

2005 No. 547

POLICE

Police Service of Northern Ireland Regulations 2005

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The Secretary of State, in exercise of the powers conferred upon him by 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 for Northern Ireland, 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:

PART I

General

Citation and commencement

- 1.—(1) These regulations may be cited as the Police Service of Northern Ireland Regulations 2005.
(2) These regulations shall come into operation on 13 January 2006.

Revocations

2. The following provisions are hereby revoked—
- (a) the Royal Ulster Constabulary Regulations 1996(d);
 - (b) the Royal Ulster Constabulary (Amendment) Regulations 1997(e);
 - (c) the Royal Ulster Constabulary (Amendment) Regulations 1999(f);
 - (d) regulation 23 of the Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000(g);
 - (e) the Police Service of Northern Ireland Regulations 2002(h);
 - (f) the Police Service of Northern Ireland (Amendment) Regulations 2003(i);
 - (g) regulation 3 of the Police (Appointments) Regulations (Northern Ireland) 2003(j);
 - (h) regulations 2(1) and 3 of the Police (Appointments) Regulations (Northern Ireland) 2004(k);
 - (i) the Police Service of Northern Ireland (Amendment) Regulations 2004(l).

(a) 1998 c.32
(b) 1962 c. 7 (N.I.)
(c) 1996 c. 16
(d) S.R. 1996 No. 473
(e) S.R. 1997 No. 362
(f) S.R. 1999 No. 412
(g) S.R. 2000 No. 316
(h) S.R. 2002 No. 95
(i) S.R. 2003 No. 184
(j) S.R. 2003 No. 372
(k) S.R. 2004 No. 379
(l) S.R. 2004 No. 402

Interpretation

3.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Police (Northern Ireland) Act 1998;

“the Board” means the Northern Ireland Policing Board;

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

“central committee” has the meaning assigned to it in regulation 14 of the Police Association for Northern Ireland Regulations 1991(b);

“the Conduct Regulations” means the regulations relating to conduct and discipline for the time being in force;

“the police service” means the Police Service of Northern Ireland;

“member” means a member of the police service and includes a member who is suspended under the Conduct Regulations;

“the Pensions Regulations” means the regulations relating to Police Service of Northern Ireland pensions for the time being in force;

“the Police Advisory Board” means the Board established under section 45 of the Police (Northern Ireland) Act 1998;

“the Police Association” means the Police Association for Northern Ireland;

“police force in Great Britain” has the meaning assigned to a police force in the Police Act 1996(c) or a police force in the Police (Scotland) Act 1967(d), as the case may be;

“police support staff” has the meaning given by section 4(6) of the Police (Northern Ireland) Act 2000(e);

“police trainee” has the meaning given by section 36(3) of the Police (Northern Ireland) Act 2000;

“police trainee regulations” means the Police Trainee Regulations (Northern Ireland) 2001(f);

“the Promotion Regulations” means the regulations relating to qualifications and selection for promotion for the time being in force;

“public holiday” means—

(a) New Year’s Day, St. Patrick’s Day, first Monday in May and last Monday in May, 12th July, last Monday in August, Christmas Day and 26th December; and

(b) (in addition) in any year where New Year’s Day, Christmas Day or 26th December falls on a Saturday or Sunday, any substitute day;

“university scholar” means a member on a course of university study nominated by the Secretary of State or by the Board following arrangements approved by the Secretary of State.

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

(3) In these regulations a reference to another police force, or to a police force in Great Britain, shall include a reference to the National Crime Squad, and a reference to the chief officer of police of such a force shall include a reference to the Director General of the National Crime Squad.

(a) 1949 c. xxix
(b) S.R. 1991 No. 168
(c) 1996 c. 16
(d) 1967 c. 77
(e) 2000 c. 32
(f) S.R. 2001 No. 369

PART II

Government

Ranks

4. The ranks of the police service shall be known by the following designations—

Chief Constable
Deputy Chief Constable
Assistant Chief Constable
Chief Superintendent
Superintendent
Chief Inspector
Inspector
Sergeant
Constable.

Part-time appointments

5.—(1) The Chief Constable may, after consultation with the Police Association, appoint persons to perform part-time service in any rank.

(2) In these regulations a person appointed to perform part-time service includes a person appointed to share a job with another person.

(3) A person appointed to perform part-time service may not be appointed to serve as a full-time member without his consent.

(4) A person appointed to perform part-time service immediately after serving as a full-time member may give notice in writing of his intention to be re-appointed as a full-time member and shall be so appointed—

- (a) within one month of the date on which the notice is received by the Chief Constable, where there is a suitable vacancy, or
- (b) except where sub-paragraph (a) applies, when 3 months have elapsed since the day on which the notice was received, or from an earlier date if reasonably practicable.

(5) A person serving as a full-time member may not be appointed to perform part-time service without his consent.

(6) In this regulation “full-time member” means a member appointed otherwise than under this regulation.

(7) In relation to persons appointed under this regulation to perform part-time service—

- (a) regulation 12(1) has effect as if the words “, other than a member who, having completed the required period of probation in a police force in Great Britain, left that force to become a police trainee,” were omitted; and
- (b) regulation 24 has effect as if—
 - (i) in paragraph (1) for all the words after “compensated in respect of time” there were substituted “spent on duty in excess of such period as the Secretary of State may determine”; and
 - (ii) paragraph (2) were omitted.

Restrictions on the private life of members

6.—(1) The restrictions on private life contained in Schedule 1 shall apply to all members.

(2) No restrictions, other than those designed to secure the proper exercise of the functions of a constable, shall be imposed by the Chief Constable on the private life of members, except—

- (a) such as may temporarily be necessary, or
- (b) such as may be approved, by the Secretary of State after consultation with the constituent bodies of the Police Advisory Board.

(3) Any restriction temporarily imposed under paragraph (2)(a) shall be reported forthwith to the Secretary of State.

Business interests incompatible with membership of the police service

7.—(1) If a member 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 or before the time of his appointment as a member.

(2) If a member is or becomes aware that a relative proposes to have, or has, a business interest within the meaning of this regulation which in the opinion of that member interferes, or could be seen as interfering with, the impartial discharge of his duties, then that 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.

(3) In a case where it appears to the Board that—

- (a) the member has adduced substantive reasons why he or a relative should be permitted to have the business interest in question and those reasons have not been considered by the Chief Constable, or
- (b) in reaching his determination under paragraph (4) the Chief Constable failed to apply fair procedures, then the Board may refer the matter back to the Chief Constable for redetermination under paragraph (4).

