

1988 No. 36

POLICE

**Royal Ulster Constabulary Reserve (Full-Time)
(Appointments and Conditions of Service) Regulations 1988**

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Coming into operation 21st March 1988

To be laid before Parliament

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The Secretary of State, in pursuance of section 26 and section 34(3) of the Police Act (Northern Ireland) 1970(a), and after consulting, in accordance with section 34(2), of that Act the Police Authority and the Police Association, hereby with the concurrence of the Treasury makes the following regulations:—

(a) 1970 c. 9 (N.I.) as modified by S.I. 1973/2163 and S.I. 1981/1670

PART I.

GENERAL

Citation and operation

1. These regulations may be cited as the Royal Ulster Constabulary Reserve (Full-Time) (Appointment and Conditions of Service) Regulations 1988 and shall come into operation on 21st March 1988.

Revocations

2. The Royal Ulster Constabulary Reserve (Appointment and Conditions of Service) Regulations (Northern Ireland) 1973(a) insofar as they refer to service on a full-time basis are hereby revoked.

Meanings assigned to certain expressions, etc.

3.—(1) In these regulations the following expressions have the meanings hereby assigned to them:—

“chief constable” means the chief constable of the Royal Ulster Constabulary;

“Discipline Regulations” means the regulations for the Royal Ulster Constabulary full-time Reserve relating to discipline for the time being in force;

“member” means a member of the Royal Ulster Constabulary Reserve appointed on a full-time basis;

“public holiday” means, New Year’s Day, St. Patrick’s Day, first Monday in May, Spring Holiday, 12th July, Late Summer Holiday, Christmas Day and 26th December;

except for the purpose of pay, as specified in regulation 28, “reserve constable” shall include “reserve sergeant”, “reserve inspector” and “reserve superintendent”;

“the Act” means the Police Act (Northern Ireland) 1970;

“the force” means the Royal Ulster Constabulary Reserve.

(2) Nothing in these regulations shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.

PART II

ORGANISATION

Authorised establishment

4. The establishment of the force shall be constituted by the maximum number of persons in each rank mentioned in regulation 5 which is determined for this purpose in accordance with section 6 of the Act.

Ranks

5. The force may consist of members of the following ranks:—

Reserve Superintendent

Reserve Inspector

Reserve Sergeant
Reserve Constable

and the chief constable may appoint such numbers of members to the various ranks as the Police Authority may approve.

Control

6. Members shall be under the direction and control of the chief constable.

Restrictions on the private life of members

7. The restrictions on private life contained in Schedule 1 shall apply to all members and no restrictions other than those designed to secure the proper exercise of the functions of a reserve constable shall be imposed by the Police Authority or the chief constable on the private lives of members except such as may temporarily be necessary or such as may be approved by the Secretary of State after consultation with the Advisory Board and any such restriction temporarily imposed shall be reported forthwith to the Secretary of State.

Business interests incompatible with membership of the force

8.—(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 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.

(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) Upon receipt of such notice, the Police Authority shall send to the member concerned copies of any documents submitted to them by the chief constable setting out the matters on which he relies in support of his decision and shall afford the member concerned a reasonable opportunity to comment thereon.

(5) Where a member has appealed to the Police Authority under paragraph (3) the Police Authority shall give him written notice of their determination of the appeal but, where they have upheld the decision of the chief constable and, within 10 days of being so notified or within such longer period as the Police Authority may in all the circumstances allow, the member makes written requests to the Police Authority 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 Police Authority 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) 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 paragraph (2), to be incompatible with his remaining in the force and either he has not appealed against that decision under paragraph (3) or, subject to paragraph (5), 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 his services; and before giving such approval, the Police Authority shall give him an opportunity to make representations and shall consider any representations so made.

(7) 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; or
- (b) a shop is kept or a like business 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 possesses a pecuniary interest in, any such licence or permit as is mentioned in paragraph (8);

and a reference to a relative included in a member's family shall include a reference to his spouse, parent, son, daughter, brother or sister.

(8) The licence or permit referred to in paragraph 7(c) 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.

(9) If a member or a relative included in his family has a business interest within the meaning of this regulation and, on that interest being notified or disclosed as mentioned in paragraph (1), the chief constable has, by written notice, required him 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, this regulation 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.

APPOINTMENT, PROBATION AND RETIREMENT

Business interests precluding appointment to the force

9. Save insofar 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 8 and paragraphs (7) and (8) thereof shall apply for the purposes of the interpretation of this regulation as they apply for the purposes of that regulation.

Appointment

10. Subject to regulation 14 and to the approval of the Police Authority,

the chief constable may appoint members on a full-time basis for such periods as he may deem necessary.

Qualifications for appointment to the force

11.—(1) For appointment to the force a candidate must—

- (a) produce satisfactory references as to character, and, if he has served in any police force or in any special constabulary, in the armed forces, in the civil service or as a seaman, produce satisfactory proof of his good conduct while so serving;
- (b) have attained the age of 18 years;
- (c) 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) unless the chief constable with the approval of the Police Authority decides, have a minimum height of 168 cms in the case of a man or 162 cms in the case of a woman;
- (e) satisfy the chief constable that he is sufficiently educated by passing a written and oral examination; and
- (f) give such information as may be required as to his previous history, employment or any other matter relating to his appointment to the force.

(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; and
- (b) the expression “seaman” has the same meaning as in the Merchant Shipping Act 1894(a).

Probation

12. A member shall be on probation for 2 years from the date of his first appointment as a reserve constable, provided that, in the case of a former member of the force, or of the Royal Ulster Constabulary or of a police force in Great Britain, service in that force may, at the chief constable’s discretion, count towards the period mentioned.

Discharge of probationer

13.—(1) Subject to the provisions of this regulation, during his period of probation in the force the services of a member 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 member.

(2) A member 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 member’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.

(4) Where a member 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), 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 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.—(1) Without prejudice to the Discipline Regulations a member may retire only if he has given a month's written notice of his intention to retire or such shorter notice as may have been accepted by the chief constable:

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) Retirement shall be compulsory on attaining the age of 57 years, provided that—

(a) the Police Authority may, on the recommendation of the chief constable, vary the retiring age wherever exceptional circumstances render such variation desirable, and

(b) the chief constable may extend the service of a member by yearly periods not exceeding 5 in number on being satisfied that exceptional circumstances render such extensions desirable.

(3) The chief constable may require a member to retire on such date as he may specify on the grounds that he is disabled to such an extent that he is unable to perform the ordinary duties of a member and the disablement is likely to be permanent.

Delegation

15. The chief constable may delegate his powers under regulations 13 and 14 to the deputy chief constable of the Royal Ulster Constabulary or a member of the Royal Ulster Constabulary not below the rank of assistant chief constable acting in the place of the deputy chief constable.

PERSONAL RECORDS

Contents of personal records

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

(2) The personal record shall contain—

(a) a personal description of the member;

(b) particulars of his 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 in the Royal Ulster Constabulary) and of his transfers (if any) from one police force to another;
- (f) a record of his service in the force including particulars of all postings, removals, injuries recorded, periods of illness, commendations, rewards, punishments other than cautions and the date of his ceasing to be a reserve constable with the reason, cause or manner thereof;

Provided that, if the member so requests—

- (i) a punishment of a fine 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 5 years free from punishment, other than a caution.
- (3) A member shall, if he so requests, be entitled to inspect his personal record.

