
STATUTORY INSTRUMENTS

2007 No. 912

**The Policing (Miscellaneous Provisions)
(Northern Ireland) Order 2007**

Recruitment

Recruitment of police trainees

8.—(1) The Police (Northern Ireland) Act 2000 (c. 32) is amended in accordance with paragraphs (2) to (5).

(2) In section 46 (discrimination in appointments) for subsections (1) and (2) substitute—

“(1) Subject to subsection (2), in making appointments under section 39 on any occasion, the Chief Constable shall proceed as set out in subsections (1A) to (1F).

(1A) He shall provisionally appoint from the pool of applicants formed by virtue of section 44(5) an even number of persons of whom—

- (a) one half shall be persons who are treated as Roman Catholic; and
- (b) one half shall be persons who are not so treated.

(1B) Where following the provisional appointment of any person under subsection (1A) it is determined in accordance with regulations under section 44 that the person—

- (a) is physically and mentally fitted for appointment; and
- (b) is not unsuitable for appointment;

the Chief Constable shall confirm the appointment.

(1C) Subsections (1D), (1E) and (1F) apply where following the provisional appointment of any person under subsection (1A) it is determined in accordance with regulations under section 44 that the person—

- (a) is not physically and mentally fitted for appointment; or
- (b) is unsuitable for appointment.

(1D) The provisional appointment of that person (the unsuccessful applicant) shall cease to be of any effect.

(1E) The Chief Constable shall provisionally appoint from the pool of applicants formed by virtue of section 44(5) a person to replace the unsuccessful applicant being a person who—

- (a) is treated as Roman Catholic, where the unsuccessful applicant was so treated; or
- (b) is not so treated, where the unsuccessful applicant was not so treated.

(1F) Subsections (1B) to (1E) apply in relation to a person provisionally appointed under subsection (1E) as they apply in relation to a person provisionally appointed under subsection (1A).

(1G) In subsections (1B) and (1C) references to a person being “physically and mentally fitted for appointment” and “unsuitable for appointment” have such meanings as may be prescribed by regulations under section 41(3).

- (2) The Secretary of State may, after consultation with the Board and the Chief Constable, by order amend any of the preceding subsections in their application to the making of appointments under section 39 on any occasion specified in the order.”.
- (3) In section 46—
- (a) in subsection (3)(a) for “subsection (1) (as originally enacted)” substitute “subsections (1) to (1F)”;
 - (b) in subsection (8) for “subsections (1), (4) and (5)” substitute “this section”.
- (4) After section 41(3) (regulations as to police trainees) insert—
- “(3A) Regulations under subsection (3) may make provision as to qualifications and suitability for appointment as a police trainee or police reserve trainee; and such regulations may in particular make provision—
- (a) imposing requirements as to nationality, age, skills, competencies and physical and mental fitness;
 - (b) as to the grounds on which a person is ineligible for appointment.”.
- (5) In section 44(5) (formation of pool of qualified applicants) omit “qualified” and for “section 46(1)” substitute “section 46(1A) and (1E)”.
- (6) In each of the following (which provide an exception for acts in compliance with section 46(1) of the Police (Northern Ireland) Act 2000)—
- (a) Article 71A(1) of the [Fair Employment and Treatment \(Northern Ireland\) Order 1998 \(NI 21\)](#);
 - (b) Article 40A(1) of the [Race Relations \(Northern Ireland\) Order 1997 \(NI 6\)](#),
- for “section 46(1)” substitute “section 46(1) to (1F)”.

Recruitment of police support staff

- 9.—**(1) The Police (Northern Ireland) Act 2000 ([c. 32](#)) is amended in accordance with paragraphs (2) to (5).
- (2) After section 4(3) (appointment of certain police support staff) insert—
- “(3A) Regulations may make provision as to the suitability for appointment under subsection (3) of persons who are so appointed with a view to their being designated under section 30 or 30A of the Police (Northern Ireland) Act 2003.
- (3B) Before making regulations under subsection (3), the Secretary of State shall consult—
- (a) the Board;
 - (b) the Chief Constable;
 - (c) the Police Association; and
 - (d) any other person or body appearing to him to have an interest in the matter.”.
- (3) In section 46 (discrimination in appointments) for subsections (5) and (6) substitute—
- “(5) Subject to subsection (6), in making appointments to relevant posts in the police support staff under subsection (3) of section 4 on any occasion, the Chief Constable (acting by virtue of subsection (5) of that section) shall proceed as set out in subsections (5A) to (5F).
- (5A) He shall provisionally appoint from the pool of applicants formed by virtue of section 44(6) an even number of persons of whom—
- (a) one half shall be persons who are treated as Roman Catholic; and

(b) one half shall be persons who are not so treated.

(5B) Where following the provisional appointment of any person under subsection (5A) it is determined in accordance with regulations under section 44 that the person—

(a) is physically and mentally fitted for appointment; and

(b) is not unsuitable for appointment;

the Chief Constable shall confirm the appointment.

(5C) Subsections (5D), (5E) and (5F) apply where following the provisional appointment of any person under subsection (5A) it is determined in accordance with regulations under section 44 that the person—

(a) is not physically and mentally fitted for appointment; or

(b) is unsuitable for appointment.

(5D) The provisional appointment of that person (the unsuccessful applicant) shall cease to be of any effect.

(5E) The Chief Constable shall provisionally appoint from the pool of applicants formed by virtue of section 44(6) a person to replace the unsuccessful applicant being a person who—

(a) is treated as Roman Catholic, where the unsuccessful applicant was so treated; or

(b) is not so treated, where the unsuccessful applicant was not so treated.

(5F) Subsections (5B) to (5E) apply in relation to a person provisionally appointed under subsection (5E) as they apply in relation to a person provisionally appointed under subsection (5A).

(6) The Secretary of State may, after consultation with the Board and the Chief Constable, by order amend any of subsections (5) to (5F) in their application to the making of appointments under section 4(3) on any occasion specified in the order.”.

(4) In section 46(7) for “subsection (5) (as originally enacted)” substitute “subsections (5) to (5F)”.

(5) In section 44(6) (formation of pool of qualified applicants) omit “qualified” and for “section 46(5)” substitute “section 46(5A) and (5E)”.

(6) In each of the following (which provide an exception for acts in compliance with section 46(5) of the Police (Northern Ireland) Act 2000)—

(a) Article 71A(2) of the [Fair Employment and Treatment \(Northern Ireland\) Order 1998 \(NI 21\)](#);

(b) Article 40A(2) of the [Race Relations \(Northern Ireland\) Order 1997 \(NI 6\)](#),

for “section 46(5)” substitute “section 46(5) to (5F)”.