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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 564**

**Royal Ulster Constabulary Reserve (Full-time)  
(Appointment and Conditions of Service) Regulations 1996**

**Part V**

**Allowances and Other Emoluments**

**Removal allowance**

**38.**—(1) Where a member moves his home in circumstances to which this paragraph applies, the Police Authority shall—

- (a) either reimburse the reasonably incurred cost of removal or carry out the removal;
- (b) where the member was the owner of his former home, reimburse expenses reasonably incurred by him in connection with the disposal thereof;
- (c) where the member is the owner of his new home, reimburse expenses reasonably incurred by him in connection with the acquisition thereof if—
  - (i) he was the owner of his former home, or
  - (ii) the Police Authority, after consulting the chief constable, is satisfied that he could neither have been provided with a suitable house or quarters nor have been reasonably expected to find suitable rented accommodation within a reasonable distance of his normal place of duty,

so, however, that where the Police Authority is of the opinion that the member could have acquired a suitable home for a consideration less than that actually paid, it may restrict the reimbursement of expenses directly related to the consideration paid by him to expenses which would have been reasonably incurred had he paid that lesser consideration;

- (d) reimburse the member his payments in connection with his former home by way of mortgage interest, rent or rates payable in respect of the first 26 weeks following the move and may, if it thinks fit, reimburse him such payments in respect of such further period as it may determine so, however, that where the Police Authority is of the opinion that the member had not taken all reasonable steps to reduce or terminate his liability to make such payments as aforesaid, it may restrict the reimbursement to payments which the member would have been liable to make had he taken all such steps.

(2) Paragraph (1) applies where the member moves his home except as a consequence of joining the force, and the removal is, in the opinion of the chief constable, due to the exigencies of police duty or is made at the request of the chief constable and is, in his opinion, in the interests of the efficiency of the force.

(3) Where the cost of removal is reimbursed or the removal is carried out by the Police Authority under paragraph (1), then, subject to paragraph (4), in respect of expenditure incidental to the move the Police Authority shall pay the member an allowance of the amount hereinafter provided.

- (4) An allowance under paragraph (3)—

- (a) shall not be payable, where a member who has never been married moves from furnished accommodation;
  - (b) shall only be payable if the chief constable so decides, where a member moves from unfurnished into furnished accommodation.
- (5) In the case of a member who—
- (a) moves into furnished accommodation; or
  - (b) moves into unfurnished accommodation but has not previously, while a member, lived in such accommodation,

the amount of the allowance under paragraph (4) shall be £20.

(6) In the case of any other member the amount of the allowance under paragraph (3) shall not exceed £1,396 nor be less than the minimum amount mentioned in paragraph (7) but, subject as aforesaid, shall equal the aggregate of the following amounts—

- (a) the amount of the expenditure incidental to the move reasonably incurred by the member, and
- (b) where he satisfies the Police Authority that, in consequence of the move, he has failed to benefit, in whole or in part, from expenditure reasonably incurred by him prior to the move (other than such payments as are referred to in paragraph (1)(d), the whole or the proportionate part of that expenditure so far as it is not recoverable by him.

(7) The minimum amount referred to in paragraph (6) shall be £82.

(8) Where a member has been requested by the chief constable, in the interests of the efficiency of the force, to move his home, and—

- (a) the member has, in consequence, in connection with the contemplated disposal of his home and acquisition of a new home, incurred any expenses; and
- (b) he would, if he had moved his home, have been reimbursed those expenses by the Police Authority in pursuance of paragraph (1)(b) or (c); but
- (c) in consequence of a subsequent decision of the chief constable, the member does not in fact move his home,

he shall be entitled, notwithstanding that he has not moved his home, to be reimbursed those expenses by the Police Authority.

(9) In this regulation—

- (a) any reference to an owner of any property is a reference to an occupier thereof whose interest therein is either a freehold interest or a leasehold interest which is neither a yearly or shorter tenancy nor a furnished tenancy;
- (b) any reference to expenses incurred in connection with the disposal or acquisition of any property shall be construed as including, in particular, estate agent's, auctioneer's and solicitor's fees, stamp duty and expenses in connection with the redemption, transfer or taking out of a mortgage and any reference to expenses incurred in connection with the acquisition of any property shall be construed as also including expenses in connection with the contemplated acquisition of a property other than that acquired;
- (c) the expression "rates" includes—
  - (i) any rate within the meaning of Article 2(2) of the Rates (Northern Ireland) Order 1977(1); and
  - (ii) the reasonable cost of emptying a cess-pit where the premises do not have main drainage.

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**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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