Personal record of member leaving the force

17.—(1) Where a person ceases to be a member he shall, on request, be given a certificate showing his rank and setting out the period of his service in the force.

(2) Where a person ceases to be a member his personal record 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 taken 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 thereof shall be destroyed on a person ceasing to be a member.

PART III

DUTY, OVERTIME AND LEAVE

Duty to carry out lawful orders

19. Every member shall carry out all lawful orders and shall at all times punctually and promptly perform all appointed duties and attend to all matters within the scope of his office as a reserve constable.

Normal daily period of duty

20.—(1) The normal daily period of duty (including the period for refreshment referred to in paragraph (2)) of a member shall be 8 hours.

(2) As far as the exigencies of duty permit—

- (a) the normal daily period of duty shall be performed in one tour of duty; and
- (b) subject to paragraph 4 of Schedule 2, an interval of 45 minutes shall be allowed for refreshment.

(3) Where a member is required to perform his normal daily period of duty in more than one tour of duty and does not travel to and from his home between tours, an interval for refreshment and rest shall normally be included at the beginning or end of one of those tours.

(4) In this Part of these regulations, the expression “day” means a period of 24 hours commencing at such time or times as the chief constable shall fix and the chief constable may fix different times in relation to different groups of members.

(5) In discharging his functions under paragraph (4), the chief constable shall have regard to the wishes of the central committee of the Police Federation for Northern Ireland.

Rostering of duties

21.—(1) The chief constable shall cause to be published, in accordance with this regulation, annual duty rosters for members.

(2) Each such roster shall, in the first place, be published to the members to whom it relates not later than one month before the expiry of the roster of duties in force in relation to those members immediately before 21st March 1988.

(3) Each such roster shall thereafter be published at intervals not exceeding 12 months and not later than one month before the date on which it is to come into force.

(4) Each such roster shall set out, for the 12 months following the date on which it comes into force, in relation to each member to which it relates—

- (a) his rest days;
- (b) those days being public holidays, on which he may be required to do duty; and
- (c) the times at which his scheduled daily periods of duty are to begin and end.

(5) Subject to paragraph (6), a duty roster shall make provision for—

- (a) an interval of not less than 8 hours between the ending of each of a member's daily periods of duty and the beginning of the next; and
- (b) an interval between each of his rostered rest days not exceeding 7 days;

unless the central committee of the Police Federation for Northern Ireland agrees otherwise.

(6) Where, owing to the exigencies of duty, it is necessary to alter a duty roster, the officer responsible for making the alteration shall endeavour, so far as practicable, to avoid thereby requiring a member to do an additional daily period of duty such that the condition in paragraph 5(a) would not be satisfied in relation thereto.

Overtime

22.—(1) Subject to, and in accordance with, the provisions of this regulation, a member shall be compensated in respect of time for which he remains on duty after his tour of duty ends or is recalled between two tours of duty (hereafter in these regulations referred to as “overtime”).

(2) Such a member shall not be compensated under this regulation for overtime for which he receives an allowance or time off under regulation 23 or 48.

(3) A member to whom regulation 20 applies shall, subject to paragraph (6), be granted an allowance in respect of each week at the rate of a twenty-fourth of a day’s pay for each completed period of 15 minutes of overtime worked by him on any occasion during that week.

(4) Where such a member, before the expiry of any pay period, elects in respect of specified overtime worked by him during the weeks ending within that period, to be granted in lieu of an allowance time off subject to and in accordance with paragraph (5), and in accordance therewith receives time off in respect of any overtime, no allowance in respect thereof shall be payable under paragraph (3).

(5) Subject to the exigencies of duty, where by virtue of an election under the foregoing paragraphs, time off falls to be granted to a member in respect of any overtime worked by him in any week, then, within such time (not exceeding 3 months) after that week as the chief constable may fix, he shall grant to the member time off equal, subject to paragraph (6), to the period of that overtime worked by him during that week and, in addition, for each completed 45 minutes of such overtime, an additional 15 minutes off.

(6) For the purposes of paragraphs (3) and (5), no account shall be taken of any period of less than 30 minutes of overtime worked on any occasion, other than a period of 15 minutes of overtime in respect of which the member was informed at the commencement of his tour that he would be required to remain on duty after his tour ended.

(7) In computing any period of overtime for the purposes of this regulation—

- (a) where the member is engaged in casual escort duty, account shall be taken only of—
 - (i) time during which he is in charge of the person under escort,
 - (ii) such other time as is necessarily spent in travelling to or from the place where the member is to take charge of, or hand over, the person under escort, as the case may be, and
 - (iii) any other time that may be allowed by the chief constable, so however that, if the member is so engaged overnight and has proper sleeping accommodation, whether in a train or otherwise, the chief constable may exclude such period not exceeding 8 hours, during which the member is not in charge of the person under escort as he considers appropriate in the circumstances;
- (b) where the tour or tours does not or do not amount in the aggregate to more than the normal daily period of duty, no account shall be taken of any overtime except so much as together with the tour or tours of duty exceeds the normal daily period of duty; and

(c) where a member is recalled to duty between two rostered tours of duty and is entitled to reckon less than 4 hours of overtime in respect of any period for which he is recalled, disregarding any overtime reckonable by virtue of regulation 24 (travelling time treated as duty), he shall be deemed to have worked for that period 4 hours of overtime in addition to any overtime reckonable by virtue of regulation 24.

(8) For the purposes of this regulation the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“a day’s pay” means the member’s pay for the week in question divided by 5;

“member recalled to duty” does not include a member who is only warned to be in readiness for duty if required;

“pay period” means the period for which, in pursuance of regulation 32, a member is paid;

“week” means the period of 7 days beginning with such day as is fixed by the chief constable.

Public holidays and rest days for members

23.—(1) Subject to the following provisions of this regulation, a member shall, so far as the exigencies of duty permit, be allowed a day’s leave on each public holiday and be granted rest days at the rate of 2 rest days in respect of each week.

(2) A member shall, if required to do duty on a day which is a rostered rest day, be granted—

(a) where he receives less than 8 days’ notice of the requirement, an allowance at the appropriate rate and, in addition, another rest day in lieu thereof, which shall be notified to him within 4 days of notification of the requirement;

(b) where he receives at least 8 days’ but less than 29 days’ notice of the requirement, an allowance at the appropriate rate;

(c) in any other case, another rest day in lieu thereof, which shall be notified to him within 4 days of notification of the requirement.

(3) A member shall, if required to do duty on a day which is a public holiday, be granted—

(a) where he receives less than 8 days’ notice of the requirement—

(i) an allowance at the appropriate rate and, in addition,

(ii) another day off in lieu thereof, which shall be notified to him within 4 days of notification of the requirement, and which shall be treated for the purposes of this regulation as a public holiday;

(b) in any other case, an allowance at the appropriate rate.

(4) A member who is required to do duty on a day which is a public holiday or a rostered rest day may, within 28 days of the day in question, elect to receive, in lieu of an allowance as mentioned in paragraph (2)(a) or (b) or paragraph (3)(a) or (b), time off equal—

(a) in the case of a day which is a public holiday, to double, and

(b) in the case of a rostered rest day, to one and a half times, the period of completed quarters of an hour of duty on the day in question.

