1970. No. 189 **[C]**

ROYAL ULSTER CONSTABULARY

Appointment and Service

REGULATIONS, DATED 1ST JULY 1970, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 25 OF THE POLICE ACT (NORTHERN IRELAND) 1970.

The Ministry of Home Affairs in exercise of the powers vested in it by Section 25 of the Police Act (Northern Ireland) 1970(a) and of all other powers enabling it in that behalf and after consulting the Representative Bodies constituted by the Constabulary and Police (Ireland) Act 1919(b) hereby makes the following Regulations:—

Citation

1. These Regulations may be cited as the Royal Ulster Constabulary (Appointment and Service) Regulations 1970.

Commencement

2. These Regulations shall come into operation on 1st July 1970.

Definitions

3. In these Regulations the following expressions have the meanings hereby assigned to them:—

"The force" means the Royal Ulster Constabulary.

"Member" means a member of the force.

"Ministry" means the Ministry of Home Affairs for Northern Ireland.

"Minister" means the Minister of Home Affairs for Northern Ireland.

Restrictions on the private life of members

4. The restrictions on private life contained in the Schedule shall apply to all members, and no restrictions other than those designed to secure the proper exercise of the functions of a constable shall be imposed by the police authority or the chief constable on the private life of members except such as may temporarily be necessary or such as may be approved by the Minister after consultation with the Police Advisory Board, and any such restriction temporarily imposed shall be reported forthwith to the Minister.

Business interests incompatible with membership of the police force

5.—(1) If a member or a relative included in his family 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 to the chief constable at the time of his appointment as a member.

(2) On receipt of a notice given under paragraph (1) the chief constable shall determine whether or not the interest in question is compatible with the member concerned remaining a member and shall notify the member in writing of his decision.

(a) 1970. c. 9 (N.I.). (b) 9 & 10 Geo. 5. c. 68.

(3) Within 10 days of being notified of the chief constable's decision as aforesaid, or within such longer period as the police authority may in all the circumstances allow, the member concerned may appeal to the police authority against that decision by sending written notice of his appeal to the police authority.

(4) Where a member, or a relative included in his family, has a business interest within the meaning of this regulation, which the chief constable has determined, under paragrah (2) to be incompatible with his remaining a member and either the member has not appealed against that decision under paragraph (3) or, on such appeal, the police authority has upheld that decision, then the chief constable may, subject to the approval of the police authority, dispense with the services of that member, and before giving such approval the police authority shall give the member concerned an opportunity to make representations and shall consider any representations so made.

(5) For the purposes of this regulation a member or, as the case may be, a relative included in his family, shall have a business interest if—

(*a*) the member holds any office or employment for hire or gain (otherwise than as a member of the force) or carries on any business;

(*b*) a shop is kept or a like business is carried on by the member's spouse (not being separated from him) at any premises in Northern Ireland or by any relative included in his family at the premises at which he resides; or

(*c*) the member, his spouse (not being separated from him) or any relative included in his family living with him holds, or possess a pecuniary interest in any such licence or permit as is mentioned in paragraph (6).

(6) The licence or permit referred to in paragraph (5)(*c*) is a licence or permit granted in pursuance of the law relating to liquor licensing or betting and gaming or regulating places of entertainment.

(7) For the purposes of this regulation a reference to a relative included in a person's family shall include a reference to his spouse, parent, son, daughter, brother or sister.

(8) In its application to a chief constable, deputy chief constable or assistant chief constable, this regulation shall have effect as if—

(*a*) for any reference in paragraph (1), (2), (3) or (4) to the chief constable except in relation to such a disclosure as is mentioned in paragraph (1) made at the time of the person's appointment as a member of the force in a rank below that of assistant chief constable there were substituted a reference to the police authority;

(*b*) for any reference in paragraph (3) or (4) to an appeal there were substituted a reference to a request for reconsideration;

(*c*) the reference in paragraph (4) to the approval of the police authority were omitted;

but a police authority shall not dispense with the services of a chief constable, deputy chief constable or assistant chief constable under this regulation without giving him an opportunity of making representations and shall consider any representations made.

