
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 42

The Police (Performance and Attendance)
Regulations (Northern Ireland) 2016

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Police (Performance and Attendance) Regulations (Northern Ireland) 2016 and shall come into operation on 1st June 2016.

Revocation and transitional provisions

2.—(1) — Subject to paragraph (2), the Police (Unsatisfactory Performance and Attendance) Regulations (Northern Ireland) 2010(1) are revoked.

(2) Where formal unsatisfactory performance or attendance procedures have been commenced for the member before 1st June 2016 nothing in these Regulations shall apply and the Regulations mentioned in paragraph (1) shall continue to have effect.

Application

3. These Regulations shall not apply in relation to—

- (a) a member above the rank of Chief Superintendent;
- (b) members of the rank of constable who have not yet completed their period of probation.

Interpretation and delegation

4.—(1) The Interpretation Act (Northern Ireland) 1954(2) applies to these Regulations as it applies to an Act of the Assembly. In these Regulations—

“the 1996 Act” means the Police Act 1996(3);

“the 1998 Act” means the Police (Northern Ireland) Act 1998;

“the 2000 Act” means the Police (Northern Ireland) Act 2000(4);

“the Police Regulations” means the Police Service of Northern Ireland Regulations 2005(5);

“appropriate authority” means the Chief Constable;

(1) [S.R. 2010 No. 47](#).

(2) [1954 c.33 \(N.I.\)](#).

(3) [1996 c.16](#).

(4) [2000 c.32](#).

(5) [S.R. 2005 No. 547](#) to which there are amendments not relevant to these Regulations.

“bank holiday” means a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽⁶⁾ in Northern Ireland;

“document” means anything in which information of any description is recorded and includes any recording of a visual image or images;

“first stage appeal meeting” has the meaning assigned to it by regulation 16;

“first stage meeting” has the meaning assigned to it by regulation 12;

“gross incompetence” means a serious inability or serious failure of a member to perform the duties of his rank or the role he is currently undertaking to a satisfactory standard or level, to the extent that dismissal would be justified, except that no account shall be taken of the attendance of a member when considering whether he has been grossly incompetent;

“human resources professional” means a person employed under section 4 of the 2000 Act or a member who, in either case, has responsibility for personnel matters relating to members;

“interested party” means a person whose appointment could reasonably give rise to a concern as to whether he could act impartially under these Regulations;

“line manager” means a member having supervisory or managerial responsibility for the member concerned;

“nominated person” means a person appointed by a senior manager in accordance with regulation 9;

“member” means a member of the police service;

“member concerned” means the member in respect of whom proceedings under these Regulations are, or are proposed to be, taken;

“panel” means a panel appointed by the appropriate authority in accordance with regulation 30 subject to any change to the membership of that panel in accordance with regulation 31 and to the provisions of regulations 41 and 42;

“panel chair” means the chair of the panel;

“police force” means the police service, a police force within the meaning of section 101 of the 1996 Act⁽⁷⁾, or the Police Service of Scotland, within the meaning of section 6 of the Police and Fire Reform (Scotland) Act 2012⁽⁸⁾;

“police friend” means a person chosen by the member concerned in accordance with regulation 5;

“police officer” means a member of a police force;

“the police service” means the Police Service of Northern Ireland or the Police Service of Northern Ireland Reserve;

“police support staff” has the same meaning as in section 4(6) of the 2000 Act;

“proposed witness” means a witness whose attendance at a third stage meeting the member concerned or the appropriate authority (as the case may be) wishes to request of the panel chair;

“relevant terms of the final written improvement notice” has the meaning assigned to it by regulation 23;

“relevant terms of the written improvement notice” has the meaning assigned to it by regulation 16;

(6) 1971 c.80.
(7) 1996 c.16.
(8) 2012 asp 8.

“second line manager” means the person appointed by the appropriate authority to act as the second line manager for the purposes of these Regulations in relation to the member concerned and who is either—

- (a) a member of the police service having supervisory or managerial responsibility for the line manager and who is senior in rank to the line manager, or
- (b) a police support staff member who has responsibility for the line manager;

“second stage appeal meeting” has the meaning assigned to it by regulation 23;

“second stage meeting” has the meaning assigned to it by regulation 19;

“senior manager” means—

- (a) the member or police support staff member who is for the time being the supervisor of the person who is, in relation to the member concerned, the second line manager; or
- (b) in the absence of such supervisor, the member or police support staff member nominated by the appropriate authority to carry out any of the functions of such supervisor under these Regulations, being of at least the rank above the person who is, in relation to the member concerned, the second line manager;

“senior officer” means a member above the rank of chief superintendent;

“staff association” means—

- (a) in relation to a member of the rank of chief inspector or below, the Police Federation for Northern Ireland; and
- (b) in relation to a member of the rank of superintendent or chief superintendent, the Police Superintendents’ Association for Northern Ireland;

“third stage meeting” has the meaning assigned to it by regulations 26 and 28;

“unsatisfactory attendance” means a level of absence which the Chief Constable has determined is unacceptable or unsustainable;

“unsatisfactory performance” means an inability or failure of a member to perform the duties of the role or rank he is currently undertaking to a satisfactory standard or level;

“unsatisfactory performance procedures” means the procedures set out in these Regulations;

“validity period” has the meaning assigned to it by regulations 15(4), 22(4), 39(7)(d) and 39(8)(c); and

“working day” means any day other than a Saturday or Sunday or a day which is a bank holiday or a public holiday in Northern Ireland.

(2) In these Regulations—

- (a) “unsatisfactory performance or attendance” may be construed as a reference to either unsatisfactory performance or unsatisfactory attendance or both;
- (b) “performance or attendance” may be construed as a reference to performance or attendance or both.

(3) The appropriate authority may, subject to paragraph (4), delegate any of its functions under these Regulations to—

- (a) a member of at least the rank of chief inspector; or
- (b) a member of police support staff who, in the opinion of the appropriate authority is of at least a similar level of seniority to a chief inspector.

(4) Where the appropriate authority delegates its functions under regulation 28, the decisions shall be authorised by a senior officer.

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