



# Police (Northern Ireland) Act 2000

## 2000 CHAPTER 32

### PART VI

#### THE POLICE

##### *Recruitment arrangements*

#### **43 Contracting-out of certain recruitment functions of Chief Constable.**

- (1) The Chief Constable may, in accordance with regulations made by the [<sup>F1</sup>Department of Justice], appoint a person to exercise prescribed functions of the Chief Constable in connection with the recruitment of persons other than—
  - (a) senior officers; and
  - (b) members of the police support staff appointed under section 4(2).
- (2) Before making any regulations under subsection (1), the [<sup>F2</sup>Department of Justice] shall consult—
  - (a) the Board;
  - (b) the Chief Constable;
  - (c) the Equality Commission for Northern Ireland; and
  - (d) the Police Association.
- (3) Regulations under subsection (1)—
  - (a) shall provide for the appointment of a person under that subsection to be made on such terms and conditions (including conditions as to payment) as may be determined in accordance with the regulations;
  - (b) may impose on any person appointed under that subsection such duties as appear to the [<sup>F3</sup>Department of Justice] to be necessary or expedient in connection with the exercise by that person of any prescribed functions of the Chief Constable.
- (4) Anything done or omitted to be done by or in relation to a person appointed under subsection (1) (or an employee of his) in, or in connection with, the exercise or

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purported exercise of any prescribed functions of the Chief Constable shall be treated for all purposes as done or omitted to be done by or in relation to the Chief Constable.

- (5) Subsection (4) does not apply—
- (a) for the purposes of so much of any contract made between the Chief Constable and the person appointed under subsection (1) as relates to the exercise of any prescribed functions of the Chief Constable; or
  - (b) for the purpose of any criminal proceedings brought in respect of anything done or omitted to be done by the person appointed under subsection (1) (or an employee of his).
- (6) In this section “prescribed” means prescribed by regulations under subsection (1).
- (7) Nothing in this section affects any other power which the Chief Constable has to enter into arrangements concerning the discharge of functions of his which are not prescribed under subsection (1).

#### Textual Amendments

- F1** Words in s. 43(1) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 65(a)** (with arts. 28-31)
- F2** Words in s. 43(2) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 65(b)** (with arts. 28-31)
- F3** Words in s. 43(3) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 65(c)** (with arts. 28-31)

#### 44 Recruitment arrangements: trainees and support staff.

- (1) The [<sup>F4</sup>Department of Justice] shall by regulations prescribe the arrangements to be made, by the Chief Constable or a person appointed under section 43(1), for the recruitment of persons for appointment—
- (a) as police trainees;
  - (b) as police reserve trainees; and
  - (c) under section 4(3) to posts in the police support staff.
- (2) Before making any regulations under subsection (1) the [<sup>F5</sup>Department of Justice] shall consult—
- (a) the Board;
  - (b) the Chief Constable;
  - (c) the Equality Commission for Northern Ireland; and
  - (d) the Police Association.
- (3) The regulations shall include provision for—
- (a) the advertising of vacancies;
  - (b) the information to be provided by applicants;
  - (c) the tests to be undertaken by applicants;
  - (d) the vetting of applicants;
  - (e) the review, in prescribed circumstances, of decisions taken under the regulations;
  - (f) prescribed functions under the regulations to be exercised by persons who are, or include, persons who are not, and have not at any time been—

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- (i) police officers;
  - (ii) members of the police support staff; or
  - (iii) members of the Board.
- (4) In making regulations under this section, the [<sup>F6</sup>Department of Justice] shall have regard, in particular, to the need to secure that information is not disclosed contrary to the public interest.
- (5) In relation to the recruitment of persons for appointment as police trainees, the regulations shall include provision for the selection of <sup>F7</sup>... applicants to form a pool of applicants for the purposes of [<sup>F8</sup>section 46(1A) and (1E)] .
- (6) In relation to the recruitment of persons for appointment under section 4(3) to relevant posts in the police support staff, the regulations shall include provision for the selection of <sup>F9</sup>... applicants to form a pool of applicants for the purposes of [<sup>F10</sup>section 46(5A) and (5E)] .
- (7) For the purposes of subsection (6) and section 46(5) a post in the police support staff is a relevant post if at the time the vacancy for that post is advertised it appears to the Chief Constable that it is one of at least 6 vacancies for posts in the police support staff which are—
- (a) at the same level; and
  - (b) to be filled at or about the same time.
- (8) In this section “prescribed” means prescribed by regulations under subsection (1).

