the 2004 regulations provision for police reserve trainees to be appointed as part-time, not full-time, members of the PSNI Reserve. This provision was previously made in the Police (Recruitment) (Northern Ireland) Regulations 2001.

Regulation 4 inserts into the 2004 regulations provision defining what is meant by a prohibited business interest. This re-enacts with amendments the provision which was previously made in the Police (Recruitment) (Northern Ireland) Regulations 2001. The main change is in new regulation 4(7), which specifies the relatives whose business interests fall within this provision.

The provisions of the Police (Recruitment) (Northern Ireland) Regulations 2001 and the Police (Testing for Substance Misuse) Regulations (Northern Ireland) 2008 which are superseded by these regulations are revoked by regulations 5, 6 and 7.