
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 547

Police Service of Northern Ireland Regulations 2005

PART II

Government

Ranks

4. The ranks of the police service shall be known by the following designations—

- Chief Constable
- Deputy Chief Constable
- Assistant Chief Constable
- Chief Superintendent
- Superintendent
- Chief Inspector
- Inspector
- Sergeant
- Constable.

Part-time appointments

5.—(1) The Chief Constable may, after consultation with the Police Association, appoint persons to perform part-time service in any rank.

(2) In these regulations a person appointed to perform part-time service includes a person appointed to share a job with another person.

(3) A person appointed to perform part-time service may not be appointed to serve as a full-time member without his consent.

(4) A person appointed to perform part-time service immediately after serving as a full-time member may give notice in writing of his intention to be re-appointed as a full-time member and shall be so appointed—

- (a) within one month of the date on which the notice is received by the Chief Constable, where there is a suitable vacancy, or
- (b) except where sub-paragraph (a) applies, when 3 months have elapsed since the day on which the notice was received, or from an earlier date if reasonably practicable.

(5) A person serving as a full-time member may not be appointed to perform part-time service without his consent.

(6) In this regulation “full-time member” means a member appointed otherwise than under this regulation.

(7) In relation to persons appointed under this regulation to perform part-time service—

- (a) regulation 12(1) has effect as if the words “, other than a member who, having completed the required period of probation in a police force in Great Britain, left that force to become a police trainee,” were omitted; and
- (b) regulation 24 has effect as if—
 - (i) in paragraph (1) for all the words after “compensated in respect of time” there were substituted “spent on duty in excess of such period as the Secretary of State may determine”; and
 - (ii) paragraph (2) were omitted.

Restrictions on the private life of members

- 6.—(1) The restrictions on private life contained in Schedule 1 shall apply to all members.
- (2) No restrictions, other than those designed to secure the proper exercise of the functions of a constable, shall be imposed by the Chief Constable on the private life of members, except—
- (a) such as may temporarily be necessary, or
 - (b) such as may be approved, by the Secretary of State after consultation with the constituent bodies of the Police Advisory Board.
- (3) Any restriction temporarily imposed under paragraph (2)(a) shall be reported forthwith to the Secretary of State.

Business interests incompatible with membership of the police service

- 7.—(1) If a member proposes to have, or has, a business interest within the meaning of this regulation, the member shall forthwith give written notice of that interest to the Chief Constable unless that business interest was disclosed at or before the time of his appointment as a member.
- (2) If a member is or becomes aware that a relative proposes to have, or has, a business interest within the meaning of this regulation which in the opinion of that member interferes, or could be seen as interfering with, the impartial discharge of his duties, then that member shall forthwith give written notice of that interest to the Chief Constable unless that business interest was disclosed at the time of his appointment as a member.
- (3) In a case where it appears to the Board that—
- (a) the member has adduced substantive reasons why he or a relative should be permitted to have the business interest in question and those reasons have not been considered by the Chief Constable, or
 - (b) in reaching his determination under paragraph (4) the Chief Constable failed to apply fair procedures, then the Board may refer the matter back to the Chief Constable for redetermination under paragraph (4).
- (4) On receipt of a notice given under paragraphs (1), (2) or a referral given under paragraph (3) the Chief Constable shall determine whether or not the interest in question is compatible with the member concerned remaining a member and, within 28 days of the receipt of that notice, or, as the case may be, that referral, shall notify the member in writing of his decision.
- (5) Within 10 days of being notified of the Chief Constable’s decision as aforesaid, or within such longer period as the Board may in all the circumstances allow, the member concerned may appeal to the Board against that decision by sending written notice of his appeal to the Board.
- (6) Upon receipt of such notice, the Board shall forthwith require the Chief Constable to submit to it, within the next following 10 days, a notice setting out the reasons for his decision and copies of any documents on which he relies in support of that decision; and the Board shall send to the member

concerned copies of such notice and documents and shall afford him a reasonable opportunity, being in no case less than 14 days, to comment thereon.

(7) Where a member has appealed to the Board under paragraph (5) the Board shall, subject to paragraph (3), within 28 days of receiving his comments on the notice and any other documents submitted by the Chief Constable under paragraph (6), or of the expiration of the period afforded for making comments if none have by then been received, give him written notice of their determination of the appeal.

