

1994 No. 186**POLICE****Royal Ulster Constabulary (Amendment No. 2)
Regulations 1994**

<i>Made</i>	<i>9th May 1994</i>
<i>Coming into operation</i>	<i>1st July 1994</i>
<i>To be laid before Parliament</i>	

The Secretary of State, in pursuance of section 25 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, and after taking into account the recommendations made by the Police Negotiating Board for the United Kingdom and furnishing that Board with a draft of the regulations in accordance with section 2(1) of the Police Negotiating Board Act 1980(b), hereby with the concurrence of the Treasury makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Royal Ulster Constabulary (Amendment No. 2) Regulations 1994 and shall come into operation on 1st July 1994.

Interpretation

2. In these regulations any reference to the principal regulations is a reference to the Royal Ulster Constabulary Regulations 1984(c).

Meanings assigned to certain expressions

3. In regulation 4(1) of the principal regulations there shall be inserted after the definition of “Assistant Chief Constable” the following definition:—

“ “Central Committee” has the meaning assigned to it in regulation 14 of the Police Association for Northern Ireland Regulations 1991(d);”.

Qualifications for appointment to the force

4. In paragraph (1)(d) of regulation 10 of the principal regulations, the words from “(i) unless” to “and (ii)” shall be omitted.

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

(b) 1980 c. 10

(c) S.R. 1984 No. 62; the relevant amending regulations are S.R. 1984 No. 380, S.R. 1985 No. 292, S.R. 1986 No. 118, S.R. 1986 No. 284 and S.R. 1987 No. 441

(d) S.R. 1991 No. 168

Variable shift arrangements

5. In the principal regulations there shall be inserted after regulation 19A the following paragraph:—

“Variable shift arrangements

19B.—(1) This regulation applies to members below the rank of superintendent.

(2) Subject to the consent of the Secretary of State the chief constable may bring into operation variable shift arrangements agreed by him with the Central Committee for all members to whom this regulation applies or for any particular class of such members.

(3) Variable shift arrangements must provide, as respects members for whom they are in operation—

(a) for hours of duty equivalent to those resulting from the application of regulations 19(2) and 21(2), and

(b) for annual leave equivalent to that resulting from the application of regulation 25(1) and Schedule 3,

to other members of the force.

(4) In relation to members for whom variable shift arrangements are in operation these regulations have effect with the modifications set out in Schedule 2A.”.

Notification for variable shift arrangements

6. In the principal regulations there shall be inserted after Schedule 2 the schedule set out in the Schedule to these regulations.

Annual leave

7. In the Table in paragraph 1 of Schedule 3 to the principal regulations there shall be substituted, in the entries relating to the ranks of constable, sergeant, inspector and chief inspector, for the figures “20”, “22”, “25”, “26” and “28” in the columns in each place where they occur the figures “21”, “23”, “26”, “27” and “29” respectively.

Northern Ireland Office
22nd April 1994

P. B. B. Mayhew
One of Her Majesty’s Principal
Secretaries of State

We concur
9th May 1994

Tim Wood
Irvine Patnick
Two of the Lords Commissioners
of Her Majesty’s Treasury

Schedule inserted after Schedule 2 to the principal regulations**“SCHEDULE 2A**

Regulation 19B

Modification for variable shift arrangements

1. In regulation 19 (normal daily period of duty) there shall be substituted for paragraphs (2) to (4) the following paragraphs:—

“(2) So far as the exigencies of duty permit, a shift shall consist of one continuous period.

(3) Where in one day a member is on duty for a continuous period of 5 hours or more, time for refreshment shall, as far as the exigencies of duty permit, be allowed in accordance with the table below:

<i>Number of hours</i>	<i>Refreshment time</i>
Less than 6 hours	30 minutes
6 hours or more, but less than 7 hours	35 minutes
7 hours or more, but less than 8 hours	40 minutes
8 hours or more, but less than 9 hours	45 minutes
9 hours or more, but less than 10 hours	50 minutes
10 hours or more	60 minutes

(4) Where a shift consists of two periods amounting in total to 5 hours or more and the member does not travel to and from his home between those periods, an interval for refreshment and rest shall normally be included at the beginning or end of one of them.”

2. In regulation 19A (rostering of duties)—

(a) in paragraph (1) omit the word “annual”;

(b) in paragraph (4)—

(i) for the words “the 12 months following the date on which it comes into force” substitute “the period for which it has effect”, and

(ii) in sub-paragraph (c) for the words “his scheduled daily periods of duty are” substitute “each of his shifts is”;

(c) in sub-paragraph (5)(a) for the words “daily periods of duty” substitute “shifts”; and

(d) in paragraph (6) for the words “daily period of duty” substitute “shift”.