(4) On receipt of a notice given under paragraphs (1), (2) or a referral given under paragraph (3) the Chief Constable shall determine whether or not the interest in question is compatible with the member concerned remaining a member and, within 28 days of the receipt of that notice, or, as the case may be, that referral, shall notify the member in writing of his decision.

(5) Within 10 days of being notified of the Chief Constable's decision as aforesaid, or within such longer period as the Board may in all the circumstances allow, the member concerned may appeal to the Board against that decision by sending written notice of his appeal to the Board.

(6) Upon receipt of such notice, the Board shall forthwith require the Chief Constable to submit to it, within the next following 10 days, a notice setting out the reasons for his decision and copies of any documents on which he relies in support of that decision; and the Board shall send to the member concerned copies of such notice and documents and shall afford him a reasonable opportunity, being in no case less than 14 days, to comment thereon.

(7) Where a member has appealed to the Board under paragraph (5) the Board shall, subject to paragraph (3), within 28 days of receiving his comments on the notice and any other documents submitted by the Chief Constable under paragraph (6), or of the expiration of the period afforded for making comments if none have by then been received, give him written notice of their determination of the appeal.

(8) Where, on an appeal by a member under paragraph (5)—

- (a) the Board gives notice to the member of its determination to uphold the decision of the Chief Constable, and
- (b) within 10 days of being so notified, or within such longer period as the Board may in all the circumstances allow, the member makes written request to the Board 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 Board 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 (9).

(9) Where a member, or a relative, has a business interest within the meaning of this regulation which the Chief Constable has determined, under paragraph (4), to be incompatible with his remaining a member and either the member has not appealed against that decision under paragraph (5) or, subject to paragraph (8), on such appeal, the Board has upheld that decision, then, the Chief Constable may, subject to the approval of the Board dispense with the services of that member; and before giving such approval, the Board shall give the member concerned an opportunity to make representations and shall consider any representations so made.

(10) For the purposes of this regulation, regulation 8 and regulation 9 “relative”, in relation to a member means—

(a) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that member or that member’s spouse or former spouse, or

(b) the brother, sister, uncle, aunt, niece or nephew (whether of the full blood or the half blood or by affinity) of that member or of that member’s spouse or former spouse

and includes, in relation to a member who is living or has lived with another person as husband and wife, any person who would fall within paragraph (a) or (b) if the parties were married to each other.

Business interests: supplementary

8.—(1) For the purposes of regulation 7, a member or, as the case may be, a relative, shall have a business interest if—

(a) the member holds any office or employment for hire or gain (otherwise than as a member) or carries on any business; or

(b) the member, or any relative holds, or possesses a pecuniary interest in, any such licence or permit as is mentioned in paragraph (2).

(2) The licence or permit referred to in paragraph (1)(b) 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.

(3) If a member or a relative has a business interest within the meaning of regulation 7 and, on that interest being notified or disclosed as mentioned in regulation 7(1), the Chief Constable has, by written notice, required the member 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, regulation 7 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.

(4) In its application to a senior officer, regulation 7 and this regulation shall have effect as if—

(a) for any reference therein to the Chief Constable there were substituted a reference to the Board;

(b) for any reference in regulation 7(5), (7), (8) or (9) to an appeal there were substituted a reference to a request for reconsideration; and

(c) the references in regulation 7(9) to the approval of the Board were omitted;

but the Board shall not dispense with the services of a senior officer under regulation 7 without giving him an opportunity of making representations and shall consider any representations so made.

Business interests precluding appointment to the police service

9.—(1) Save in so far as the Chief Constable may allow at the request of the candidate concerned, a person shall not be eligible for appointment to the police service if he or a relative has a business interest within the meaning of regulation 7, and paragraphs (1) and (2) of regulation 8 shall apply for the purposes of the interpretation of this regulation as they apply for the purposes of regulation 7.

(2) In its application to a candidate for appointment as a senior officer, paragraph (1) shall have effect as if for any reference to the Chief Constable there were substituted a reference to the Board.

Qualifications for appointment (where no service as police trainee)

10.—(1) A candidate for appointment to the police service, other than a person who has completed a period of service as a police trainee, shall—

- (a) if not a national of a Member State, Norway, Iceland or Liechtenstein, have leave to enter or remain in the United Kingdom for an indefinite period;
- (b) produce satisfactory references as to character and, if he has served in any police force, in the armed forces, in the civil service or as a seaman, produce satisfactory proof of his good conduct while so serving;
- (c) have attained the age of 18 years;
- (d) be certified by a registered medical practitioner approved by the Chief Constable to be fitted both physically and mentally to perform the duties on which he will be employed after appointment;
- (e) satisfy the Chief Constable that he is sufficiently competent in written and spoken English, and sufficiently numerate, by passing such assessments in written and spoken English, and numeracy, as may be approved by the Secretary of State;
- (f) meet the standard of eyesight determined by the Secretary of State;
- (g) if a candidate for appointment to the rank of sergeant or inspector, be qualified for promotion to such rank in accordance with the provisions of the Promotion Regulations;
- (h) give such information as may be required as to his previous history or employment or any other matter relating to his appointment to the police service;
- (i) be ineligible for appointment if Schedule 2 (criminal convictions etc.) applies in relation to him.

(2) A candidate for appointment to the police service shall be given a notice in terms approved by the Secretary of State drawing attention to the terms and conditions of service which shall be contained therein.

(3) 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 1995(a).

Appointment of senior officers

11.—(1) Subject to section 35(1) of the Police (Northern Ireland) Act 2000(b) and regulations 9 and 10, no person shall be appointed as Chief Constable of the police service unless he holds or has held such rank, in such force and for such period, as the Secretary of State shall determine in respect of such an appointment.

(2) An appointment of a person as Chief Constable or deputy Chief Constable of the police service shall be for a fixed term.

(3) The Secretary of State shall determine—

- (a) the range within which the fixed term of an appointment such as is mentioned in paragraph (2) must fall, and
- (b) the circumstances in which such an appointment may be extended.

(a) 1995 c. 21
(b) 2000 c. 32

(4) In determining the length of such an appointment, the Secretary of State shall consider the views of the Board.

(5) Paragraphs (2) to (4) are without prejudice to any provision whereby a term of appointment comes to an end on promotion, dismissal, the conclusion of disciplinary proceedings or transfer to another police force and regulation 14 (retirement).

(6) The Secretary of State shall determine the circumstances in which a vacancy for a senior officer shall be advertised.

(7) Where a vacancy for a senior officer is to be advertised—

- (a) the advertisement shall contain such detail and be published in such manner as the Secretary of State may determine, and
- (b) the Secretary of State may determine that no appointment shall be made until after a date to be specified in the advertisement.