(8) Where, on an appeal by a member under paragraph (5)—

- (a) the Board gives notice to the member of its determination to uphold the decision of the Chief Constable, and
- (b) within 10 days of being so notified, or within such longer period as the Board may in all the circumstances allow, the member makes written request to the Board for the reference of the matter to the Secretary of State,

the matter shall be so referred and, unless and until the determination of the Board is confirmed by the Secretary of State, it shall be of no effect and in particular, no action in pursuance thereof shall be taken under paragraph (9).

(9) Where a member, or a relative, has a business interest within the meaning of this regulation which the Chief Constable has determined, under paragraph (4), to be incompatible with his remaining a member and either the member has not appealed against that decision under paragraph (5) or, subject to paragraph (8), on such appeal, the Board has upheld that decision, then, the Chief Constable may, subject to the approval of the Board dispense with the services of that member; and before giving such approval, the Board shall give the member concerned an opportunity to make representations and shall consider any representations so made.

(10) For the purposes of this regulation, regulation 8 and regulation 9 “relative”, in relation to a member means—

- (a) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that member or that member’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 member or of that member’s spouse or former spouse

and includes, in relation to a member who is living or has lived with another person as husband and wife, any person who would fall within paragraph (a) or (b) if the parties were married to each other.

Business interests: supplementary

8.—(1) For the purposes of regulation 7, a member or, as the case may be, a relative, shall have a business interest if—

- (a) the member holds any office or employment for hire or gain (otherwise than as a member) or carries on any business; or
- (b) the member, or any relative holds, or possesses a pecuniary interest in, any such licence or permit as is mentioned in paragraph (2).

(2) The licence or permit referred to in paragraph (1)(b) is 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.

(3) If a member or a relative has a business interest within the meaning of regulation 7 and, on that interest being notified or disclosed as mentioned in regulation 7(1), the Chief Constable has, by written notice, required the member to furnish particulars of such changes in that interest, as respects its nature, extent or otherwise, as may be mentioned in the notice then, in the event of any

such change in that interest being proposed or occurring, regulation 7 shall have effect as though the changed interest were a newly proposed, or newly acquired, interest which has not been notified or disclosed as aforesaid.

- (4) In its application to a senior officer, regulation 7 and this regulation shall have effect as if—
- (a) for any reference therein to the Chief Constable there were substituted a reference to the Board;
 - (b) for any reference in regulation 7(5), (7), (8) or (9) to an appeal there were substituted a reference to a request for reconsideration; and
 - (c) the references in regulation 7(9) to the approval of the Board were omitted;

but the Board shall not dispense with the services of a senior officer under regulation 7 without giving him an opportunity of making representations and shall consider any representations so made.

Business interests precluding appointment to the police service

9.—(1) Save in so far as the Chief Constable may allow at the request of the candidate concerned, a person shall not be eligible for appointment to the police service if he or a relative has a business interest within the meaning of regulation 7, and paragraphs (1) and (2) of regulation 8 shall apply for the purposes of the interpretation of this regulation as they apply for the purposes of regulation 7.

(2) In its application to a candidate for appointment as a senior officer, paragraph (1) shall have effect as if for any reference to the Chief Constable there were substituted a reference to the Board.

Qualifications for appointment (where no service as police trainee)

10.—(1) A candidate for appointment to the police service, other than a person who has completed a period of service as a police trainee, shall—

- (a) if not a national of a Member State, Norway, Iceland or Liechtenstein, have leave to enter or remain in the United Kingdom for an indefinite period;
- (b) produce satisfactory references as to character and, if he has served in any police force, in the armed forces, in the civil service or as a seaman, produce satisfactory proof of his good conduct while so serving;
- (c) have attained the age of 18 years;
- (d) be certified by a registered medical practitioner approved by the Chief Constable to be fitted both physically and mentally to perform the duties on which he will be employed after appointment;
- (e) satisfy the Chief Constable that he is sufficiently competent in written and spoken English, and sufficiently numerate, by passing such assessments in written and spoken English, and numeracy, as may be approved by the Secretary of State;
- (f) meet the standard of eyesight determined by the Secretary of State;
- (g) if a candidate for appointment to the rank of sergeant or inspector, be qualified for promotion to such rank in accordance with the provisions of the Promotion Regulations;
- (h) give such information as may be required as to his previous history or employment or any other matter relating to his appointment to the police service;
- (i) be ineligible for appointment if Schedule 2 (criminal convictions etc.) applies in relation to him.