(5) Where such a member who is required to do duty on a day which is a public holiday or a rostered rest day has elected to receive time off as mentioned in paragraph (4), the chief constable shall, subject to the exigencies of duty, grant such time off within such time (not exceeding 3 months) as he may fix; and subject to such time off being taken, no allowance in respect of the day in question shall be payable under paragraph (2)(a) or (b) or, as the case may be, paragraph (3)(a) or (b).

(6) Subject to paragraph (7), for the purposes of this regulation—

(a) a member who is paid a dog handler's allowance shall not be treated as required to do duty by reason only of his being required to care for the dog;

(b) "a day's pay" means a week's pay at the rate at which the member was paid on the day in question divided by 5;

(c) "the appropriate rate" means a sixteenth of a day's pay for each completed 15 minutes of duty done on a public holiday, and three sixty-fourths of a day's pay for each such period of duty done on a rostered rest day;

(d) a reference to a day which is a public holiday is to be construed, in relation to the member concerned, as a reference to a day within the meaning of regulation 20(4) commencing at any time on the calendar date of the public holiday in question;

(e) a reference to a rostered rest day is to be construed as a reference to a day which, according to the roster of duties under regulation 21 was, immediately before the requirement to do duty on that day, to have been a rest day for the member concerned;

(f) in paragraph (2) the expression "week" means a period of 7 days beginning with such day as is fixed by the chief constable;

(g) a period of less than 4 completed hours of duty on a day which is a public holiday or on a rostered rest day shall be treated as though it were a period of 4 completed hours of duty; and

(h) where a member is required to do duty on a day which is a public holiday or on a rostered rest day, his period of duty shall include (save for the purposes of sub-paragraph (g)) the time occupied by him in going to, and returning from, his place of duty, not exceeding such reasonable limit as may be fixed by the chief constable, save that, for the purposes of this sub-paragraph, there shall be disregarded any period of time so occupied—

(i) which together with the member's period of duty exceeds 6 hours, or

(ii) which is treated as a period of duty under regulation 24.

(7) Where it is at his own request that a member works on a day which is a public holiday or a rostered rest day, he shall not be treated for the purposes of this regulation as having been required to do duty on that day but shall be granted another day off in lieu thereof, which shall be treated as a public holiday or a rostered rest day as the case may be.

Travelling time treated as duty

24.—(1) This regulation shall apply where a member is—

(a) required to perform his normal daily period of duty, or duty on a public holiday or on a day which would have otherwise been a rostered rest day, in more than one tour of duty, or

(b) recalled to duty between 2 tours of duty,

and travels to and from his home between tours or, as the case may be, in consequence of his recall (in this regulation referred to as “relevant travelling”).

(2) For the purposes of this regulation, duty on a public holiday or on a day which would otherwise have been a rostered rest day shall be regarded as a recall to duty between 2 tours of duty only if the member, after completion of a period of such duty, is recalled for further duty.

(3) In computing any period of overtime for the purposes of regulation 22 or any period of duty for the purposes of regulation 23 (save for the purposes of paragraph (6)(g) thereof) the time occupied by such a member in relevant travelling, not exceeding such reasonable limit as may be fixed by the chief constable, shall be treated as a period of duty.

(4) For the purposes of regulation 43 the use of a motor vehicle for relevant travelling shall be treated as such use for the purpose of duties performed by the member concerned.

(5) Relevant travelling expenses shall be treated as expenses incurred in the execution of duty and, unless they are expenses in respect of which an allowance is payable under these regulations, the member concerned shall be reimbursed those expenses to the extent that they do not exceed such reasonable limit as the Police Authority may fix.

Annual leave

25.—(1) Every member shall, so far as the exigencies of duty permit, be granted annual leave in accordance with Schedule 2.

(2) The annual leave of a member shall be additional to the days upon which he is not required to perform police duties in accordance with regulation 23 and a member shall, so far as the exigencies of duty permit, be allowed to take his annual leave in one period continuous with such days as aforesaid falling within the period in which he desires to take annual leave.

Maternity leave

26.—(1) During the maternity period a woman member shall not be entitled to any sick leave in respect of any injury, illness or incapacity for duty which is solely or mainly due to pregnancy or childbirth or their after effects but shall be entitled to take maternity leave for the whole or any part or parts of the period.

(2) The maternity leave granted in respect of any particular maternity period shall be paid maternity leave as respects 3 months thereof, and unpaid maternity leave as respects the remainder:

Provided that a member shall not be entitled to more than 3 months' paid maternity leave during any period of 12 months or to any paid maternity leave before the end of her period of probation in the force.

(3) In this regulation the maternity period means, in relation to a woman member who is certified by a registered medical practitioner approved by the Police Authority to be pregnant, the period beginning 6 months before the date which is estimated by the said medical practitioner as being the probable date of birth and ending 9 months after the birth of the child.

Sick leave

27.—(1) A member shall not be entitled to be absent from duty on account of injury or illness unless a registered medical practitioner has certified him to be unfit for duty:

Provided that—

- (a) with the consent of the Police Authority, a member may be so absent without such certificate of unfitness where the period of unfitness for duty does not exceed 7 days, including any day on which, even if he were fit to do so, he would not have been required to perform police duty;
- (b) if, notwithstanding such certificate of unfitness for duty, a registered medical practitioner appointed or approved by the Police Authority has examined the member and certified him to be fit for duty he shall no longer be entitled to be absent from duty.

(2) This regulation shall apply to a member who is in quarantine as it applies to a member who is ill and any reference to fitness or unfitness for duty shall be construed accordingly.

PART IV

PAY

Rate of pay

28.—(1) The rate of pay of a member holding such rank as is specified in Schedule 3 shall be in accordance with the scale in that Schedule.

(2) Nothing in this regulation shall affect the operation of any provision of the Discipline Regulations and, in relation to a member suspended or fined thereunder, the provisions of paragraphs 1 and 3 of Schedule 4 or of paragraph 4 thereof shall have effect.

Deductions from pay of social security benefits and statutory sick pay

29.—(1) There shall be deducted from the pay of a member—

- (a) the amount of any sickness benefit, invalidity pension or invalidity allowance to which he is entitled under the Social Security (Northern Ireland) Acts 1975 to 1986, and
- (b) any statutory sick pay to which he is entitled under the Social Security (Northern Ireland) Order 1982(a) and for the purposes of sub-paragraph (a) above any increase for adult and child dependants shall be treated as forming part of the benefit or allowance to which it relates.

(2) For the purposes of this regulation, a woman member who as a married woman or widow has elected to pay contributions under Part I of the Social Security (Northern Ireland) Act 1975(a) at the reduced rate, shall be deemed to be entitled to any social security benefits mentioned in paragraph (1) to which she would have been entitled had she not elected to contribute at the reduced rate.

Sick pay

30.—(1) Where a member loses remuneration in consequence of an injury or disease contracted—

(a) in the execution of his duty; or

(b) while on duty or while on a journey necessary to enable him to report for duty or to return home after duty,

he shall be entitled to an allowance by way of sick pay as hereinafter provided.