Probationary service in the rank of constable

12.—(1) Subject to paragraphs (2) and (3), a member appointed in the rank of constable, other than a member who, having completed the required period of probation in a police force in Great Britain, left that force to become a police trainee, shall be on probation for such period as the Secretary of State shall determine in respect of such appointments.

(2) In making a determination under paragraph (1), the Secretary of State may, subject to paragraph (3), confer on the Chief Constable discretion to determine the required period of probation in a particular case.

(3) For the purposes of a determination under paragraph (1), the periods to be counted or disregarded in reckoning service shall be such as may be determined by the Secretary of State.

Discharge of probationer

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

(2) A constable 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 constable's services shall not be dispensed with in accordance with this regulation and any notice given for the purposes of this regulation shall cease to have effect if he gives written notice to the Chief Constable of his intention to retire and retires in pursuance of that 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 Chief Constable notwithstanding that less than a month's notice is given.

(4) Where a constable 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)—

- (a) 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
- (b) 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. Members may retire in such circumstances as shall be determined by the Secretary of State, and in making such a determination the Secretary of State may—

- (a) require such notice of intention to retire as may be specified in the determination, or such shorter notice as may have been accepted by the Chief Constable, to be given to the Chief Constable, and
- (b) require the consent of the Chief Constable to be obtained before giving such notice.

Contents of personal records

15.—(1) The Chief Constable shall cause personal records of each member to be kept.

(2) The personal records shall contain—

- (a) a personal description of the member;
- (b) particulars of the member's place and date of birth;
- (c) particulars of the member's marriage (if any) and of his children (if any);
- (d) a record of the member's service (if any) in any branch of Her Majesty's naval, military or air forces or in the civil service;
- (e) a record of the member's service (if any) in any other police force (including service in the Police Service of Northern Ireland Reserve) and of his transfers (if any) from one police force to another;
- (f) a record of the member's service (if any) as a police trainee;
- (g) a record of whether the member passed or failed to pass any qualifying examination at which he was a candidate;
- (h) a record of the member's service in the police service and the date of his ceasing to be a member with the reason, cause or manner thereof.

(3) The record of service kept in accordance with paragraph (2)(h) shall include particulars of all promotions, postings, removals, injuries received, periods of illness, commendations, rewards and sanctions (other than cautions) imposed under the regulations specified in paragraph (4).

(4) The regulations referred to in paragraph (3) are—

- (a) regulation 31 of the Royal Ulster Constabulary (Conduct) Regulations 2000(a);
- (b) the RUC (Discipline and Disciplinary Appeals) Regulations 1988(b);
- (c) regulation 17 of the Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000(c); and
- (d) the Royal Ulster Constabulary (Appeals) Regulations 2000(d).

(5) Subject to paragraph (6), a sanction shall be expunged from a member's personal record—

- (a) in the case of a sanction imposed under regulation 31 of the Royal Ulster Constabulary (Conduct) Regulations 2000, after 3 years free from a sanction other than a caution;
- (b) in the case of a disposal made under regulation 17 of the Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000, after 2 years free from a sanction other than a caution;
- (c) in the case of a sanction imposed under the RUC (Discipline and Disciplinary Appeals) Regulations 1988—
 - (i) in the case of a fine or reprimand, after 3 years free from a sanction other than a caution;
 - (ii) in the case of any other sanction, after 5 years free from a sanction other than a caution.

(6) In the case of a period free from sanction other than a caution which expired before 1st January 1989, a sanction shall be expunged under paragraph (5) only if the member so requests.

(a) S.R. 2000 No. 315
 (b) S.R. 1988 No. 10
 (c) S.R. 2000 No. 316
 (d) S.R. 2000 No. 317

(7) Where following a review of a sanction imposed under regulation 31 of the Royal Ulster Constabulary (Conduct) Regulations 2000 or regulation 17 of the Royal Ulster Constabulary (Unsatisfactory Performance) Regulations 2000, the reviewing officer substitutes for the decision of the conduct hearing or, as the case may be, unsatisfactory performance hearing a decision that the member concerned had not failed to meet the appropriate standard or, as the case may be, that the performance or attendance of the member concerned was not unsatisfactory, the sanction imposed by that hearing shall be expunged forthwith.

(8) A member shall, if he so requests, be entitled to inspect his personal records.

Transfer of personal records

16. Where a member transfers to another police force, his personal records shall be transferred to the chief officer of police of that other police force.

Personal records of member leaving the police service

17.—(1) Where a member ceases to be a member he shall, unless he transfers to another police force, be given a certificate showing his rank and setting out the period of his service in the police service, any period which he served as a police trainee and any period of service in any other police force.

(2) The Chief Constable may append to the certificate any recommendation which he feels justified in giving, such as that—

his conduct was exemplary;

his conduct was very good;

his conduct was good.

(3) Where a member ceases to be a member otherwise than by transferring to another police force, his personal records 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 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 of his fingerprints shall, subject to paragraph (4), be destroyed on his ceasing to be a member.

(4) Where by reason of a transfer a member becomes a member of another police force, his fingerprints, and all copies and records of his fingerprints, shall be transferred to the chief officer of police of that other police force.

Samples

19.—(1) Every member, except those members appointed following their transfer from a police force in Great Britain, shall on appointment and in accordance with the directions of the Chief Constable have a sample taken.

(2) Samples or the information derived from samples of members taken in accordance with this regulation shall be kept separate from the samples or the information derived from samples taken

in accordance with Article 63 of the Police and Criminal Evidence (Northern Ireland) Order 1989^(a).

(3) The samples or information derived from samples of a member taken in accordance with this regulation, and all copies and records thereof shall be destroyed on his ceasing to be a member except by reason of a transfer to a police force in Great Britain.

(4) In this regulation “sample” means—

- (a) a sample of hair, other than pubic hair, complete with roots;
- (b) saliva; or
- (c) a swab taken from the mouth.

PART III

Duty

Duty to carry out lawful orders

20. 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 constable.

Duty

21.—(1) The Secretary of State shall determine—

- (a) the normal periods of duty of a member;
- (b) the periods allowed for refreshment;
- (c) the variable shift arrangements which may be brought into operation by the Chief Constable;
- (d) the manner and timing of the publication of duty rosters and the matters to be contained therein;
- (e) the circumstances in which travelling time may be treated as duty; and
- (f) the circumstances in which a member is to be treated as if he were a night worker for the purposes of regulation 2(2) of the Working Time Regulations (Northern Ireland) 1998^(b).

(2) In making a determination under paragraph (1)(a) the Secretary of State may confer on the Chief Constable discretion to fix the time at which a period commences for the purposes of the determination and may determine the conditions subject to which that discretion is to be exercised.