(2) A candidate for appointment to the police service shall be given a notice in terms approved by the Secretary of State drawing attention to the terms and conditions of service which shall be contained therein.

- (3) For the purposes of this regulation—
 - (a) the expression “armed forces” means the naval, military or air forces of the Crown including any women’s service administered by the Defence Council; and
 - (b) the expression “seaman” has the same meaning as in the Merchant Shipping Act 1995(1).

Appointment of senior officers

11.—(1) Subject to section 35(1) of the Police (Northern Ireland) Act 2000(2) and regulations 9 and 10, no person shall be appointed as Chief Constable of the police service unless he holds or has held such rank, in such force and for such period, as the Secretary of State shall determine in respect of such an appointment.

(2) An appointment of a person as Chief Constable or deputy Chief Constable of the police service shall be for a fixed term.

- (3) The Secretary of State shall determine—
 - (a) the range within which the fixed term of an appointment such as is mentioned in paragraph (2) must fall, and
 - (b) the circumstances in which such an appointment may be extended.

(4) In determining the length of such an appointment, the Secretary of State shall consider the views of the Board.

(5) Paragraphs (2) to (4) are without prejudice to any provision whereby a term of appointment comes to an end on promotion, dismissal, the conclusion of disciplinary proceedings or transfer to another police force and regulation 14 (retirement).

(6) The Secretary of State shall determine the circumstances in which a vacancy for a senior officer shall be advertised.

- (7) Where a vacancy for a senior officer is to be advertised—
 - (a) the advertisement shall contain such detail and be published in such manner as the Secretary of State may determine, and
 - (b) the Secretary of State may determine that no appointment shall be made until after a date to be specified in the advertisement.

Probationary service in the rank of constable

12.—(1) Subject to paragraphs (2) and (3), a member appointed in the rank of constable, other than a member who, having completed the required period of probation in a police force in Great Britain, left that force to become a police trainee, shall be on probation for such period as the Secretary of State shall determine in respect of such appointments.

(2) In making a determination under paragraph (1), the Secretary of State may, subject to paragraph (3), confer on the Chief Constable discretion to determine the required period of probation in a particular case.

(3) For the purposes of a determination under paragraph (1), the periods to be counted or disregarded in reckoning service shall be such as may be determined by the Secretary of State.

Discharge of probationer

13.—(1) Subject to the provisions of this regulation, during his period of probation in the police service the services of a constable may be dispensed with at any time if the Chief Constable considers

(1) 1995 c. 21
(2) 2000 c. 32

that he is not fitted, physically or mentally, to perform the duties of his office, or that he is not likely to become an efficient or well conducted constable.

(2) A constable whose services are dispensed with under this regulation shall be entitled to receive a month's notice or a month's pay in lieu thereof.

(3) A constable's services shall not be dispensed with in accordance with this regulation and any notice given for the purposes of this regulation shall cease to have effect if he gives written notice to the Chief Constable of his intention to retire and retires in pursuance of that notice on or before the date on which his services would otherwise be dispensed with; and such a notice taking effect on that date shall be accepted by the Chief Constable notwithstanding that less than a month's notice is given.

(4) Where a constable has received a notice under this regulation that his services are to be dispensed with and he gives written notice of his intention to retire and retires under paragraph (3)—

- (a) he shall nevertheless be entitled to receive pay up to and until the date on which the month's notice he has received would have expired, or
- (b) where he has received or is due to receive a month's pay in lieu of notice he shall remain entitled to that pay notwithstanding the notice he has given under paragraph (3).

Retirement

14. Members may retire in such circumstances as shall be determined by the Secretary of State, and in making such a determination the Secretary of State may—

- (a) require such notice of intention to retire as may be specified in the determination, or such shorter notice as may have been accepted by the Chief Constable, to be given to the Chief Constable, and
- (b) require the consent of the Chief Constable to be obtained before giving such notice.

Contents of personal records

15.—(1) The Chief Constable shall cause personal records of each member to be kept.

(2) The personal records shall contain—

- (a) a personal description of the member;
- (b) particulars of the member's place and date of birth;
- (c) particulars of the member's marriage (if any) and of his children (if any);
- (d) a record of the member's service (if any) in any branch of Her Majesty's naval, military or air forces or in the civil service;
- (e) a record of the member's service (if any) in any other police force (including service in the Police Service of Northern Ireland Reserve) and of his transfers (if any) from one police force to another;
- (f) a record of the member's service (if any) as a police trainee;
- (g) a record of whether the member passed or failed to pass any qualifying examination at which he was a candidate;
- (h) a record of the member's service in the police service and the date of his ceasing to be a member with the reason, cause or manner thereof.

