



# Police (Northern Ireland) Act 2000

## 2000 CHAPTER 32

### PART VI

#### THE POLICE

##### *Trainees and cadets*

#### **41 Status etc. of trainees.**

- (1) The following provisions of the Police Acts (and no others) shall apply to a police trainee and a police reserve trainee as they apply to a police officer—
- (a) in the 1998 Act—
    - (i) section 29 (liability of Chief Constable for wrongful acts);
    - (ii) section 32 (representation by Police Association);
    - (iii) section 35 (membership of trade unions);
    - (iv) section 67 (impersonation);
    - (v) section 68 (causing disaffection);
  - (b) in this Act—
    - (i) section 33(1) (direction and control by Chief Constable);
    - (ii) section 51 (notifiable memberships).
- (2) Any statutory provision (including one amended by Schedule 5) which for any purpose treats a police officer as being in the employment of the Chief Constable or the Policing Board shall apply in relation to a police trainee and a police reserve trainee as it applies in relation to a police officer.
- (3) The [<sup>F1</sup>Department of Justice] may make regulations as to the government, administration and conditions of service of police trainees and police reserve trainees.
- [<sup>F2</sup>(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—

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- (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.]
- (4) Regulations under subsection (3) may—
- (a) provide for the application to police trainees, subject to such modifications as may be prescribed by the regulations, of any provision made by regulations under section 25 of the 1998 Act;
  - (b) provide for the application to police reserve trainees, subject to such modifications as may be prescribed by the regulations, of any provision made by regulations under section 26 of the 1998 Act.
- (5) In relation to any matter as to which provision may be made by regulations under subsection (3), the regulations may—
- (a) authorise or require provision to be made by, or confer discretionary powers on, the [<sup>F3</sup>Department of Justice], the Board, the Chief Constable or other persons; or
  - (b) authorise or require the delegation by any person of functions conferred on him by or under the regulations.
- (6) The [<sup>F4</sup>Department of Justice] shall consult both the Board and the Police Association before making any regulations under subsection (3)[<sup>F5</sup>, other than regulations to which subsection (8) applies].
- [<sup>F6</sup>(7) Subsection (8) applies to regulations under subsection (3), concerning police trainees, on a matter that relates to—
- (a) hours of duty,
  - (b) leave,
  - (c) pay and allowances, or
  - (d) the issue, use and return of equipment.
- (8) Before making any such regulations the Department of Justice shall—
- (a) (subject to subsection (9)) refer the matter to the Police Remuneration Review Body under section 64B(3) of the Police Act 1996 and consider that body's report on the matter, and
  - (b) supply a draft of the regulations to, and consider any representations made by—
    - (i) the Board,
    - (ii) the Police Association, and
    - (iii) the Chief Constable of the Police Service of Northern Ireland.
- (9) The duty in subsection (8)(a) does not apply if the Department of Justice considers that—
- (a) there is not enough time to refer to the matter to the Police Remuneration Review Body because the need to make the regulations is so urgent, or
  - (b) it is unnecessary to do so by reason of the nature of the proposed regulations.]

#### Textual Amendments

- F1** Words in s. 41(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. 63\(a\)](#) (with arts. 28-31)

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- F2** S. 41(3A) inserted (22.4.2007) by The Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), arts. 1(3), **8(4)**
- F3** Words in s. 41(5)(a) 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. 63(b)** (with arts. 28-31)
- F4** Words in s. 41(6) 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. 63(c)** (with arts. 28-31)
- F5** Words in s. 41(6) inserted (1.9.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 134(3)(a)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2125, art. 2(d)
- F6** S. 41(7)-(9) inserted (1.9.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), **ss. 134(3)(b)**, 185(1) (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/2125, art. 2(d)

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

- C1** S. 41 restricted by S.I. 1976/1042 (N.I. 15), **art. 84(2)** (as inserted (4.11.2001) by 2000 c. 32, s. 74(a), **Sch. 5 para. 1(4)**); S.R. 2001/396, art. 2, **Sch.**  
S. 41 modified (*temp.*) (30.7.2001) by S.I. 2001/2513, **art. 2**

**Changes to legislation:**

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