(3) In making a determination under paragraph (1)(e) the Secretary of State may confer on the Chief Constable discretion to fix—

- (a) a limit on the travelling time which is to be treated as duty;
- (b) a limit on the amount of the expenses which may be reimbursed in respect of such travelling time.

(4) In this regulation “travelling time” means time spent by a member in travelling to and from his home—

- (a) where he is required to perform his normal daily period of duty in more than one tour of duty, between two tours; or
- (b) where he is recalled to duty between two tours of duty, in consequence of his recall.

^(a) S.I. 1989/1341 (N.I. 12)
^(b) S.R. 1998 No. 386

Meetings of Police Association treated as police duty

22.—(1) The attendance of a member at one of the following meetings of the Police Association shall be treated as an occasion of police duty—

- (a) in the case of the Police Federation for Northern Ireland—
 - (i) meetings of a regional board or the annual conference of members of the regional boards;
 - (ii) an ordinary or annual meeting of the central committee or a sub committee meeting of the central committee;
 - (iii) subject to the approval of the Chief Constable, an ad hoc meeting or committee or sub committee meeting of a regional board or the central committee;
- (b) in the case of the Superintendents' Association—
 - (i) six one-day meetings annually of the executive committee;
 - (ii) any such additional meetings of the executive committee as may be held with the permission of the Chief Constable where he is satisfied that such meetings are necessary in the public interest and that the business for which they are called cannot reasonably be deferred until the next ordinary meeting of the committee; and
- (c) in the case of the Chief Police Officers' Staff Association—
 - (i) six one-day meetings annually of the executive committee;
 - (ii) the annual meeting of the annual general meeting.

(2) The attendance of a member at the annual meeting of the Joint Central Committee with the Joint Central Committee of the Scottish Police Federation and Joint Central Committee of the Police Federation of England and Wales, shall be treated as an occasion of police duty.

(3) Subject to the approval of the Secretary of State, after consultation with the Chief Constable, the attendance of a member at a meeting of the Police Association, other than such a meeting as is mentioned in paragraphs (1 or 2), shall be treated as an occasion of police duty.

PART IV

Pay

Pay

23.—(1) Subject to the following provisions of this Part, the pay of members shall be determined by the Secretary of State, and in making such a determination the Secretary of State may—

- (a) confer such functions in relation to the pay of members above the rank of chief superintendent on the Board;
- (b) where the pay of a member of the rank of chief inspector or below is payable subject to such conditions as may be specified in the determination, confer on a member senior in rank to that member, or on a member of the police support staff, such functions in relation to those conditions,

as he thinks fit.

(2) Subject to regulations 39 to 44 and section 27(3) of the Act, in reckoning the service of a member in any rank for the purposes of pay, account shall be taken of all his service in that rank; and service in a higher rank, on temporary promotion thereto or otherwise, shall be treated as if it had been service in that rank.

(3) For the purposes of this regulation in reckoning a member's service in any rank—

- (a) that service shall be treated as unbroken by, and including, any period of service in Her Majesty's forces which he is entitled to reckon as pensionable service;

- (b) except where the Chief Constable in the circumstances of a particular case otherwise determines with the approval of the Secretary of State, no account shall be taken of any previous service in that rank which terminated in his reduction in rank as a punishment but any previous service in a higher rank which so terminated shall be treated as if it had been service in the rank to which the member was reduced;
- (c) no account shall be taken of any performance of the duties of that rank in respect of which a temporary salary is payable under regulation 26;
- (d) any period of unpaid leave shall be disregarded;
- (e) any part-time service shall be taken into account as though it were full-time service;
- (f) in the case of a female member who has taken one or more periods of maternity leave—
 - (i) where that leave has been for 26 weeks or more, account shall be taken of the first 26 weeks whilst on maternity leave;
 - (ii) where that leave has been for less than 26 weeks, account shall be taken of any period spent on maternity leave;

and where that member has, at the beginning of the 14th week before the expected date of birth of the member's child, as given in accordance with a determination under regulation 32(7), served continuously as a member for a period of not less than 26 weeks, account shall be taken of any period (not being a period of which account has been taken under paragraph (i) or (ii)) spent on maternity leave during the period of 29 weeks beginning with the week in which the child is born;

- (g) in the case of a member who has taken one or more periods of maternity support leave, adoption support leave or parental leave, account shall be taken of any period of such leave taken in accordance with a determination under regulation 32(8)(c),(b) and (d);
- (h) in the case of a member who has taken one or more periods of adoption leave in accordance with a determination under regulation 32(8)(c)—
 - (i) where that leave has been for 5 days or more, account shall be taken of the first 5 days whilst on adoption leave;
 - (ii) where that leave has been for less than 5 days, account shall be taken of any period spent on adoption leave;

and where that member has, at the end of the week in which they are notified of being matched with a child for adoption, served continuously as a member for a period of not less than 26 weeks, account shall be taken of any period spent on adoption leave during the period of 26 weeks beginning with the week in which the child is placed with the officer for adoption;

and, in the case of a member of a rank higher than that of chief inspector, paragraph (2) shall have effect subject to any contrary agreement so far as it relates to the reckoning of previous service in the police service.

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

(5) A determination under paragraph (1) shall have effect in relation to a university scholar subject to the provisions of any determination for the time being in force under regulation 31.

Overtime

24.—(1) Subject to the provisions of this regulation, the Secretary of State shall determine the circumstances and manner in which a member shall be compensated in respect of time—

- (a) for which he remains on duty after his tour of duty ends, or
- (b) for which he is recalled between two tours of duty, or

- (c) which forms part of a tour of duty which he is required to begin earlier than the rostered time without due notice and on a day when he has already completed his normal daily period of duty;

and such time is referred to in these regulations as “overtime”.

(2) For the purposes of this regulation—

“due notice” means notice given at least 8 hours before the revised starting time of the rostered tour of duty in question;

“normal daily period of duty” shall be construed in accordance with regulation 21;

“recall” does not include a warning to be in readiness for duty if required; and

“tour of duty”, in relation to a member for whom variable shift arrangements are in operation under regulation 21(1)(c), means rostered shift.

(3) In making a determination under paragraph (1), the Secretary of State may confer on the Chief Constable discretion—

- (a) to fix the day on which a period commences for the purposes of the determination;
- (b) to fix the period within which time off in compensation for overtime is to be granted;
- (c) to allow time in addition to that specified in the determination to be taken into account in computing any period of overtime.