(3) The record of service kept in accordance with paragraph (2)(h) shall include particulars of all promotions, postings, removals, injuries received, periods of illness, commendations, rewards and sanctions (other than cautions) imposed under the regulations specified in paragraph (4).

(4) The regulations referred to in paragraph (3) are—

- (a) regulation 31 of the Royal Ulster Constabulary (Conduct) Regulations 2000⁽³⁾;
 - (b) the RUC (Discipline and Disciplinary Appeals) Regulations 1988⁽⁴⁾;
 - (c) regulation 17 of the Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000⁽⁵⁾; and
 - (d) the Royal Ulster Constabulary (Appeals) Regulations 2000⁽⁶⁾.
- (5) Subject to paragraph (6), a sanction shall be expunged from a member's personal record—
- (a) in the case of a sanction imposed under regulation 31 of the Royal Ulster Constabulary (Conduct) Regulations 2000, after 3 years free from a sanction other than a caution;
 - (b) in the case of a disposal made under regulation 17 of the Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000, after 2 years free from a sanction other than a caution;
 - (c) in the case of a sanction imposed under the RUC (Discipline and Disciplinary Appeals) Regulations 1988—
 - (i) in the case of a fine or reprimand, after 3 years free from a sanction other than a caution;
 - (ii) in the case of any other sanction, after 5 years free from a sanction other than a caution.
- (6) In the case of a period free from sanction other than a caution which expired before 1st January 1989, a sanction shall be expunged under paragraph (5) only if the member so requests.
- (7) Where following a review of a sanction imposed under regulation 31 of the Royal Ulster Constabulary (Conduct) Regulations 2000 or regulation 17 of the Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000, the reviewing officer substitutes for the decision of the conduct hearing or, as the case may be, unsatisfactory performance hearing a decision that the member concerned had not failed to meet the appropriate standard or, as the case may be, that the performance or attendance of the member concerned was not unsatisfactory, the sanction imposed by that hearing shall be expunged forthwith.
- (8) A member shall, if he so requests, be entitled to inspect his personal records.

Transfer of personal records

16. Where a member transfers to another police force, his personal records shall be transferred to the chief officer of police of that other police force.

Personal records of member leaving the police service

17.—(1) Where a member ceases to be a member he shall, unless he transfers to another police force, be given a certificate showing his rank and setting out the period of his service in the police service, any period which he served as a police trainee and any period of service in any other police force.

(2) The Chief Constable may append to the certificate any recommendation which he feels justified in giving, such as that—

- his conduct was exemplary;
- his conduct was very good;
- his conduct was good.

(3) S.R. 2000 No. 315
(4) S.R. 1988 No. 10
(5) S.R. 2000 No. 316
(6) S.R. 2000 No. 317

(3) Where a member ceases to be a member otherwise than by transferring to another police force, his personal records shall be kept for such time as the Chief Constable may think fit and shall then be destroyed.

Fingerprints

18.—(1) Every member shall, in accordance with the directions of the Chief Constable, have his fingerprints taken.

(2) Fingerprints of members taken in accordance with paragraph (1) shall be kept separate from the fingerprints of persons whose fingerprints have been taken otherwise than in accordance with that paragraph.

(3) The fingerprints of a member taken in accordance with paragraph (1), and all copies and records of his fingerprints shall, subject to paragraph (4), be destroyed on his ceasing to be a member.

(4) Where by reason of a transfer a member becomes a member of another police force, his fingerprints, and all copies and records of his fingerprints, shall be transferred to the chief officer of police of that other police force.

Samples

19.—(1) Every member, except those members appointed following their transfer from a police force in Great Britain, shall on appointment and in accordance with the directions of the Chief Constable have a sample taken.

(2) Samples or the information derived from samples of members taken in accordance with this regulation shall be kept separate from the samples or the information derived from samples taken in accordance with Article 63 of the Police and Criminal Evidence (Northern Ireland) Order 1989(7)).

(3) The samples or information derived from samples of a member taken in accordance with this regulation, and all copies and records thereof shall be destroyed on his ceasing to be a member except by reason of a transfer to a police force in Great Britain.

(4) In this regulation “sample” means—

- (a) a sample of hair, other than pubic hair, complete with roots;
- (b) saliva; or
- (c) a swab taken from the mouth.