
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 36

POLICE

**Police Support Staff (Suitability)
Regulations (Northern Ireland) 2009**

Made - - - - *3rd February 2009*

To be laid before Parliament

Coming into force - - *9th March 2009*

The Secretary of State makes the following regulations in exercise of the powers conferred upon him by section 4(3A) of the Police (Northern Ireland) Act 2000⁽¹⁾.

In accordance with section 4(3B) of that Act, he has consulted the Northern Ireland Policing Board, the Chief Constable and the Police Association for Northern Ireland:

Citation and commencement

1.—(1) These regulations may be cited as the Police Support Staff (Suitability) Regulations (Northern Ireland) 2009.

(2) These regulations shall come into operation on 9th March 2009.

Suitability: criminal convictions etc.

2.—(1) Subject to paragraphs (2) and (3) and regulation 3, the Chief Constable may determine the matters which may be taken into account in deciding the suitability of a person for appointment under section 4(3) of the Police (Northern Ireland) Act 2000 to a post in the police support staff, with a view to his being designated under section 30 or 30A of the Police (Northern Ireland) Act 2003⁽²⁾.

(2) A person is unsuitable for such an appointment, 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

(1) 2000 c.32. Section 4(3A) and (3B) were inserted by Article 9 of the Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007 No. 912 (N.I. 6)).

(2) 2003 c.6. Section 30A was inserted by Article 7 of the Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007.

(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 such an appointment.

Suitability: business interests

3.—(1) Save in so far as the Chief Constable may allow at the request of the applicant concerned, a person is unsuitable for appointment under section 4(3) of the Police (Northern Ireland) Act 2000 to a post in the police support staff, with a view to his being designated under section 30 or 30A of the Police (Northern Ireland) Act 2003, if—

- (a) he holds any office or employment for hire or gain (otherwise than as a member of the police support staff) or carries on any business; or
- (b) he, or any relative holds, or possesses a pecuniary interest in, 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.

(2) In paragraph (1)(b) “relative”, in relation to an applicant, means—

- (a) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that applicant or that applicant’s spouse or former spouse, or
- (b) the brother, sister, uncle, aunt, niece or nephew (whether of the full blood or the half blood or by affinity) of that applicant or of that applicant’s spouse or former spouse,

and includes, in relation to an applicant 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.

Northern Ireland Office
Date 3rd February 2009

Shaun Woodward
One of Her Majesty’s Principal Secretaries of
State

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2 of the Police (Northern Ireland) Act 2003 allows the Chief Constable to designate members of the police support staff (and employees of contractors) as officers who may carry out certain functions with certain police powers.

A person who applies for appointment to a post in the police support staff with a view to his being designated under Part 2 of that Act may be ruled unsuitable for appointment under these regulations.

Regulation 2 allows the Chief Constable to determine the matters which may be taken into account in deciding the suitability of applicants, but it also specifies the grounds on which a person is judged unsuitable for appointment because of criminal convictions, etc. Those grounds are the same as those used in the appointment of police trainees under the Police Trainee Regulations (Northern Ireland) 2001.

Regulation 3 specifies business interests which make a person unsuitable for appointment.

Decisions as to the suitability of a person for appointment to a post in the police support staff are taken within the arrangements prescribed in the Police Service of Northern Ireland (Recruitment of Police Support Staff) Regulations 2002.