Public holidays and rest days

25.—(1) The Secretary of State shall determine the circumstances and manner in which a member shall be granted leave or otherwise compensated in respect of time spent on duty on—

- (a) public holidays, or
- (b) rostered rest days;

and in this regulation “rostered rest day”, in relation to a member who is required to do duty on that day, means a day which according to the duty roster was, immediately before he was so required to do duty, to have been a rest day for the member.

(2) In making a determination under paragraph (1) the Secretary of State may confer on the Chief Constable discretion—

- (a) to fix the time at which, or the day on which, a period commences for the purposes of the determination;
- (b) to fix the period within which time off in compensation for time spent on duty as mentioned in that paragraph is to be granted;
- (c) to fix a limit on the time occupied by a member in travelling to and from his place of duty which is to be included in a period of duty for the purposes of the determination.

Temporary salary and temporary promotion

26. The Secretary of State shall determine—

- (a) the circumstances in which a member is entitled to receive a temporary salary and the rate of that salary; and
- (b) the circumstances in which a member is entitled to be temporarily promoted and the rate of his salary while so promoted.

Sick pay

27. The Secretary of State shall determine the entitlement of members to pay during periods of sick leave taken in accordance with a determination under regulation 32(5), and in making such a determination the Secretary of State may confer on the Chief Constable discretion to allow a member to receive more pay than that specified in the determination.

Pay during periods of maternity leave, adoption leave etc.

28.—(1) The Secretary of State shall determine the entitlement of female members to pay during periods of maternity leave.

(2) The Secretary of State shall determine the entitlement of members to pay during periods of—

- (a) maternity support leave;
- (b) adoption support leave; and
- (c) adoption leave,

taken in accordance with a determination under regulation 32(8).

Fixing of pay day and calculation of monthly, weekly and daily pay

29.—(1) The intervals at which members are to be paid shall be fixed by the Chief Constable in accordance with such rules as the Secretary of State may determine.

(2) The Secretary of State shall determine the manner of calculating monthly, weekly and daily pay.

Deductions from pay of social security benefits and statutory sick pay

30.—(1) There shall be deducted from the pay of a member who is in receipt of full pay—

- (a) the amount of any short-term or long-term incapacity benefit to which he is entitled under the Social Security (Incapacity for Work) (Northern Ireland) Order 1994(a);
- (b) any statutory sick pay to which he is entitled under the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b),

and for the purposes of sub-paragraph (a) any increase for adult and child dependants shall be treated as forming part of the benefit to which it relates.

(2) For the purposes of this regulation, a female member who as a married woman or widow has elected to pay contributions under section 19 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 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.

(3) In this regulation, “full pay” means pay at the rate ascertained from regulation 23 and the determination made thereunder.

University scholars

31. The Secretary of State shall determine how Part III and this Part and any determination made thereunder shall have effect in relation to a university scholar, and in making such a determination the Secretary of State may confer on the Board discretion to determine whether or not the conditions subject to which a university scholar is entitled to any payment under this Part are met.

PART V

Leave

Leave

32.—(1) Every member shall, so far as the exigencies of duty permit, be granted in each leave year such annual leave as may be determined by the Secretary of State; and in this regulation

(a) S.I. 1994/1898 (N.I. 12)
(b) 1992 c. 7

“leave year” means that period of 12 months beginning on such date as may from time to time be determined by the Chief Constable.

(2) In making a determination under paragraph (1) the Secretary of State may confer on the Chief Constable discretion—

- (a) to grant such additional days of annual leave in any leave year in such circumstances and subject to such conditions as the Secretary of State may determine, and
- (b) subject to such conditions as the Secretary of State may determine, to allow days of annual leave granted under this regulation to be taken as a single period, or as single days, or in periods of more than one day or as half days.

(3) In a determination under paragraph (1) the Secretary of State shall make provision for the compensation of a member for being recalled to duty during a period of annual leave granted under this regulation.

(4) Annual leave granted under this regulation shall be additional to the days on which the member is not required to perform police duties in accordance with a determination under regulation 25.

(5) A member shall not be entitled to be absent from duty on account of injury or illness otherwise than in such circumstances as shall be determined by the Secretary of State, and in making such a determination the Secretary of State may confer on the Chief Constable power to appoint, or approve the appointment of, a medical practitioner for the purposes of any function to be carried out under the determination.

(6) A female member who is pregnant shall, in such circumstances as shall be determined by the Secretary of State, have the right not to be unreasonably refused special leave from duty to enable her to keep an appointment for the purpose of receiving antenatal care.

(7) A female member qualifies for maternity leave in such circumstances as shall be determined by the Secretary of State.

(8) A member shall, so far as the exigencies of duty permit, be granted such—

- (a) maternity support leave;
- (b) adoption support leave;
- (c) adoption leave; and
- (d) parental leave,

in such circumstances, as the Secretary of State shall determine.

(9) In paragraph (8)—

“maternity support leave” means leave to enable support to be given to an expectant mother at or around the time of birth, and

“adoption support leave” means leave to enable support to be given to an adoptive parent at or around the time of adoption.

(10) A member shall, so far as the exigencies of duty permit, be entitled to be permitted to take a reasonable amount of time off during periods of duty in order to take such action, and for such purposes, in respect of a dependant of that member, and subject to such conditions, as shall be determined by the Secretary of State; and for this purpose the Secretary of State may determine the meaning of “dependant” in relation to members.

(11) The Secretary of State may determine that any period of leave or time off taken in accordance with a determination under paragraph (1), (6), (8) or (10) shall be treated as a period of duty.

(12) Paragraph (5) and any determination thereunder shall apply to a member who is in quarantine as it applies to a member who is ill subject, in the case of such a determination, to such modifications as may be determined by the Secretary of State.

(13) The Secretary of State shall determine the circumstances in which a member shall be entitled to take a career break.

(14) The Secretary of State shall determine the circumstances in which a member shall be compensated for untaken annual leave or the Chief Constable shall be compensated for overtaken annual leave when the member ceases to be a member other than on immediate transfer to another police force.

PART VI

Allowances and Expenses

Allowances

33.—(1) Subject to regulation 37, the Secretary of State shall determine the entitlement of members to any allowance, and in making such a determination the Secretary of State may confer on—

- (a) the Board;
- (b) the Chief Constable,

such functions—

- (i) in relation to the calculation of an allowance,
- (ii) where the payment of an allowance is subject to such conditions as may be specified in the determination, in relation to those conditions,

as he thinks fit.

(2) No allowances shall be paid to a member except as provided by or under 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.

(3) 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 Chief Constable in respect of which no allowance is payable under these regulations and no determination has been made under regulation 34.

Expenses

34.—(1) The Secretary of State shall determine the entitlement of members to reimbursement of any expenses incurred by such a member in or in connection with the execution of his duty.