(2) Except where the Secretary of State at the request of the Police Authority determines otherwise in specific cases, the sick pay shall be payable for so long as the member continues to lose remuneration or for a period of 26 weeks, whichever is the less; and subject to regulation 29 the rate thereof shall be in accordance with regulation 28.

Calculation of monthly, weekly and daily pay

31.—(1) A month's pay shall be calculated, for all purposes, at a monthly rate of pay determined by dividing by 12 the annual rate.

(2) A week's pay shall be calculated, for all purposes, at a weekly rate of pay determined by dividing by 52½ the annual rate.

(3) A day's pay shall be calculated, except for the purposes of regulations 22 and 23, at a daily rate determined by dividing by 7 the weekly rate, determined as aforesaid.

(4) In making any payment by way of pay a fraction of a penny shall be treated as a whole penny except that a fraction less than a half-penny shall be ignored.

Pay day

32.—(1) Members shall be paid at such intervals as the Police Authority may fix and the Police Authority may fix different intervals for different ranks of members.

(2) In fixing the interval for any rank the Police Authority shall have regard to the wishes of the members of that rank.

PART V

ALLOWANCES AND OTHER EMOLUMENTS

Restriction on payment of allowances

33.—(1) No allowances shall be paid to a member except as provided by these regulations or approved by the Secretary of State, and the amounts and

conditions of payment of such allowances shall be as so provided or approved.

(2) Nothing in this regulation shall apply to the reimbursement of expenses incurred by a member in the execution of his duty, being expenses authorised either generally or specifically by the Police Authority in respect of which no allowance is payable under these regulations.

Restriction on payments for private employment of police

34. Without prejudice to the generality of regulation 33, a member who is engaged on duty at the request of any person who has agreed to pay the Police Authority for the member's services shall not be entitled to any payment for those services except as provided by the regulations applicable to him.

Rent allowance

35.—(1) A member who is not provided with a house or quarters free of rent and rates shall be paid a rent allowance which shall be either a maximum limit allowance or a flat-rate allowance:

Provided that—

- (a) a member to whom regulation 36 applies who is so provided with quarters shall be paid a rent allowance in addition;
- (b) a member shall not be paid a rent allowance if he is on unpaid leave.
- (2) Subject to paragraph (3), a maximum limit allowance—
 - (a) shall be paid to a member married to (but not separated from) a person who either—
 - (i) is not a member or a member of the Royal Ulster Constabulary, or
 - (ii) is such a member but is on unpaid leave;
 - (b) shall be paid to an unmarried member, or a member separated from his spouse, who—
 - (i) has attained the age of 30 years,
 - (ii) has served for 5 years as a member or as a member of a police force in Great Britain, and
 - (iii) occupies as owner or tenant the accommodation in which he is living.
 - (c) may, if the Police Authority think fit, be paid to a member, not being a member to whom sub-paragraph (a) or (b) applies who—
 - (i) has a dependent relative living with him,
 - (ii) is separated from, or has divorced or been divorced by, his spouse, or
 - (iii) is a widower or widow;

and in all other cases a flat-rate allowance shall be paid.

(3) A maximum limit allowance shall not be payable—

- (a) to a member who lives in accommodation in respect of which he makes no payment (by way of rent, rates or otherwise), or

- (b) to a member who shares with another member or a member of the Royal Ulster Constabulary accommodation of which they are joint owners or tenants so, however, that this sub-paragraph shall not preclude the payment of a maximum limit allowance by virtue of sub-paragraph (ii) of paragraph (2)(a).
- (4) (a) A maximum limit allowance payable to a member shall not be less than a half of, nor more than, the maximum limit for his rank but, subject as aforesaid shall be the aggregate of the amount paid in rates and the amount of any rate rebate granted to him together with—
- (i) where the member owns the house he occupies, the amount which in the opinion of the Commissioner of Valuation would be paid in rent therefor if the house were let unfurnished,
 - (ii) where the member is living in unfurnished accommodation, the amount paid in rent therefor, or
 - (iii) subject to sub-paragraph (a)(i) where the member is living in furnished accommodation, an amount which in the opinion of the Police Authority would have been paid in rent therefor had the accommodation been unfurnished:

Provided that where part of the said house or part of the said accommodation is let to or occupied by a tenant or lodger, as the case may be, who is not a member or a member of the Royal Ulster Constabulary, the Police Authority may make a deduction from the said aggregate in respect of such part.

(b) The maximum limit for each rank shall be fixed by the Secretary of State on the recommendation of the Police Authority.

(5) A flat-rate allowance shall be an allowance equal to half the amount fixed as the maximum limit for members of the same rank.

(6) Except where the member's spouse or former spouse is a member or a member of the Royal Ulster Constabulary or a member of a police force in Great Britain, a married member who is separated from his spouse or a member who has divorced, or been divorced by, her spouse, may, if he regularly makes periodic payments to or for the benefit of his spouse or former spouse, be granted—

- (a) where he is in receipt of a rent allowance under paragraph (1), an addition to that rent allowance, or
- (b) where he is provided with a house or quarters free of rent and rates, a rent allowance,

equal to whichever is the lesser of the two following amounts, namely, the amount by which his former allowance exceeds his present allowance or the amount paid by him to or for the benefit of his spouse or former spouse.

(7) In this regulation—

(a) the expression "his former allowance" means—

- (i) in relation to a member who, immediately before his spouse commenced to live apart from him, was being provided with a house or quarters free of rent and rates, a sum fixed as the value for the time being of that house or those quarters;

- (ii) in relation to any other member, the maximum limit allowance which would for the time being be payable to him if he were still entitled to such an allowance and the aggregate referred to in paragraph (4)(a) were unchanged since immediately before his spouse commenced to live apart from him;
- (b) the expression "his present allowance" means the rent allowance which is being paid to the member under paragraph (1) or, as the case may be, a sum fixed as the value for the time being of the house or quarters with which he is provided;
- (c) the expression "rates" includes—
 - (i) any rate within the meaning of Article 2(2) of the Rates (Northern Ireland) Order 1977(a), and
 - (ii) the reasonable costs of emptying a cess-pit where the premises do not have main drainage;
- (d) the expression "rate rebate" means a rate rebate granted under the rate rebate scheme within the meaning of Article 28 of the said Order of 1977;
- (e) a reference to the provision of a house or quarters free of rent and rates is a reference to such provision by the Police Authority.

Supplementary rent allowance

36.—(1) This regulation shall apply to—

- (a) a member who—
 - (i) is a widower or widow with a child or children or is married,
 - (ii) is not living with his family, and
 - (iii) satisfies the chief constable that the only reason why he is not so living is that he is unable to find suitable accommodation for his family at a reasonable cost within a reasonable distance of his place of duty;
- (b) a member, other than such a member as is mentioned in sub-paragraph (a), who is temporarily assigned to duties which, in the opinion of the chief constable, require him to live otherwise than in his former accommodation,

except that this regulation shall not apply to such a member as is mentioned in sub-paragraph (b) for a continuous period exceeding 30 months unless the Police Authority in the circumstances of the case so determine, or on respect of any period for which he has not retained, or has let or sub-let, his former accommodation.

