

1995 No. 400**POLICE****Royal Ulster Constabulary (Amendment No. 2)
Regulations 1995**

Made 18th October 1995

Coming into operation 24th November 1995

To be laid before Parliament

The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970(a), read with section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962(b), and after consulting, in accordance with section 34(2) of the said Act of 1970, 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(c), hereby makes the following regulations:—

Citation, operation and effect

1.—(1) These regulations may be cited as the Royal Ulster Constabulary (Amendment No. 2) Regulations 1995.

(2) These regulations shall come into operation on 24th November 1995 but shall have effect—

(a) for the purposes of regulation 7 on and after 1st July 1994;

(b) subject to paragraph (3), for the purposes of regulation 8 on and after 1st September 1994; and

(c) for the purposes of regulations 4(3) and (4) and 5 on and after 1st April 1995.

(3) No person shall be paid at the rate applicable to a person appointed under regulation 10A of the principal regulations(d) in respect of any period prior to his appointment under that regulation.

Interpretation

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

(a) 1970 c. 9 (N.I.) as amended by 1994 c. 29 and modified by S.I. 1973/2163

(b) 1962 c. 7 (N.I.)

(c) 1980 c. 10

(d) Regulation 10A was inserted by S.R. 1995 No. 117

(e) S.R. 1984 No. 62; relevant amending regulations are S.R. 1984 No. 380, S.R. 1985 No. 292, S.R. 1985 No. 362, S.R. 1987 No. 441, S.R. 1989 No. 207, S.R. 1990 No. 435, S.R. 1991 No. 459, S.R. 1992 No. 447, S.R. 1993 No. 207, S.R. 1994 No. 71, S.R. 1994 No. 186, S.R. 1994 No. 431 and S.R. 1995 No. 117

Abolition of rank of senior assistant chief constable

- 3.—(1) The rank of senior assistant chief constable shall cease to exist.
- (2) The principal regulations shall be amended as follows—
- (a) in regulation 4(1) (meanings assigned to certain expressions) the entry relating to the expression “assistant chief constable” shall be deleted; and
- (b) in regulation 6 (ranks) the words “Senior Assistant Chief Constable” shall be deleted.

Temporary salary

4.—(1) Regulation 30 of the principal regulations shall be amended in accordance with paragraphs (2) to (7).

(2) In paragraph (1) for the words “lowest rate of pay for” there shall be substituted “rate of pay of the member in”.

(3) After paragraph (1) there shall be inserted the following paragraphs—

“(1A) A member of the rank of assistant chief constable who is required for a continuous period exceeding 7 days to perform duties normally performed by a member of the rank of deputy chief constable, otherwise (subject to paragraph (2)) than as the direct or indirect result of the absence of any member on a monthly or other leave day granted under regulation 22, shall be paid in respect of that period, other than the first 7 days thereof, at a rate, determined by the Secretary of State pursuant to paragraph 1(2) of Schedule 5, within the range specified for the rank of deputy chief constable in the relevant column of the table in paragraph 1 of that Schedule.

(1B) In relation to such a member as is mentioned in paragraph (1A), “the relevant column” means—

- (a) in the case of a member who has been appointed in the rank of assistant chief constable under regulation 10A, column 2, and
- (b) in the case of a member who has not been so appointed, column 3.”

(4) In paragraph (2) for the words “paragraph (1)” there shall be substituted the words “paragraphs (1) and (1A)”.

(5) In paragraph (3)—

- (a) at the beginning there shall be inserted the words “Subject to paragraph (3C),”; and
- (b) the proviso shall cease to have effect.

(6) After paragraph (3A) there shall be inserted the following paragraphs—

“(3B) Where—

- (a) a member below the rank of inspector is entitled to be paid under paragraph (3),
- (b) the higher rank is that of inspector or above, and

- (c) the day on which the member is required to perform the duties referred to in paragraph (3) is not a public holiday or rostered rest day,

there shall be no entitlement to an allowance or time off under regulation 20 in respect of such duties.

(3C) Paragraph (3) shall not apply where—

- (a) a member below the rank of inspector is required to perform the duties normally performed by a member of the rank of inspector or above, and
- (b) the day on which the member is so required to perform such duties is a public holiday or rostered rest day.”

(7) In paragraph (5) for the word “superintendent” there shall be substituted the word “inspector”.

Removal allowance

5. In regulation 43(7) of the principal regulations for the words “£1,290” there shall be substituted the words “£1,353”.

Modification for variable shift arrangements.

6. Paragraph 7(a) and (b)(ii) of Schedule 2A to the principal regulations shall cease to have effect.

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7. In paragraph 3(2) of Schedule 4 to the principal regulations for the words “£1,344” there shall be substituted the words “£1,398”.

Scales of pay

8.—(1) Schedule 5 to the principal regulations shall be amended in accordance with paragraphs (2) and (3).

(2) For paragraph 1 there shall be substituted the following paragraph—

“1.—(1) This paragraph applies for the determination of the annual pay of any person who holds the rank of chief constable, deputy chief constable or assistant chief constable.

(2) The annual pay of such a person as is mentioned in sub-paragraph (1) shall be an amount, determined by the Secretary of State in accordance with sub-paragraph (4), which shall be within the range specified in the relevant entry in the following table.

TABLE

1	2	3
<i>Rank</i>	<i>Member appointed under Regulation 10A</i>	<i>Member not appointed under Regulation 10A</i>
Chief Constable	£90,576 to £97,350	£86,148 to £92,595
Deputy Chief Constable	£72,461 to £77,880	£68,918 to £74,076
Assistant Chief Constable	£51,756 to £59,409	£49,290 to £56,580

(3) In the case of a person who has been appointed in the rank of assistant chief constable other than under regulation 10A, the amount determined in accordance with sub-paragraph (2) shall not be less than the amount that the annual pay of that person would have been in that rank if the Royal Ulster Constabulary (Amendment No. 2) Regulations 1995 had not been made.

(4) Before making a determination under sub-paragraph (2) or regulation 30(1A) (temporary salary), the Secretary of State shall consider the views of—

- (a) the Police Authority in the case of a member of the rank of chief constable; and
- (b) the Police Authority and the chief constable in any other case.

(5) In making a determination under sub-paragraph (2) or regulation 30(1A), the Secretary of State shall have regard to—

- (a) the pay of those members immediately above and below the member whose pay is being determined; and
- (b) that member's responsibilities;

and the Secretary of State may have regard to any other consideration which he considers to be relevant, other than the performance of the member in question.”.

(3) In paragraph 2(1) after the word “member” there shall be inserted the words “below the rank of assistant chief constable”.

Northern Ireland Office
18th October 1995

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

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Royal Ulster Constabulary Regulations 1984 (the principal regulations).

Regulation 3 abolishes the rank of senior assistant chief constable and removes all references thereto from the principal regulations.

Regulation 4 amends regulation 30 of the principal regulations which concerns temporary salary when a member acts for a member of a higher rank, and introduces new arrangements (which, by virtue of regulation 1(2)(c), are retrospective) for members of the rank of assistant chief constable in such circumstances. Consequentially, regulation 6 revokes paragraph 7(b)(ii) of Schedule 2A to the principal regulations, and also omits from that Schedule an unnecessary modification.

Regulations 5 and 7 (which, by virtue of regulation 1(2)(c) and (a), are retrospective) increase certain allowances. Regulation 8, which is also retrospective, makes provision for the pay of members of the ranks of chief constable, deputy chief constable and assistant chief constable.

Retrospection is authorised by section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962.