
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 314

**Police Trainee (Amendment)
Regulations (Northern Ireland) 2008**

Appointment and service as a police trainee

Appointment as a police trainee

2.—(1) In regulation 2 of the trainee regulations, after the provision defining “police force in Great Britain” and “public holiday” insert—

“ “police recruitment agent” means the agent appointed under section 43 of the Police (Northern Ireland) Act 2000;”.

(2) After regulation 2 of the trainee regulations insert—

“PART IA

Appointment as a police trainee

Qualifications for appointment as a police trainee

2A. A person shall not be appointed as a police trainee unless he—

- (a) is a national of a Member State, Norway, Iceland or Liechtenstein, or has leave to enter or remain in the United Kingdom for an indefinite period;
- (b) has attained the age of 18 years; and
- (c) demonstrates by such tests or assessments as may be determined by the Chief Constable or carried out by the police recruitment agent in accordance with arrangements prescribed under section 44(3)(c) of the Police (Northern Ireland) Act 2000 that—
 - (i) he is sufficiently competent in written and spoken English, and
 - (ii) he possesses such other skills as may be necessary to carry out the duties of a member of the Police Service of Northern Ireland.

Fitness for appointment as a police trainee

2B.—(1) This regulation applies for the purposes of determining if a person is physically and mentally fitted for appointment as a police trainee.

(2) A person is not fitted for appointment unless he is certified, by a registered medical practitioner approved by the Chief Constable, to be fitted both physically and mentally to perform the duties of a member of the Police Service of Northern Ireland.

Suitability for appointment as a police trainee

2C.—(1) Subject to paragraphs (2) to (5), the Chief Constable may determine the matters which may be taken into account in deciding the suitability of a person for appointment as a police trainee.

(2) A person is unsuitable for appointment as a police trainee 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
- (c) has received a caution as defined by section 126 of the Police Act 1997⁽¹⁾,

may be taken into account, in accordance with any determination made by the Chief Constable under paragraph (1), in deciding his suitability for appointment as a police trainee.

(4) A person is unsuitable for appointment as a police trainee unless he gives—

- (a) such satisfactory references as to his character, and
- (b) such other information as to his suitability for appointment,

as may be required in accordance with arrangements prescribed under section 44(3)(b) of the Police (Northern Ireland) Act 2000.

(5) Save in so far as the Chief Constable may allow at the request of the person concerned, a person is unsuitable for appointment as a police trainee if—

- (a) he has a business interest within the meaning of regulation 7 of the Police Service of Northern Ireland Regulations 2005, or
- (b) a relative has a business interest which would interfere, or could be seen as interfering with, the impartial discharge of that person's duties as a constable on completion of his service as a police trainee,

and for the purposes of this paragraph, "relative" shall have the same meaning in relation to a person applying for appointment as a police trainee as it has under regulation 10(8) in relation to a police trainee."

(3) In regulation 8 of the trainee regulations (delegation of functions by Chief Constable) at the end insert—

"but nothing in this regulation shall limit the power of the Chief Constable to delegate any function conferred on him under Part IA".

Business interests

3.—(1) Regulation 10 of the trainee regulations (business interests incompatible with service as police trainee) shall be amended as follows.

(2) In paragraph (1) omit the words "or a relative included in his family".

(3) After paragraph (1) insert—

"(1A) If a police trainee is or becomes aware that a relative proposes to have, or has, a business interest within the meaning of that regulation, which in the opinion of that police trainee would interfere, or could be seen as interfering with, the impartial discharge of his duties as a constable on completion of his service as a police trainee, then that police

(1) 1997 c. 50.

trainee shall forthwith give notice of that interest to the Chief Constable, unless that business interest was disclosed at the time of his appointment as a police trainee.

(1B) In a case where it appears to the Board that—

- (a) the police trainee 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 (2) the Chief Constable failed to apply fair procedures, then the Board may refer the matter back to the Chief Constable for redetermination under paragraph (2).”

(4) In paragraph (2)—

- (a) after “notice given under paragraph (1)” insert “or (1A) or a referral given under paragraph (1B)”; and
- (b) after “receipt of the notice” insert “or referral”.

(5) For paragraph (5) (result of appeal under paragraph (3)) substitute—

“(5) Where a police trainee has appealed to the Board under paragraph (3), the Board shall give him notice of its determination of the appeal within 28 days of—

- (a) receiving his comments on the notice and any other documents submitted by the Chief Constable under paragraph (4), or
- (b) the expiration of the period afforded for making comments if none have by then been received.

(5A) Where, on an appeal by a police trainee under paragraph (3)—

- (a) the Board gives notice to the police trainee 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 police trainee 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 (6).”

(6) In paragraph (6)—

- (a) omit “included in his family,”; and
- (b) for “paragraph (5)” substitute “paragraph (5A)” .

(7) In paragraph (7)—

- (a) omit “included in his family”; and
- (b) after “paragraph (1)” insert “or (1A)”.

(8) For paragraph (8) (meaning of “relative included in the family”) substitute—

“(8) For the purposes of this regulation, “relative”, in relation to a police trainee, means—

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

and includes, in relation to a police trainee 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.”

Maternity leave and pay

- 4.—(1) In regulation 14 of the trainee regulations (maternity leave)—
- (a) in paragraph (1) (interpretation of provisions about maternity leave) omit the definition of “expected date of birth”;
 - (b) for paragraphs (3) and (4) (certificate from medical practitioner) substitute—
 - “(3) The Chief Constable may request a female police trainee to produce a certificate from a registered medical practitioner, registered midwife or registered health visitor setting out the matters referred to in paragraph (2)(a) and (b).
 - (3A) A female police trainee does not qualify for maternity leave if she fails to produce a certificate in response to a request by the Chief Constable under paragraph (3).
 - (3B) Where the probable date of birth of the child of a female police trainee as stated in a notice given under paragraph (2) differs from the date set out in a certificate produced in response to a request by the Chief Constable under paragraph (3), the date in the certificate shall have effect in place of the date given in the notice.”;
 - (c) in paragraph (7) (when maternity leave ends) for “of the maternity leave” substitute “of the maternity period”; and
 - (d) in paragraph (9) (notices about return to training after maternity leave) for “duty” substitute “training”.
- (2) In regulation 20 of the trainee regulations (interpretation of provisions about maternity pay)—
- (a) in paragraph (2)(a) omit the words “(as defined in regulation 14(1))”;
 - (b) in paragraph (2)(b) omit the words “(as so defined)”;
 - (c) in paragraph (3) before the definition of “relevant service” insert—
 - ““expected date of birth” means, subject to paragraph (3B) of regulation 14, the date given in accordance with paragraph (2) of that regulation;”.

Allowance in respect of medical charges

5. In regulation 25(1)(b)(ii) of the trainee regulations (injuries for which medical charges may be reimbursed)—
- (a) for “paragraph (i)” substitute “sub-paragraph (i)”;
 - (b) for “paragraph (ii)” substitute “it”.