Business interests precluding appointment to the force

6.—(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 force if he or a relative included in his family has a business interest within the meaning of regulation 5, and paragraphs (5), (6) and (7) thereof shall apply for the purposes of the interpretation of this regulation as they apply for that regulation.

(2) In its application to a candidate for appointment as chief constable, deputy chief constable or assistant chief constable paragraph (1) shall have effect as if for any reference to the chief constable there were substituted a reference to the police authority.

Qualifications for appointment to the force

7.—(1) A candidate for appointment to the force—

(*a*) must 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;

(*b*) must have attained 18 years of age and not attained 30 years of age in the case of a man or, in the case of a woman, attained the age of 19 years and not have attained the age of 35 years:

Provided that a man or a woman who has attained 30 or 35 years of age as the case may be may be appointed—

(i) if he or she has had previous service in a police force in the United Kingdom otherwise than as an auxiliary policeman in Great Britain, or is otherwise entitled to reckon previous service as pensionable service;

(ii) if he or she has not attained 40 years of age and since attaining the age of 30 or 35 years of age has performed whole-time service in the armed forces or served as a seaman; or

(iii) in other special circumstances approved by the Minister of Home Affairs upon the recommendation of the appointing authority, that is to say, the chief constable or the police authority, as the case may be;

(*c*) must be certified by a registered medical practitioner approved by the police authority to be in good health, of sound constitution and fitted both physically and mentally to perform the duties on which he will be employed after appointment;

(*d*) must, if a candidate for appointment in the rank of constable—

(i) unless the chief constable otherwise decides, be not less in height than, in the case of a man, 5 feet 8 inches, or in the case of a woman, 5 feet 4 inches; and

(ii) satisfy the chief constable that he is sufficiently educated by passing a written or oral examination in reading, writing and simple arithmetic, or an examination of a higher standard, as may be prescribed by the chief constable;

(*e*) must give such information as may be required as to his previous history or employment or any other matter relating to his appointment to the force;

(*f*) shall be given a notice in terms approved by the Ministry drawing attention to the conditions of service contained therein.

(2) 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;

(*b*) the expression "seaman" has the same meaning as in the Merchant Shipping Act 1894(c).

(c) 1894. c. 60.

Probation

8.—(1) This regulation shall apply to a member appointed in the rank of constable other than such a member who transferred to the force from another police force in the United Kingdom, having completed the required period of probation therein.

(2) A member to whom this regulation applies shall, unless paragraph (3) applies in his case, be on probation for the first 2 years of his service as a constable following his last appointment thereto, but the chief constable may at his discretion extend the probationary period for a further year.

(3) A member of the force to whom this regulation applies who has served on probation for a period of not less than a year following a previous appointment to the Royal Ulster Constabulary or any other police force in the United Kingdom shall be on probation for the first year of his service as a constable following his last appointment:

Provided that the chief constable may at his discretion—

(*a*) reduce the period of probation, so however that the reduced period when aggregated with the previous period of probation shall not be less than 2 years; or

(*b*) dispense with the period of probation, if the member following his previous appointment, completed the required period of probation in the force in question.

(4) Notwithstanding anything in paragraph (2) or (3) in the case of a member who has served as an auxiliary policeman as defined in Police Regulations (England and Wales) 1968(**d**), for a period of not less than 2 years, the chief constable may dispense with the period of probation.

(5) The chief constable may reduce or dispense with the period of probation in the case of former members of the Ulster Special Constabulary who were mobilised for full-time service with the force and have been accepted into the force.

(6) For the purposes of this regulation, in reckoning service any period of unpaid maternity leave shall be disregarded.

Discharge of probationer

9.—(1) Subject to the provisions of this regulation, during his period of probation in the force, the services of a constable may be dispensed with at any time if the chief constable considers 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 thereof shall cease to have effect if he gives written notice to the police authority of his intention to retire and retires in pursuance of the said 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 police authority notwithstanding that less than a month's notice is given.