(2) Notwithstanding the provisions of regulation 35, the rent allowance to be paid to a member to whom this regulation applies shall be that which would be payable under the said regulation 35—

- (a) in the case of such a member as is mentioned in paragraph (1)(a), if he were a member of the force of the police area in which his family are for the time being living and he were living with his family;

(a) S.I. 1977/2157 (N.I. 28)

(b) in the case of such a member as is mentioned in paragraph (1)(b), if he had not been assigned to such duties as are there mentioned and had continued to occupy his former accommodation.

(3) A member to whom this regulation applies shall be paid a supplementary rent allowance—

(a) if he is living in quarters provided free of rent and rates, at the weekly rate of £13·92;

(b) if he is not so living, at the weekly rate of £13·92 higher than that of a flat-rate rent allowance payable under regulation 35 to a member.

(4) A supplementary rent allowance payable under paragraph (3) may be reduced or withdrawn by the Police Authority in respect of any period consisting of one or more complete weeks throughout which the member in question is absent from his usual or temporary normal place of duty and is either—

(a) on leave of absence; or

(b) provided with board and lodging free of charge or an allowance in lieu.

Compensatory grant

37.—(1) In each financial year a member who, during the preceding financial year, has paid income tax for any year attributable to the inclusion of a rent allowance or compensatory grant in his emoluments in respect of service as a member shall be paid a compensatory grant.

(2) The amount of the compensatory grant made to a member in any year shall be the amount by which the income tax in fact deducted from his emoluments in respect of service as a member during the preceding year, according to the tax tables prepared or prescribed by the Commissioners of Inland Revenue, is increased by the inclusion in such emoluments of a rent allowance or any compensatory grant.

(3) The compensatory grant may, except in the circumstances described in paragraph (4), be paid by such instalments throughout the year in which it is payable as the Police Authority may determine.

(4) Where, in the course of a financial year, a member leaves the force or dies whilst serving therein, he or his personal representative, as the case may be, shall be paid the whole of the compensatory grant due to the member during that year and, in addition, shall be paid a further compensatory grant determined in accordance with paragraph (5) by reference to the compensatory grant (hereinafter referred to as the notional grant) which, had he not left the force or died, would have been due to him in a subsequent year by reason of income tax deducted from his emoluments, while in fact a member.

(5) A further compensatory grant shall be of the amount which the member or his personal representative, as the case may be, satisfies the Police Authority is equal, after deduction of income tax payable by him and attributable thereto, to the amount of the notional grant; and, for the purposes hereof, the attributable income tax shall be the tax which would not have been payable but for the inclusion of the further compensatory grant in the member's income except that, where the member's total income in the

financial year in question exceeds his emoluments as a member during the period of 12 months preceding his retirement or death, the attributable tax shall be calculated as if it was not payable at a rate in excess of the basic rate save in so far as it would have been so payable had the member's total income in that financial year equalled his emoluments as a member in that period of 12 months.

- (6) For the purposes of the preceding provisions of this regulation—
- (a) the expression "year" or "financial year" means a year commencing on 6th April and ending on the following 5th April;
 - (b) the expression "income tax" includes all income tax whether payable at the basic rate or a higher rate;
 - (c) where a member has served more than once in the force, references in this regulation to service in the force shall be construed as references to his service therein since his last appointment thereto.

Removal allowance

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

- (a) shall either reimburse the reasonably incurred cost of removal or carry out the removal;
- (b) shall, where the member was the owner of his former home, reimburse expenses reasonably incurred by him in connection with the disposal thereof;
- (c) shall, 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, are 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 are of the opinion that the member could have acquired a suitable home for a consideration less than that actually paid, they 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) shall reimburse the member his payments in connection with his former home by way of mortgage interest, rent or rates (within the meaning of regulation 35(7)) payable in respect of the first 13 weeks following the move and may, if they think fit, reimburse him such payments in respect of a further period not exceeding 39 weeks up to an amount equal to that which would have been payable to him by way of rent allowance in respect of the period in question had he not moved but had continued to be entitled to a rent allowance payable at the rate at which such an allowance was payable immediately before the move so, however, that where the Police Authority are of the opinion that

the member had not taken all reasonable steps to reduce or terminate his liability to make such payments as aforesaid, they 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 £600 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, 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 and expenses in connection with the redemption, transfer or taking out of a mortgage.

Women's stocking allowance

39. A woman member who is not supplied with stockings or tights by the Police Authority shall be paid in lieu an allowance at such annual rate as shall be determined by the Secretary of State unless she is being paid a plain clothes allowance under regulation 40.

Plain clothes allowance

40.—(1) A member who is required to perform duties in plain clothes for not less than 40 hours in the aggregate in any period of 6 months shall, subject to paragraph (2), be paid a plain clothes allowance in respect of such duties at such hourly rate as shall be determined by the Secretary of State.

(2) For the purposes of paragraph (1) and the calculation of the aggregate duration of the duties there referred to—

- (a) where the duties were performed on an occasion falling within such a continuous period of plain clothes duty as is mentioned in paragraph (1), no account shall be taken of those duties;
- (b) where the duties performed on any occasion lasted less than 4 completed hours, no account shall be taken of those duties;
- (c) where the duties performed on any occasion lasted for a completed number of hours and a fraction of an hour, no account shall be taken of that fraction.

(3) Notwithstanding anything in paragraph (1), where a member is provided with overalls when doing duty in plain clothes or for any other reason is, in the opinion of the Secretary of State, put to substantially less or substantially more than the normal expense caused by wearing his own clothes, a plain clothes allowance payable to him under paragraph (1) shall be payable not at the rate determined under the paragraph in question but at such rate as may be approved by the Secretary of State having regard to the circumstances of the case.

Subsistence, refreshment and lodging allowances

41.—(1) A member who, being retained on duty beyond his normal daily period of duty or being engaged on duty away from his usual place of duty, necessarily incurs additional expense to obtain food or lodging shall—

- (a) if the period for which he is so retained or engaged exceeds an hour but does not exceed 5 hours, be paid a refreshment allowance;

- (b) if the period for which he is so retained or engaged exceeds 5 hours, be paid a subsistence allowance;
- (c) if the said expense includes the expense of obtaining lodging, be paid a lodging allowance.

(2) A member who satisfies the chief constable that during his normal daily period of duty he was, although not away from his usual place of duty, unable by reason of the exigencies of duty to obtain his meals in his usual way and that he necessarily incurred additional expense for the purpose may be paid a refreshment allowance.

(3) Where the place of duty of a member has been temporarily changed the expression in this regulation "usual place of duty" shall, after such period from the date of change as the chief constable may determine, mean the temporary place of duty.

(4) A subsistence, refreshment or lodging allowance payable under the foregoing provisions of this regulation shall be of an amount determined in accordance with Schedule 5.

Advances to cover expenses when away on duty

42. Where a member is required to do duty away from his usual place of duty he shall be given, if he so requests, an advance to cover, as far as practicable, any expenses which he will probably incur.

Motor vehicle allowances

43.—(1) Where the chief constable is of opinion that the duties normally performed by a member are of such a nature that it is—

- (a) essential, or
- (b) desirable,

that the member in question should, at all material times have a motor vehicle at his disposal, he may authorise that member to use (subject to his directions) a motor vehicle owned by the member for the purposes of duties performed by him and, subject as hereinafter provided, in respect of such use the member shall be paid a motor vehicle allowance.

