

2004 No. 402

POLICE

**Police Service of Northern Ireland (Amendment)
Regulations 2004**

Made - - - - - 19th September 2004

Coming into operation 12th November 2004

To be laid before Parliament

The Secretary of State, in pursuance of section 25 of the Police (Northern Ireland) Act 1998(a), read with section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962(b) and after consulting, in accordance with section 25(8) of the Police (Northern Ireland) Act 1998, the Northern Ireland Policing Board and the Police Association and, after taking into account the recommendations made by the Police Negotiating Board for the United Kingdom and supplying that Board with a draft of the regulations in accordance with section 62(1) of the Police Act 1996(c), hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Police Service of Northern Ireland (Amendment) Regulations 2004.

(2) These regulations shall come into operation on 12th November 2004, but –

- (a) Regulations 2, 3 and 4 shall have effect from the dates mentioned therein;
- (b) Regulation 6 shall have effect from 19th October 2000;
- (c) Regulations 7 and 8 shall have effect from 1st April 2003;
- (d) Regulation 11 shall have effect from 1st April 2002;
- (e) Regulation 16 shall have effect from 4th April 2001;
- (f) Regulation 17(2) shall have effect from 1st September 2001;
- (g) Regulation 17(3) shall have effect from 1st September 2002;
- (h) Regulation 17(4) shall have effect from 1st September 2003.

(3) In these Regulations “the principal regulations” means the Royal Ulster Constabulary Regulations 1996(d).

(4) In these regulations “the amending regulations” means the Police Service of Northern Ireland Regulations 2002(e).

(a) 1998 c. 32
(b) 1962 c. 7 (N.I.)
(c) 1996 c. 16
(d) 1996 No. 473
(e) 2002 No. 95

Amendments to the amending regulations

2.—(1) Regulation 1 of the amending regulations (*Citation, commencement and interpretation*) is amended as follows:

(2) Paragraph (2)(a) shall be substituted by:

- “(i) regulations 4 (*Part-time appointments*) and 9 (*Variable Shift arrangements*) shall have effect from 1st September 1998;
- (ii) regulation 13 (*Temporary promotion*) shall have effect from 22nd July 1998;
- (iii) regulation 21 (*Modification for part-time service*) shall have effect –
 - (a) in the case of paragraph (7)(d), from 1st July 1992;
 - (b) in the case of paragraphs (2) and (9)(a) and (b), from 1st September 1996;
 - (c) in the case of the remaining provisions, from 1st September 1998;
- (iv) regulation 25 (*Replacement Allowance*) shall have effect –
 - (a) in the case of paragraph (1), from 1st September 1994;
 - (b) in the case of paragraph (2), from 1st April 1998;”.

(3) Paragraph (2)(b)(i) shall be substituted by:

- “(a)(i) in the case of sub-paragraph (a), from 1st April 1997;
- (i)(a) in the case of sub-paragraph (a)(i), from 1st April 1998;”.

(4) Paragraph (2)(c)(i) shall be substituted by:

- “(i) in the case of sub-paragraph (a), from 1st July 1996;
- (i)(a) in the case of sub-paragraph (a)(i), from 1st July 1997;
- (i)(b) in the case of sub-paragraph (a)(ii), from 1st July 1998;”.

(5) In paragraph (2)(d)(i) the words “9th February 1999” shall be substituted by “1st September 1997”.

(6) After paragraph (2)(d) there shall be inserted the following:

- “(e) regulation 10 shall have effect –
 - (i) in the case of paragraph (3)(b) from 1st July 1992;
 - (ii) in the case of the remaining provision, from 1st September 1996;
- (f) regulation 11 shall have effect –
 - (i) in the case of paragraphs (1) to (3), from 1st September 1996;
 - (ii) in the case of paragraphs (4) and (5), from 22nd July 1998;
- (g) regulation 12 shall have effect from 8th March 1995.”.

3.—(1) Regulation 18 of the amending regulations (*Removal allowance*) is amended as follows:

(2) Paragraph (a) shall be substituted by:

- “(a) for “£1,396” there shall be substituted “£1,431”;
- (a)(i) for “£1,431” there shall be substituted “£1,482;”.

4.—(1) Regulation 23 of the amending regulations (*University scholars*) is amended as follows:

(2) Paragraph (a) shall be substituted by:

- “(a) for “£1,440” there shall be substituted “£1,491”;
- (a)(i) for “£1,491” there shall be substituted “£1,542”;
- (a)(ii) for “£1,542” there shall be substituted “£1,605;”.

Amendments to the principal regulations

5. In regulation 2 of the principal regulations (*Meanings assigned to certain expressions, etc.*) in paragraph (1) there shall be inserted the following definition in the appropriate place:

“British Transport Police Force” means the force of constables appointed under section 53 of the British Transport Commission Act 1949 (c. xxix);”.

6.—(1) Regulation 23(4) of the principal regulations (*Rostering of duties*) is amended as follows:

(2) In sub-paragraph (a) for “8” there shall be substituted “11”.

(3) After the words “unless the central committee agrees otherwise” there shall be inserted “, such agreement providing for an equivalent period of compensatory rest”.

7. In regulation 24 of the principal regulations (*Overtime*) at the end of paragraph (5) there shall be inserted:

“, except that on each of the first 4 occasions on which overtime in respect of which the constable or sergeant was not informed as mentioned in paragraph (6) is worked during a week 30 minutes of the overtime worked is to be disregarded”.