(2) Where, in making a determination under paragraph (1), the Secretary of State specifies conditions subject to which expenses are to be reimbursed, he may in that determination confer on—

- (a) the Board;
- (b) the Chief Constable,

such functions in relation to those conditions as he thinks fit.

Continuance of allowances when member ill

35. If a member who is regularly in receipt of an allowance to meet an expense which ceases during his or her absence from duty is on sick leave or 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

36. This Part shall have effect in relation to a member suspended under the Conduct Regulations, subject to the provisions of paragraphs 2 and 3 of Schedule 3.

Replacement allowance

37. Schedule 4 shall have effect.

Restriction on payments for private employment of police

38. Without prejudice to the generality of regulation 33(2), a member who is engaged on duty at the request of any person who has agreed to pay the Chief Constable for the member's services shall not be entitled to any payment for those services except as provided by or under these regulations; and any payments made in pursuance of that agreement shall be made by that person to the Chief Constable.

PART VII

Reckoning of Service

Reckoning of service of constables who have served as police trainees

39.—(1) For the purposes of regulations 23, in reckoning a member's service in the rank of constable, that service shall include—

- (a) any period of service as a police trainee, and
- (b) subject to paragraph (2), any period treated as service as a police trainee under regulation 17 of the police trainee regulations.

(2) Where a member is appointed to the rank of constable, and on the date of his appointment his period of service in that rank is deemed under paragraph (1) to consist of—

- (a) a period equal to or greater than one year calculated in accordance with Part II or III of Schedule 1 to the police trainee regulations, and
- (b) the period of service actually completed by him as a police trainee,

then for the purposes of regulation 23, his period of service as a member of the rank of constable shall be calculated in accordance with paragraph (3) or (4).

(3) So long as the total of—

- (a) the period of service which he has actually completed as a member of the rank of constable, and
- (b) the period of service which he has actually completed as a police trainee,

is less than the period mentioned in paragraph (2)(a), his period of service in the rank of constable shall be deemed to be equal to the period mentioned in paragraph (2)(a).

(4) Beginning with the date on which the total of the periods mentioned in sub-paragraphs (a) and (b) of paragraph (3) equals the period mentioned in paragraph (2)(a), his period of service as a member in the rank of constable shall be deemed to be equal to the total of the periods mentioned in sub-paragraphs (a) and (b) of paragraph (3).

Reckoning of service in police force in Great Britain

40.—(1) Where a member joined or rejoined the police service having left a police force in Great Britain, on or after 29th June 1970, for that purpose or on exercising the right of reversion conferred by section 27(3) of the Act then, for the purposes of regulation 23, his service in any rank in the police force in Great Britain shall be treated as if it were service in the corresponding rank in the police service:

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 a police force in Great Britain not reckonable under paragraph (1).

(3) In this regulation any reference to a rank corresponding to a rank in the police service is a reference to a rank in a police force in Great Britain, designated by the Secretary of State for the purposes hereof, as the rank corresponding to the rank in question.

Reckoning of service in the British Transport Police Force

41.—(1) Where a member joined or rejoined the police service having left the British Transport Police Force on or after 1st September 1994, then, for the purposes of regulation 23, 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 police service:

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 a rank corresponding to a rank in the police service 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.

Reckoning by constables of service in certain constabularies

42.—(1) 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 a constabulary mentioned in paragraph (2).

(2) The constabularies referred to in paragraph (1) are—

- (a) the Ministry of Defence Police, that is to say the force established by section 1 of the Ministry of Defence Police Act 1987^(a) or, before the coming into force of that Act, comprising constables appointed under section 3 of the Special Constables Act 1923^(b) on the nomination of the Defence Council or, before 1st April 1964, of the Admiralty, Army Council or Air Council;
- (b) the Port of Tilbury Constabulary or, before the coming into force of the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992^(c), the Port of London Authority's police force, that is to say the force of constables appointed under section 154 of the Port of London Act 1968^(d);
- (c) the persons appointed to execute the office of constable within the ports of Larne and Belfast under section 79 of the Harbour, Docks and Piers Clauses Act 1847^(e).

Reckoning of service in an airport constabulary

43. Where a member of an aerodrome constabulary has been transferred to the police service by an order under section 30 of the Aviation Security Act 1982^(f) then, for the purposes of regulation 23, his service in any rank in that constabulary shall be treated as if it were service in the corresponding rank in the police service.

(a) 1987 c. 4
(b) 1923 c. 11
(c) S.I. 1992/284
(d) 1968 c. xxxii
(e) 1847 c. 27
(f) 1982 c. 36

Reckoning by constables of overseas police service

44.—(1) A member of the rank of constable shall be entitled to reckon for the purposes of pay for that rank the following periods of service, that is to say, any period of—

- (a) certified overseas police service such as is mentioned in paragraph (2);
- (b) certified service in the British South Africa Police such as is mentioned in paragraph (3);
- (c) such service in a police force in the Channel Islands or the Isle of Man as is mentioned in paragraph (4),

notwithstanding that such service is not service in the rank of constable in the police service.

(2) The reference in paragraph (1) to certified overseas police service is a reference to—

- (a) continuous service as a member of a police force in any territory or country outside the United Kingdom, being a colony, protectorate or protected state within the meaning of the British Nationality Act 1948(a), a dependent territory within the meaning of the British Nationality Act 1981(b) or, where appropriate, the territory or country wherein the colony, protectorate or protected state or dependent territory was incorporated after the inception of the service, subject to it having been certified by or on behalf of the Secretary of State that—
 - (i) the service was, at its inception, pensionable, and
 - (ii) in his opinion the person concerned ceased so to serve for reasons connected with constitutional developments in the territory or country in question, or
- (b) continuous service for 6 years or more as a member of a police force outside the United Kingdom, subject to it having been certified by or on behalf of the Secretary of State that—
 - (i) the person concerned so served under a contract of service,
 - (ii) immediately before he ceased so to serve, the person concerned was, for the purposes of section 12 of the Overseas Development and Co-operation Act 1980(c), a person designated in accordance with such an agreement as is therein mentioned, and
 - (iii) in his opinion the person concerned ceased so to serve for reasons connected with constitutional developments in the territory or country in question,

except that the said reference in paragraph (1) does not include a reference to service as a reversionary member of a home police force as defined in the Police Pensions Regulations 1987(d).

(3) The reference in paragraph (1) to certified service in the British South Africa Police is a reference to continuous service as a member thereof, for a period which included 11th November 1965, up to such time, on or after that date, as the person concerned ceased to perform duties therein, subject to his having ceased to perform those duties before 2nd March 1970 and subject to it having been certified by or on behalf of the Secretary of State that he approves the application of this regulation in the case of the person concerned.