(2) A motor vehicle allowance shall not be payable in respect of the authorised use of a motor vehicle unless there was in force in relation thereto a policy of insurance in terms approved by the Police Authority, in relation to the use in question, for the purposes hereof.

(3) A motor vehicle allowance shall not be payable in respect of the authorised use of a motor car of a cylinder capacity exceeding 500 c.c. unless the member concerned was willing to carry passengers for the purposes of the duties performed by him or, in the case of passengers being members or members of any police force, by those members.

(4) A motor vehicle allowance in respect of the authorised use of a motor car of a cylinder capacity exceeding 500 c.c. shall, subject as aforesaid, be payable—

- (a) where the chief constable is of the opinion mentioned in paragraph (1)(a), at the essential user's rate;

(b) where the chief constable is of the opinion mentioned in paragraph (1)(b), at the casual user's rate, as provided in Schedule 6.

(5) A motor vehicle allowance in respect of the authorised use of—

(a) a motor car of a cylinder capacity not exceeding 500 c.c., or

(b) a motor bicycle,

shall, subject as aforesaid, be payable on such conditions and at such rate as is approved by the Secretary of State.

(6) Paragraph 1 of Schedule 6 shall have effect for the purposes of the interpretation of this regulation.

Bicycle allowance

44.—(1) Where a member is authorised by the chief constable to use a bicycle owned by him for the purposes of duties normally and from time to time performed by him, he shall in respect of such use be paid a bicycle allowance of an amount determined in accordance with Schedule 7.

(2) In this regulation the expression "bicycle" does not include a motor bicycle, that is to say a mechanically propelled bicycle (including a motor scooter and a bicycle with an attachment for propelling it by mechanical power) and a reference to a bicycle owned by a member is a reference to a bicycle kept and used by him.

Typewriter allowance

45.—(1) A member shall be entitled to a typewriter allowance in accordance with Schedule 8 in respect of the use of a typewriter owned by him which he is authorised by the chief constable to use for the purposes of duties normally and from time to time performed by him and the Police Authority shall supply him with typewriter ribbons free of charge.

(2) In this regulation a reference to a typewriter owned by a member is a reference to a typewriter kept and used by him.

Dog handler's allowance

46.—(1) Where a dog owned by the Police Authority is kept and cared for by a member at his home, the member shall be paid a dog handler's allowance in respect of the care accorded to the dog on the member's rest days and on public holidays.

(2) A dog handler's allowance shall be of an amount determined in accordance with Schedule 9.

(3) For the purposes of this regulation and of Schedule 9 a member shall be treated as keeping and caring for a dog at his home if he would be so doing but for his being on annual leave.

Allowance in respect of medical charges

47. A member shall be reimbursed the normal standard charges incurred in his case under Articles 5, 61, 62, 63 and 98 of the Health and Personal Social Services (Northern Ireland) Order 1972(a) (which articles relate to charges for certain drugs, medicines, appliances and dental treatment).

(a) S.I. 1972/1265 (N.I. 14) as modified by S.I. 1978/1907 (N.I. 26)

Allowance for recurring escort duty, etc.

48. An allowance may be paid, of such amount and under such conditions as may be determined by the Secretary of State on the recommendation of the Police Authority, in respect of recurring escort duty or other specific duties involving recurring retention on duty beyond the normal daily period and not covered by any other payment.

Continuance of allowances when member ill

49. If a member who is regularly in receipt of any allowance to meet an expense which ceases during his or her absence from duty is placed on a sick list or is on maternity leave, the allowance shall be payable during his or her absence from duty up to a period of a month, but thereafter, during the remainder of his or her absence from duty, payment may be suspended at the discretion of the chief constable.

Allowances in respect of periods of suspension

50. This Part of these regulations shall have effect in relation to a member suspended under the Discipline Regulations, subject to the provisions of paragraphs 2 and 3 of Schedule 4.

General

51. A member claiming any allowance under this Part of these regulations shall comply with such directions as may be given by the Police Authority from time to time as to the time and manner of claiming and certification.

PART VI

UNIFORM AND EQUIPMENT

Issue of uniform and equipment

52. Uniform and equipment shall be issued by the Police Authority free of charge to members in accordance with the provisions of Schedule 10.

Re-issue of uniform and equipment

53. Uniform and equipment handed back to the Police Authority shall not be re-issued to another member until it has received any necessary cleaning or renovation and is in serviceable condition.

Ownership of uniform and equipment

54. Subject to regulation 55, the uniform and equipment issued by the Police Authority shall not become the property of the member to whom they are issued and shall be handed back by him to the Police Authority on his leaving the force.

Replacement of uniform and equipment

55. On any article of uniform or equipment being replaced by the Police Authority the article shall be handed back to the Police Authority unless the member, with the consent of the Police Authority, buys such article at a price to be fixed by the Police Authority or, with such consent, retains it without payment.

TRANSITIONAL PROVISIONS

Transitional provisions

56. Without prejudice to sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954(a) any appointment, deduction, payment, application, or election made, or approval, direction, consent, certificate or notice given, or any record or list kept, or any rank adopted, or any overtime worked or hours of duty worked on any public holiday or rest day, or any maximum limit fixed, or other thing done under any of the regulations revoked by these regulations or for the purposes thereof shall not be invalidated by the revocations effected by regulation 2, but shall in so far as it could have been made, given, adopted, worked, fixed or done under a provision of these regulations or for the purposes thereof have effect as if it had been made, given, kept, adopted, worked, fixed or done under, or for the purposes of that provision.

Northern Ireland Office
2nd February 1988

Tom King
One of Her Majesty's Principal
Secretaries of State

We concur
8th February 1988

Mark Lennox-Boyd
Michael Neubert
Two of the Lords Commissioners
of Her Majesty's Treasury

(a) 1954 c. 33 (N.I.)

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 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.

Annual leave

1. Subject to regulation 25 and the provisions of this Schedule, every member shall be granted in each leave year the period of annual leave in the following Table—

- (a) where he has completed less than 5 years' service, in the first column thereof;
- (b) where he has completed 5 but has not completed 10 years' service, in the second column thereof;
- (c) where he has completed 10 but has not completed 15 years' service, in the third column thereof;
- (d) where he has completed 15 or more years' service, in the fourth column thereof.

TABLE

| ANNUAL LEAVE | | | |
|-----------------------------------|-------------------------------------|--------------------------------------|--------------------------------------|
| <i>Under 5 years' service</i> | <i>5 or more years' service</i> | <i>10 or more years' service</i> | <i>15 or more years' service</i> |
| 20 days | 22 days | 25 days | 26 days |

2. In the leave year in which a member is appointed to or retires from the force, or completes such number of years' service as will entitle him to an increased period of annual leave, his annual leave shall be calculated at the rate of a twelfth of the period of annual leave appropriate, under paragraph 1, to the leave year in question, a fraction of a day being reckoned as a day:

Provided that where a member completes the said number of years' service while completing a month's service in the leave year in question, he shall be treated for the purposes of this paragraph as if he had completed the said number of years' service at the beginning of that month's service.