8. In regulation 25 of the principal regulations (*Public holidays and rest days for ranks below inspector*) in paragraph (5)(a) for “8” there shall be inserted “5”.

9. In regulation 37(4) of the principal regulations (*Temporary salary*) for the phrase “of that more highly-paid member” there shall be substituted “that more highly-paid member”.

10. The following regulation is inserted after regulation 38 of the principal regulations:

“Reckoning of service in the British Transport Police Force

38A.—(1) Where a member joined or rejoined the force having left the British Transport Police Force, on or after 1st September 1994 then, for the purposes of regulation 36, his service in any rank in the British Transport Police Force shall be treated as if it were service in the corresponding rank in the force:

Provided that in the case of a member of a rank higher than that of chief inspector this paragraph shall have effect subject to any contrary agreement.

(2) A member of the rank of constable shall be entitled to reckon, for the purposes of pay for that rank, any period of service in the British Transport Police Force not reckonable under paragraph (1).

(3) In this regulation, any reference to rank corresponding to a rank in the force is a reference to a rank in the British Transport Police Force designated by the Secretary of State for the purposes hereof as the rank corresponding to the rank in question.”

11. In regulation 49(7) of the principal regulations (*Removal allowance*) for “£1,596” there shall be inserted “£1,608”.

12. Regulation 49 of the principal regulations (*Removal allowance*) shall be removed.

13. Regulation 50 of the principal regulations (*Plain clothes allowance*) shall be removed.

14. Regulation 52 and Schedule 8 of the principal regulations (*Subsistence, refreshment and lodging allowances*) shall be removed.

15. Regulation 57 of the principal regulations (*Allowance for recurring escort duty, etc.*) shall be removed.

16.—(1) Schedule 4 paragraph 5 to the principal regulations (*Annual leave*) is amended as follows:

(2) In sub-paragraph (1) for the phrase “which is a day of annual leave or a day taken off in lieu” there shall be substituted “which is a forfeited day of annual leave or a forfeited day taken off in lieu”.

- (3) Sub-paragraph (1)(a) and (1)(b) shall be substituted by:
- “(a) if he was so recalled to duty for 1 or 2 days (whether or not in the latter case those days formed a single period), 2 days’ annual leave or, if the member so chooses, 1 day’s annual leave and 1 day’s pay at double time, in lieu of each such forfeited 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 or, if the member so chooses, 1 day’s annual leave and 1 day’s pay at double time, in lieu of each of the first 2 such forfeited days for which he was so recalled and 1½ days’ annual leave or, if the member so chooses, 1 day’s annual leave and ½ day’s pay at double time, in lieu of each such forfeited day for which he was so recalled thereafter.”

(4) After sub-paragraph (2) there shall be inserted the following sub-paragraphs:

“(3) For the purposes of this paragraph a day’s pay shall be defined as 8 hours, or the equivalent in respect of members working variable shift systems or part-time.

(4) This paragraph applies to members who have pre-booked scheduled annual leave in addition to those members actually recalled from annual leave.”

17.—(1) Schedule 10 paragraph 1 of the principal regulations (*Dog handler’s allowance*) is amended as follows:

- (2) For “£1,602” there shall be inserted “£1,659”.
- (3) For “£1,659” there shall be inserted “£1,710”.
- (4) For “£1,710” there shall be inserted “£1,761”.

18.—(1) Schedule 13 to the principal regulations (*Replacement allowance*) is amended as follows:

(2) In paragraph 2, the following sub-paragraph is inserted after sub-paragraph (2A):

“(2B) Where a member of the British Transport Police Force in receipt of a housing allowance transfers on or after 1st September 1994 to the force he shall be treated from the date of his transfer as if he were a qualifying member”.

(3) In sub-paragraph (5) of paragraph 2 after “means” there is inserted “a housing allowance paid to members of the British Transport Police Force or”.

Northern Ireland Office
19th September 2004

Paul Murphy
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 1996 (“the 1996 Regulations”).

Regulations 2, 3 and 4 make retrospective changes to the previous amending regulation 2002 No. 95 which also amended the 1996 regulations.

Regulation 5, 10 and 18 amend the 1996 Regulations inserting the definition of British Transport Police (BTP) allowing a member who joined or rejoined the force on or after the 1st September 1994 from the BTP Force to reckon his service with the BTP as service for the purposes of regulation 36 (rate of pay). If the member of the force is of the rank of chief inspector or higher then a contrary agreement can be reached.

Regulation 6 amends regulation 23 of the 1996 Regulations increasing the amount of hours between the ending of a member’s daily period of duty and the next one from 8 hours to 11 hours.

Regulation 7 amends regulation 24 of the 1996 Regulations extending the disregard of casual overtime to time off as well as paid overtime compensation.

Regulation 8 amends regulation 25 of the 1996 Regulations decreasing the eight day threshold for triggering the higher rate of compensation to five.

Regulation 9 makes a minor correction to regulation 37 of the 1996 Regulations.

Regulation 11 amends regulation 49 of the 1996 Regulations increasing the Removal allowance.

Regulations, 12, 13 and 14 remove regulations 49, 50 and 52 and Schedule 8 of the 1996 Regulations.

Regulation 15 removes regulation 57 of the 1996 Regulations.

Regulation 16 amends Schedule 4 of the 1996 Regulations changing the compensation arrangement for officers recalled from annual leave.

Regulation 17 amends Schedule 10 of the 1996 Regulations increasing the Dog handler’s allowance.

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