(4) The reference in paragraph (1) to service in a police force in the Channel Islands or the Isle of Man is a reference to service in—

- (a) the Island police force maintained under the Police Force (Guernsey) Law 1986;
- (b) the States of Jersey police force maintained under the Jersey Laws entitled the Police Force (Jersey) Law 1974, or
- (c) the Isle of Man Constabulary maintained under the Police Act 1993 (an Act of Tynwald).

(a) 1948 c. 56
(b) 1981 c. 61
(c) 1980 c. 63
(d) S.I. 1987/257

(5) A certificate given by or on behalf of the Minister of Overseas Development before 12th November 1970, shall be treated for the purposes of paragraph (2) as if it had been given by or on behalf of the Secretary of State.

PART VIII

Uniform and Equipment

Issue of uniform and equipment

45. The Secretary of State shall determine the circumstances in which and the conditions subject to which uniform and equipment is to be issued to members by the Chief Constable, and in making such a determination the Secretary of State may—

- (a) confer discretion on the Board to specify the type of uniform to be issued;
- (b) confer discretion on the Board to specify the type of equipment to be issued.

PART IX

Determinations

Determinations

46.—(1) Before making a determination under any provision of these regulations relating to the matters mentioned in section 61(1) of the Police Act 1996, the Secretary of State shall take into consideration any recommendation made by the Police Negotiating Board and shall supply that Board with a draft of the determination; and subsection (2) of section 62 of that Act shall apply in relation to a recommendation to be made for the purposes of this paragraph as it applies in relation to a recommendation to be made for the purposes of subsection (1) of that section.

(2) Before making a determination under any provision of these regulations relating to any other matter, the Secretary of State shall supply the constituent bodies of the Police Advisory Board with a draft of the determination, and take into consideration any representations made.

(3) A determination under any provision of these regulations for regulating pay and allowances may be made with retrospective effect to any date specified in the determination, but nothing in this paragraph shall be construed as authorising the pay or allowances payable to any person to be reduced retrospectively.

(4) A determination under any provision of these regulations may make different provision for different cases and circumstances.

Northern Ireland Office
1 December 2005

Peter Hain
One of Her Majesty's Principal Secretaries of State

SCHEDULE 1

Regulation 6

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 Board 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 an allowance under Schedule 4 or sub-let any part of such a house.

4. A member shall not wilfully refuse or neglect to discharge any lawful debt.

SCHEDULE 2

Regulation 10(1)(h)

Criminal convictions etc.

1. This Schedule applies in relation to a candidate for appointment as a member if—
- (a) he has been convicted of a serious arrestable offence within the meaning of Article 87 of, and Schedule 5 to, the Police and Criminal Evidence (Northern Ireland) Order 1989(a) or an equivalent offence elsewhere; or
 - (b) he has been convicted in Northern Ireland or elsewhere of any offence and has had passed on him a sentence of imprisonment or detention (whether suspended or not); or
 - (c) he has been disqualified from driving in Northern Ireland or elsewhere on more than one occasion; or
 - (d) he has, within 5 years from the date of his application for appointment as a member, been convicted of an arrestable offence within the meaning of Article 26 of the Police and Criminal Evidence (Northern Ireland) Order 1989 or an equivalent offence elsewhere; or
 - (e) he has, within 5 years from the date of his application for appointment as a member, been convicted of any of the following offences or any equivalent offence elsewhere—
 - (i) driving, or causing or permitting a person to drive, a motor vehicle while uninsured under Article 90 of the Road Traffic (Northern Ireland) Order 1981(b);
 - (ii) driving a motor vehicle while otherwise disqualified under Article 167(1)(b) of that Order;
 - (iii) forgery or fraudulently altering etc., identification marks, badges, licences, certificate or certificates of insurance under Article 174(2) of that Order;
 - (iv) failure of driver of mechanically propelled vehicle to comply with duties on occurrence of an accident caused by that vehicle under Article 175(2) of that Order;
 - (v) interference with vehicles under Article 8 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983(c);
 - (vi) dangerous driving under Article 10 of the Road Traffic (Northern Ireland) Order 1995(d);
 - (vii) any offence under Article 15(1) or (2) or 16(1)(a) or (b) of that Order relating to driving, attempting to drive or being in charge of a vehicle while unfit through drugs or drink or with excess alcohol in breath, blood or urine; or
 - (f) he has, within 5 years from the date of his application for appointment as a member, been convicted on three or more occasions arising separately of any other offences under the Road Traffic Orders or any equivalent offences elsewhere; or
 - (g) he has, within 3 years from the date of his application for appointment as a member, received on three or more occasions a caution or any equivalent elsewhere.

2. In this Schedule “the Road Traffic Orders” has the meaning assigned by Article 2(2) of the Road Traffic Offenders (Northern Ireland) Order 1996(e).

(a) S.I. 1989/1341 (N.I. 12)
(b) S.I. 1981/154 (N.I. 1)
(c) S.I. 1983/1120 (N.I. 13)
(d) S.I. 1995/2994 (N.I. 18)
(e) S.R. 1996/1320 (N.I. 10)

Effect of disciplinary action on pay and Allowances

1.—(1) Subject to paragraph 3, a member suspended under the Conduct 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 an assistant Chief Constable acting as Chief Constable),

shall not, by virtue of regulation 23, 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) Where the member suspended is a senior officer, sub-paragraph (1)(b) shall have effect as if for the words after “unknown” there were substituted “to the Board”.

2. Subject to paragraph 3, a member suspended under the Conduct Regulations shall not, by virtue of Part VI of these regulations, be entitled to any allowance, in respect of the period of suspension, other than—

- (a) an allowance under Schedule 4; or
- (b) in the case of a member to whom paragraph 1(1) does not apply, such allowance as the Secretary of State may determine.

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 Conduct 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 police service, the whole amount of any fine unpaid may be deducted from any pay then due.

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

Replacement Allowance

General Interpretation

1. In this Schedule any reference to the 1984 regulations is a reference to the Royal Ulster Constabulary Regulations 1984(a).

*Housing Payments***Interpretation**

2.—(1) This paragraph has effect for defining expressions used in this Schedule.

(2) “Qualifying member” means a member who—

- (a) immediately before 1st September 1994 was a member of the police service or another police force,
- (b) was not then on unpaid leave,
- (c) has at all times after 31st August 1994 been a member of the police service, and
- (d) has not after that date been on unpaid leave.