#### Textual Amendments

- F4** Words in s. 44(1) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 66(a)** (with arts. 28-31)
- F5** Words in s. 44(2) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 66(b)** (with arts. 28-31)
- F6** Words in s. 44(4) substituted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 3 para. 66(c)** (with arts. 28-31)
- F7** Word in s. 44(5) omitted (22.4.2007) by virtue of [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 06\)\)](#), arts. 1(3), **8(5)**
- F8** Words in s. 44(5) substituted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 06\)\)](#), arts. 1(3), **8(5)**
- F9** Word in s. 44(6) omitted (22.4.2007) by virtue of [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 06\)\)](#), arts. 1(3), **9(5)**
- F10** Words in s. 44(6) substituted (22.4.2007) by [The Policing \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2007 \(S.I. 2007/912 \(N.I. 06\)\)](#), arts. 1(3), **9(5)**

#### Modifications etc. (not altering text)

- C1** S. 44(5)-(7) shall expire on the third anniversary of the commencement date unless continued by order as mentioned in s. 47.
- C2** S. 44(5)-(7) continued (30.3.2004) (temp. until 28.3.2007) by [Police \(Northern Ireland\) Act 2000 \(Renewal of Temporary Provisions\) Order 2004 \(S.R. 2004/114\)](#), **art. 2**
- C3** S. 44(5)-(7) continued (29.3.2007) (temp. from 28.3.2007 until 28.3.2010) by [Police \(Northern Ireland\) Act 2000 \(Renewal of Temporary Provisions\) Order 2007 \(S.R. 2007/214\)](#), arts. 1, **2**
- C4** S. 44(5)-(7) continued (29.3.2010 with effect in accordance with art. 2 of the amending S.R.) by [Police \(Northern Ireland\) Act 2000 \(Renewal of Temporary Provisions\) Order 2010 \(S.R. 2010/112\)](#), arts. 1, **2**

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#### **45 Recruitment arrangements: other ranks.**

- (1) In exercising its functions in relation to the appointment of senior officers, the Board shall take such steps as it considers necessary to encourage applications for appointment from suitably qualified external candidates.
- (2) In exercising his functions in relation to the appointment of police officers (other than senior officers), the Chief Constable shall take such steps as he considers necessary to encourage applications for appointment from suitably qualified external candidates.
- (3) In complying with subsections (1) and (2), the Board and the Chief Constable shall have regard to the progress which has been made towards securing that membership of the police is representative of the community in Northern Ireland.
- (4) “Suitably qualified external candidates” means candidates who—
  - (a) are not currently serving in the police; and
  - (b) satisfy the qualifications for appointment which—
    - (i) are prescribed in regulations made under section 25 or 26 of the 1998 Act; or
    - (ii) are otherwise determined for the rank in question.

#### **Modifications etc. (not altering text)**

- C5** S. 45 shall expire on the third anniversary of the commencement date unless continued by order as mentioned in s. 47.
- C6** S. 45 continued (30.3.2004) (temp. until 28.3.2007) by [Police \(Northern Ireland\) Act 2000 \(Renewal of Temporary Provisions\) Order 2004 \(S.R. 2004/114\)](#), **art. 2**
- C7** S. 45 continued (29.3.2007) (temp. from 28.3.2007 until 28.3.2010) by [Police \(Northern Ireland\) Act 2000 \(Renewal of Temporary Provisions\) Order 2007 \(S.R. 2007/214\)](#), arts. 1, 2
- C8** S. 45 continued (29.3.2010 with effect in accordance with art. 2 of the amending S.R.) by [Police \(Northern Ireland\) Act 2000 \(Renewal of Temporary Provisions\) Order 2010 \(S.R. 2010/112\)](#), arts. 1, 2

**Changes to legislation:**

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