3. The chief constable may, in his discretion and subject to the exigencies of duty—

- (a) notwithstanding anything in paragraphs 1 and 2, where he is satisfied that, in any leave year, the member has not taken the full period of annual leave specified in those paragraphs, grant the member, during the following leave year, additional days of annual leave not exceeding the number of days not taken, so, however, that he shall not exercise his discretion so as to grant more than 5 additional days of annual leave to a member unless he is satisfied that there are exceptional circumstances and that it is in the interests of efficiency to do so;
- (b) grant the member not more than 5 additional days of annual leave, to be taken in the last month of the leave year, subject to a corresponding reduction being effected in the member's period of annual leave under paragraph 1 for the following year.

4.—(1) Subject to sub-paragraph (2), days of annual leave granted under this Schedule may be taken at the discretion of the chief constable and subject to the exigencies of duty, as a single period, or as single days, or in periods of more than one day, or as half days.

(2) Not more than 3 days of annual leave shall be taken as half days and where annual leave is so taken the member—

- (a) shall do duty on that day for 4 hours, and
- (b) shall not be entitled to be allowed an interval for refreshment such as is mentioned in regulation 20(2).

5.—(1) Where a member has been recalled to duty from a period of absence from duty to which this paragraph applies, he shall be granted, in compensation for being recalled to duty on any day during that period which is a day of annual leave or a day taken off in lieu of overtime—

- (a) if he was so recalled to duty for 1 or 2 days (whether or not in the latter case those days form a single period), 2 days' annual leave in lieu of each such day for which he was so recalled; or
- (b) if he was so recalled to duty for 3 or more days (whether or not forming a single period), 2 days' annual leave in lieu of each of the first 2 such days for which he was so recalled, and 1½ days' annual leave in lieu of each such day for which he was so recalled thereafter:

Provided that this shall not apply to a recall prior to 21st March 1988.

(2) This paragraph applies to a period of absence from duty of 3 or more days, where at least one of those days is a day of annual leave and the other days, if not days of annual leave, are rostered rest days, days taken off in lieu of overtime or public holidays (or days taken off in lieu thereof), or any combination thereof.

6. For the purposes of this Schedule the expression "leave year" means that period of 12 months beginning on such date as may from time to time be determined by the Police Authority.

Scales of Pay

1. The annual pay of a member holding the rank of a full-time Reserve Constable shall, subject as hereinafter provided, be determined by reference to his reckonable service in accordance with the scale in the following table—

TABLE

| <i>Reckonable Service</i> | <i>Annual Pay</i> |
|-------------------------------------|-------------------|
| | £ |
| Before completing 1 year of service | 8,352 |
| After 1 year of service | 8,931 |
| After 2 years of service | 10,512 |
| After 3 years of service | 10,761 |
| After 6 years of service | 11,118 |
| After 9 years of service | 11,499 |
| After 12 years of service | 11,868 |
| After 15 years of service | 12,234 |

2. For the purposes of this paragraph, any reference to a reserve constable's reckonable service is a reference to the service reckonable for the purposes of his scale of pay.

Effect of disciplinary action on pay and allowances

1. Subject to paragraph 3, a member suspended under the Discipline Regulations who—

(a) is detained in pursuance of a sentence of a court in a prison or other institution to which the Prison Act (Northern Ireland) 1953(a) applies, or is in custody (whether in prison or elsewhere) between conviction by a court and sentence, or

(b) has absented himself from duty and whose whereabouts are unknown to the chief constable (or the deputy chief constable acting as chief constable), shall not, by virtue of regulation 28, be entitled to pay in respect of his period in detention or custody or, as the case may be, in respect of the period during which his whereabouts are unknown as aforesaid.

2. Subject to paragraph 3, a member suspended under the Discipline Regulations shall not by virtue of Part V of these regulations, be entitled to any allowance, other than a rent allowance, supplementary rent allowance or compensatory grant in respect of the period of suspension.

3. Where a member returns to duty when the period of suspension comes to an end and—

(a) it has been decided that he shall not be charged with a disciplinary offence, or

(b) he has been so charged and all the charges have been dismissed, or

(c) he has been so charged and has been punished by a reduction in his rate of pay, fine, reprimand or caution,

he shall receive, as from the date of his suspension, the pay to which, but for paragraph 1, and the allowances to which, but for paragraph 2, he would have been entitled by virtue of these regulations.

4. Where a member is fined under the Discipline Regulations, the fine shall, without prejudice to any other method of recovery, be recoverable by way of deductions from the member's pay during the period of 13 weeks following the imposition of the fine so, however, that the aggregate sum which may be deducted in pursuance of this paragraph in respect of any one week (whether on account of one or more fines) shall not exceed a seventh of his weekly pay:

Provided that in the event of the member leaving the force, the whole amount of any fine unpaid may be deducted from any pay then due.

(a) 1953 c. 18 (N.I.)

Subsistence, refreshment and lodging allowances

1.—(1) Subject as hereinafter in this Schedule provided, the amount of a subsistence, refreshment or lodging allowance payable under regulation 41(4) shall be in accordance with such scale as shall be determined by the Secretary of State.

(2) The scales of refreshment allowances shall provide for the allowance payable in respect of one meal and that payable in respect of two meals.

(3) The scales of subsistence allowances shall provide for the allowance payable in respect of a period of retention or engagement on duty of—

- (a) over 5 hours but not exceeding 8 hours;
- (b) over 8 hours but not exceeding 12 hours;
- (c) over 12 hours but not exceeding 24 hours;
- (d) over 24 hours.

2. If a lodging allowance is payable as well as a subsistence allowance in respect of a period of retention or engagement on duty of 16 hours or less, the subsistence allowance shall be of the amount appropriate to a retention or engagement for a period exceeding 8 hours and not exceeding 12 hours.

3. If the chief constable is satisfied in any particular case that the amount of the allowances calculated in accordance with paragraphs 1 and 2 is not sufficient to cover the actual expenses necessarily incurred, he may authorise payment of the difference.

4. If the chief constable is satisfied in any particular case that the amount of the allowances calculated in accordance with paragraphs 1 and 2 would be excessive, having regard to the additional expenses necessarily incurred, he may direct that the amount of the allowances shall be reduced to such an amount as he determines, not being less than the amount of such expenses.

5. If in any particular class of cases the period of retention or engagement on duty exceeds a week and the chief constable is satisfied that the amount of the allowances calculated in accordance with paragraph 1 would be excessive, he may direct that there shall be granted in lieu thereof a weekly allowance at such lower rate as may be necessary to cover the reasonable expenses of the member concerned.

SCHEDULE 6

Regulation 43

Motor vehicle allowances in respect of motor cars

1. For the purposes of regulation 43 and of this Schedule the following expressions have the meanings hereby respectively assigned to them:—

“authorised use” means the use, authorised under regulation 43, of a motor vehicle owned by the member concerned for the purposes of his duties as a member, and “period of authorised use” means the period during which such use is authorised;

“cylinder capacity” means the cylinder capacity of the engine of a vehicle calculated in accordance with the Road Vehicles (Registration and Licensing) Regulations (Northern Ireland) 1973(a);

“motor bicycle” means a mechanically propelled bicycle (including a motor scooter, a bicycle with an attachment for propelling it by mechanical power and a mechanically propelled bicycle used for drawing a sidecar);

“motor car” means a mechanically propelled vehicle other than a motor bicycle and, accordingly, includes a mechanically propelled tricycle;

“year” means a period of twelve months beginning on such date as may be determined by the Police Authority;

and a reference to a motor vehicle owned by a member is a reference to such a vehicle kept and used by him.