(**d**) S.I. 1968/26 (1968 I, p. 38).

Retirement

10.—(1) Without prejudice to the provisions mentioned in paragraph (3) a member may retire only if he has given to the police authority a month's written notice of his intention to retire or such shorter notice as may have been accepted by that authority:

Provided that, while suspended under the Discipline Regulations a member may not, without the consent of the chief constable, give notice for the purposes of this regulation or retire in pursuance of a notice previously given.

(2) In the case of a chief constable, deputy chief constable or assistant chief constable, the preceding paragraph shall have effect as if for the reference to the chief constable there were substituted a reference to the police authority.

(3) The provisions referred to in paragraph (1) are—

(*a*) the provisions of section 7 of the Police Act (Northern Ireland) 1970 relating to retirement in the interests of efficiency;

(*b*) the provisions of the Royal Ulster Constabulary Pensions Orders relating to compulsory retirement; and

(*c*) the provisions of the Discipline Regulations relating to resignation as an alternative to dismissal.

PERSONAL RECORDS

Contents of personal records

11.—(1) The chief constable shall cause a personal record of each member of the force to be kept.

(2) The personal record shall contain—

(*a*) a personal description of the member;

(*b*) particulars of the member's place and date of birth;

(*c*) particulars of his marriage (if any) and of his children (if any);

(*d*) a record of his service (if any) in any branch of Her Majesty's naval, military or air forces or in the civil service;

(*e*) a record of his service (if any) in any other police force (including service as an auxiliary policeman) and of his transfers (if any) from one police force to another;

(*f*) a record of whether he passed or failed to pass any qualifying examination at which he was a candidate;

(*g*) a record of his service in the force including particulars of all promotions, postings, removals, injuries received, periods of illness, commendations, rewards, punishments other than cautions, and the date of his ceasing to be a member of the force with the reason, cause or manner thereof:

Provided that, if the member so requests—

(i) a punishment of a fine not exceeding 2 days' pay or of a reprimand shall be expunged after 3 years free from punishment, other than a caution;

(ii) any other punishment shall be expunged after 7 years free from punishment, other than a caution.

(3) A member shall, if he so requests, be entitled to inspect his personal record.

Transfer of personal records

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

Personal record of member leaving the force

13.—(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 force and in any other police force and the reason, cause or manner of his leaving the force, together with his personal description:

Provided that, where the member was required to resign or was dismissed, the certificate shall not contain any description of the circumstances in which he was required to resign or was dismissed.

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

Fingerprints

14.—(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 in pursuance of any enactment.

(3) The fingerprints of a member taken in accordance with paragraph (1) and all copies and records thereof shall be destroyed on his ceasing to be a member of the force, except that, whereby reason of a transfer he becomes a member of another police force, his fingerprints and all copies and records thereto shall be transferred to the chief officer of police of that other police force.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 1st day of July 1970.

(L.S.) *J. G. Hill,*
Assistant Secretary.

SCHEDULE

Regulation 4

Restrictions on the Private Life of Members

1. A member shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his duties or which is likely to give rise to the impression amongst members of the public that it may so interfere; and in particular a member of the force shall not take any active part in politics.

2. A member shall not reside at premises which are not for the time being approved by the chief constable.

3.—(1) A member shall not, without the previous consent of the chief constable, receive a lodger in a house or quarters with which he is provided by the police authority or sub-let any part of the house or quarters.

(2) A member shall not, unless he has previously given written notice to the chief constable, receive a lodger in a house in which he resides and in respect of which he receives a rent allowance or sub-let any part of such a house.

4. A member shall not wilfully refuse or neglect to discharge any lawful debt.

EXPLANATORY NOTE

(*This note is not part of the Regulations, but is intended to indicate their general purport.*)

These Regulations indicate certain restrictions to which members of the Royal Ulster Constabulary are subject in private life (Regulations 4-6); govern the appointment of candidates (Regulation 7); prescribe conditions for probation and retirement (Regulations 8-10); and deal with the personal and fingerprint records of members of the Force.