3. In regulation 20 (overtime)—

(a) in paragraph (1)—

(i) for the words “his tour of duty” substitute “a rostered shift”,

(ii) for the words “tours of duty” substitute “rostered shifts”, and

(iii) for the words “a tour of duty” and for the words “his normal daily period of duty” substitute “a rostered shift”;

(b) in paragraph (6) for the word “tour”, wherever occurring, substitute “shift”;

(c) omit paragraph (7)(b);

- (d) in paragraph (7)(c) for the words "tours of duty" substitute "shifts";
- (e) in paragraph (7)(d)—
- (i) for the words "a rostered tour of duty" substitute "a rostered shift",
 - (ii) for the words "begin that tour" substitute "begin that shift",
 - (iii) for the words "his normal daily period of duty" substitute "a rostered shift", and
 - (iv) for the words "that tour of duty" substitute "that shift"; and
- (f) in paragraph (8) in the definition of "due notice" for the words "tour of duty" substitute "shift".

4. In regulation 21 (public holidays and rest days) in paragraph (2) after the words "the rate of" insert "not less than".

5. In regulation 23 (travelling time treated as duty) for paragraph (1) substitute—

"(1) This regulation applies to a member where—

(a) a shift consists of two separate periods, or,

(b) he is recalled to duty between two shifts,

and he travels to and from his home between those periods or, as the case may be, in consequence of his recall (in this regulation referred to as "relevant travelling")."

6. In regulation 25 (annual leave) omit paragraph (1).

7. In regulation 30 (temporary salary)—

(a) omit paragraphs (1) and (2);

(b) in paragraph (3)—

(i) for the words "in any year" to "equal to" substitute "has had qualifying shifts amounting in total to 112 hours shall be paid in respect of each further qualifying shift in that year at the hourly rate arrived at by dividing by 8 a day's pay at", and

(ii) in the proviso for the words after "granted" substitute "time off equal to the time spent on duty on that day";

(c) in paragraph (3A)—

(i) for sub-paragraph (a) substitute—

"(a) has a qualifying shift as his last rostered shift in any year, and",

(ii) in sub-paragraph (b) for the word "day" substitute "shift",

(iii) for sub-paragraph (c) substitute—

"(c) has a qualifying shift as his first rostered shift in the next following year,"

(iv) for the words from "that day" to "formed part of" substitute "the shift mentioned in sub-paragraph (c) and any qualifying shifts beginning on days that follow consecutively the day on which that shift began had occurred in", and

(v) in the proviso for the words "day or days" substitute "shift or shifts"; and

(d) for paragraph (5) substitute—

"(5) For the purposes of this regulation the expression "qualifying shift" means, in relation to a member, a rostered shift throughout which he is

required to perform duties normally performed by a member of the force of a rank higher than his own.”.

8. In regulation 48 (subsistence, refreshment and lodging allowances) at the end of paragraph (3) insert “, and references in this regulation to a member’s normal daily period of duty are to be construed as references to a rostered shift”.

9. In regulation 56 (allowance for recurring escort duty, etc) for the words “beyond the normal daily period” substitute “after rostered shifts”.

10. Omit Schedule 3.”

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Royal Ulster Constabulary Regulations 1984 (the principal regulations) for the purpose of providing for variable shift arrangements, removing the minimum height requirements for appointment to the force, and increasing the annual leave entitlement for certain ranks.

Regulation 3 gives the same meaning to “Central Committee”, referred to in regulation 5, as in the Police Association for Northern Ireland Regulations 1991, ie comprising representatives of inspectors, sergeants and constables who have been elected to regional boards.

Regulation 4 removes the minimum height requirements for appointment to the force.

Regulation 5 provides that the chief constable may, with the agreement of the Police Federation Central Committee and the approval of the Secretary of State, introduce variable shift arrangements. Such arrangements shall apply only to members of the force below the rank of superintendent and may apply to all members below that rank or to a particular class. The arrangements must provide for hours of duty and annual leave equivalent to those members working a normal shift pattern.

Regulation 6 inserts a new Schedule 2A into the principal regulations. The Schedule sets out the modifications to the principal regulations that shall apply to members operating a variable shift arrangement. In particular paragraphs 1, 6 and 10 disapply the provisions of the principal regulations relating to the normal (8 hour) daily period of duty and to annual leave. Paragraph 2 provides for a more flexible system of duty rosters. Paragraphs 3, 4, 5, 7, 8 and 9 relate to overtime payments, rest days, travelling time, temporary salary while performing the duties of a higher rank, subsistence allowance and escort duty allowance.

Regulation 7 increases the annual leave entitlement of members of and below the rank of chief inspector.