2.—(1) Subject as hereinafter provided, the amount of a motor vehicle allowance payable at the essential user’s rate shall in any year comprise a fixed element and a mileage element calculated as provided in sub-paragraphs (2) and (3).

(2) The fixed element shall be calculated by reference to the number of completed months comprised in the period of authorised use for the year in question, at such annual rate as is specified by the Secretary of State by reference to the cylinder capacity of the motor car in question.

(3) The mileage element shall be calculated in relation to authorised use at such rate as is specified by the Secretary of State by reference to the cylinder capacity of the motor car in question, and for that purpose he may so specify—

(a) a basic rate, in relation to authorised use not exceeding such mileage as is specified by him (“the basic mileage”), and

(b) a reduced rate in relation to authorised use in excess of the basic mileage.

(4) Where in any year a motor vehicle allowance is payable at the essential user’s rate it shall be payable in such instalments, in advance or in arrears, as the Police Authority may determine; but when the amount of the allowance for that year is finally calculated, any overpayment shall be recoverable.

(5) Where in any year a motor vehicle allowance is payable at the essential user’s rate to a member and the member is on sick leave, or maternity leave, or the motor car in question is out of order, for a continuous period of four or more weeks in that year, the allowance shall be reduced by such amount as the Police Authority determines appropriate in all the circumstances.

(6) Where in any year a motor vehicle allowance is payable at the essential user’s rate but the period of authorised use is a fraction only of that year, sub-paragraph (3) shall have effect as if for the reference to the basic mileage there were substituted a reference to the corresponding fraction of that mileage; and for the purposes of this paragraph the monthly rate of the fixed element of such an allowance so payable shall be taken to be a twelfth of the annual rate.

(a) S.R. & O. (N.I.) 1973 No. 490 (p. 2818)

3. The amount of a motor vehicle allowance payable at the casual user's rate shall in any year be an amount calculated in relation to the mileage of authorised use in that year at such rate as is specified by the Secretary of State by reference to that mileage and the cylinder capacity of the motor car in question, except that where the amount of the allowance would be less if it were calculated at the essential user's rate, it shall be of an amount calculated in accordance with paragraph 2.

4. The amount of a motor vehicle allowance payable to a member shall not exceed that which would be payable if the vehicle in question were of such a cylinder capacity, not being less than 1,000 c.c., as the chief constable with the approval of the Police Authority, has determined appropriate for use for the purposes of the duties normally performed by the member concerned.

Bicycle allowance

1. The amount of a bicycle allowance shall be calculated by reference to the duration of the authority given for the purposes of regulation 44 at such annual rate as is specified by the Secretary of State:

Provided the amount of the allowance payable in any year shall not be less than £10.

2. The allowance shall be payable quarterly or at such shorter intervals as the Police Authority may determine in advance or in arrears, as they may determine, but where payment is made in advance, any overpayment shall be recoverable.

Typewriter allowance

1. The amount of a typewriter allowance shall be calculated by reference to the duration of the authority given for the purposes of regulation 45 at such annual rate as is specified by the Secretary of State.
2. The allowance shall be payable quarterly or at such shorter intervals as the Police Authority may determine in advance or in arrears, as they may determine, but where payment is made in advance, any overpayment shall be recoverable.

Dog handler's allowance

1.—(1) A dog handler's allowance shall be payable at the annual rate of £612.

(2) Where the member keeps and cares for at his home more than one dog owned by the Police Authority, the annual rate of the allowance shall be multiplied by the number of such dogs so kept and cared for.

Issue of uniform and equipment

1. The uniform specified in the following tables for men and women shall be issued in accordance with those tables subject to any modifications approved by the Secretary of State:

Provided that where particular duties or the duties of a particular member entail greater or less wear than normal, the issue of any article of uniform may be made as required.

TABLES

MEN

| <i>Article</i> | <i>Issue</i> | <i>Maximum Number in Issue</i> |
|----------------------|-----------------------|------------------------------------|
| Jacket | 1 annually | 3 |
| Trousers | 3 pairs every 2 years | 3 |
| Raincoat | 1 every 3 years | 1 |
| Gaberline coat | 1 every 5 years | 1 |
| General service coat | 1 every 6 years | 1 |
| Caps | 1 every 18 months | 2 |
| Cap cover | As required | 1 |
| Shirts bush | 3 annually | 6 |
| Ties | 2 annually | 2 |
| Pullover | As required | 2 |
| Gloves, leather | 1 every 18 months | 1 |
| Gloves, white | As required | 1 |
| Belt, trouser | As required | 1 |
| Epaulettes | As required | 2 |
| Kapok lining | 1 every 5 years | 1 |
| Overtrousers | As required | 1 |

| <i>Article</i> | <i>Issue</i> | <i>Maximum Number in Issue</i> |
|----------------------|------------------------|------------------------------------|
| Jacket | 1 annually | 3 |
| Skirts | 3 every 2 years | 3 |
| Slacks | As required | 1 |
| Raincoat | 1 every 3 years | 1 |
| Gaberdine coat | 1 every 5 years | 1 |
| General service coat | 1 every 6 years | 1 |
| Caps | 1 every 18 months | 2 |
| Cap cover | As required | 1 |
| Blouses | 3 annually | 6 |
| Ties | 2 annually | 2 |
| Pullover | As required | 2 |
| Gloves, brown | 1 pair every 18 months | 2 |
| Gloves, white | As required | 1 |
| Epaulettes | As required | 2 |
| Kapok lining | 1 every 5 years | 1 |
| Shoulder bag | As required | 1 |

2. Uniform or equipment issued by the Police Authority which is lost or damaged otherwise than owing to the member's default or is faulty or is ill-fitting shall be replaced or repaired by the Police Authority free of charge:

Provided that this paragraph shall not apply to minor repairs or alterations which can be satisfactorily carried out by the members.

3. Clothing for particular or specialist duties shall be issued as and when necessary.

4. Where, in the case of women members, stockings or tights are provided by the Police Authority for the purposes of duty the issue shall be at the rate of 24 pairs annually.

5. Issues of equipment shall be made as circumstances require.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations provide for the appointment of members of the Royal Ulster Constabulary Reserve on a full-time basis and for their conditions of service. They replace the Royal Ulster Constabulary Reserve (Appointment and Conditions of Service) Regulations (Northern Ireland) 1973 applying to full-time service which are revoked.

The regulations are divided into seven separate parts, each of which covers a different aspect of the conditions of service of a full-time member of the Royal Ulster Constabulary Reserve.

Part I establishes the extent of the regulations and defines the limitation of application.

Part II describes the organisation of the force and the restrictions which may be applied to its members both prior to and after appointment.

Part III defines the hours of duty (including overtime) of a member and entitlement to different types of leave.

Part IV explains how the rates of pay are calculated.

Part V lists the various allowances and other emoluments to which a member may be entitled provided the relevant criteria are satisfied.

Part VI details the items of uniform and equipment which should be issued to each member and when they will be replaced.

Part VII makes the necessary transitional provisions.