(3) Where a member of a police force in Scotland or England and Wales in receipt of a replacement allowance under a corresponding regulation which has effect there transfers to the police service he shall be treated from the date of his transfer as if he were a qualifying member.

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

(5) “Re-joining member” means a member who by reason only of a relevant absence is not a qualifying member.

(6) “Relevant absence” means—

- (a) a period of central service or overseas service, or
- (b) a period of relevant service within the meaning of paragraph (b) or (c) of section 27(1) of the Act or any corresponding provision for the time being in force in Scotland or England and Wales, or
- (c) a period of unpaid leave,

ending after 31st August 1994.

(7) “Housing emoluments” means a housing allowance paid to members of the British Transport Police Force or any one or more of the following kinds of payments under the revoked provisions as they had effect before 1st September 1994—

- (a) a housing allowance under regulation 40,
- (b) a transitional rent allowance and a transitional supplementary rent allowance under regulation 40B,
- (c) a supplementary housing allowance under regulation 41,
- (d) a compensatory grant under regulation 42,

and in relation to a re-joining member includes a rent allowance under regulation 40 as it had effect before 1st April 1990; and “housing allowance” and “transitional rent allowance” mean respectively the allowances mentioned in (a) and (b).

(a) S.R. 1984 No. 62

(8) “The revoked provisions” means the provisions of the 1984 Regulations relating to housing and housing payments that were revoked on 1st September 1994^(a), that is to say regulations 40 to 42 and paragraph 4(1) and (2) of Schedule 4.

Qualifying member previously provided with accommodation

3.—(1) A qualifying member who ceases to occupy a house or quarters with which he was provided free of rent becomes entitled to a replacement allowance.

(2) The replacement allowance is, subject to paragraph 8, an allowance at a rate equal to the total of—

- (a) the rate at which housing allowance, or as the case may be transitional rent allowance, was payable, or would have been payable if he had not been occupying the house or quarters, immediately before 1st September 1994, and
- (b) the rate at which any allowance under regulation 40(11) or 41(3) was or would have been then payable.

Qualifying member with housing emoluments

4.—(1) A qualifying member who immediately before 1st September 1994 was in receipt of housing emoluments is entitled to a replacement allowance unless he is provided with a house or quarters free of rent.

(2) The replacement allowance is, subject to paragraph 8, an allowance at the rate at which the housing emoluments were payable immediately before 1st September 1994.

Re-joining member previously provided with accommodation

5.—(1) A re-joining member who immediately before the relevant absence began was occupying a house or quarters with which he was provided free of rent becomes entitled to a replacement allowance unless he is again provided with a house or quarters free of rent.

(2) The replacement allowance is, subject to paragraph 8, an allowance at the rate at which, if he had not been occupying the house or quarters, housing allowance, or as the case may be transitional rent allowance, would have been payable—

- (a) where the relevant absence began before 1st September 1994, immediately before it began, and
- (b) in any other case, immediately before 1st September 1994.

Re-joining member previously in receipt of housing payments

6.—(1) A re-joining member who immediately before the relevant absence began was in receipt—

- (a) of housing emoluments, or
- (b) of a replacement allowance under paragraph 3 or 4,

becomes entitled to a replacement allowance unless he is provided with a house or quarters free of rent.

(2) The replacement allowance is, subject to paragraph 8, an allowance—

- (a) where sub-paragraph (1)(a) applies, at the rate at which the housing emoluments were payable, and
- (b) where sub-paragraph (1)(b) applies, at the rate at which the previous replacement allowance was payable,

immediately before the relevant absence began.

(a) By S.R. 1994 No. 331

Members provided with house or quarters

7. A qualifying member or a re-joining member who—

- (a) is provided with a house or quarters free of rent, and
- (b) if the revoked provisions had continued in force would have been entitled to an allowance under regulation 40(11) or 41(3) of the 1984 Regulations,

is, subject to paragraph 8, entitled to an equivalent replacement allowance.

Variation and termination of replacement allowances

8.—(1) Subject to sub-paragraph (2), in circumstances in which—

- (a) a housing allowance or transitional rent allowance payable as mentioned in paragraph 3(2) or 5(2), or
- (b) any of the housing emoluments mentioned in paragraphs 4(1), 6(1)(a) and 7,

would, if the revoked provisions had continued in force, have fallen to be reduced or discontinued, the replacement allowance in question is reduced accordingly or, if the effect of discontinuance would have been that no housing emoluments remained payable, terminated.

(2) For the purposes of sub-paragraph (1) it is to be assumed that a housing allowance or transitional rent allowance would not have fallen to be reduced by reason of the member's being married to or sharing accommodation with another member appointed after 31st August 1994.

(3) In circumstances in which any allowance or housing emoluments mentioned in sub-paragraph (1) would, if the revoked provisions had continued in force, have fallen to be increased otherwise than under regulation 40A of the 1984 Regulations (which provided for biennial adjustment of housing allowances), or in which any new housing emoluments would in that case have become payable, the replacement allowance in question is increased accordingly.

EXPLANATORY NOTE

(This note is not part of the Order)

These regulations consolidate with amendments the Royal Ulster Constabulary Regulations 1996 (the 1996 Regulations), as amended by the regulations specified in regulation 2 of these regulations. The amendments, other than drafting amendments, made by these regulations are as follows.

Regulations 11 (Appointment of senior officers), 12 (Probationary service), 14 (Retirement), 21 (Duty), 24 (Overtime), 25 (Public holidays and rest days), 26 (Temporary salary and temporary promotion), 27 (Sick pay), 28 (Maternity pay), 29 (Fixing of pay day and calculation of pay), 31 (University scholars), 32 (Leave), 33 (Allowances), 34 (Expenses), 45 (Uniform and equipment) provide for the determination by the Secretary of State of certain matters prescribed by the 1996 Regulations. Such determinations, together with determinations under regulation 23 (Pay), are subject to the provisions of regulation 46.

Regulation 7(10) (Business interests incompatible with membership of the force) has been expanded to provide a definitive list of people for the term “relative”.

Regulation 10(1)(a) (Qualifications for appointment...) has the effect that nationals of the ten states which acceded to the European Union on 1 May 2004 may now qualify for appointment to the police service without having indefinite leave to enter or remain in the United Kingdom.

Regulation 11 (Appointment of senior officers) removes fixed-term appointments for Assistant Chief Constables.

Regulation 19 requires members of the police service to provide a sample of hair or saliva upon appointment (other than in cases of transfer between forces) from which a DNA profile can be derived.

Regulation 22 (Meetings of Police association treated as police duty) has been amended with regard to the types of meetings held by the Police Federation and has been extended to include meetings of the Joint Central Committee and those meetings held by the Chief Police Officers’ Staff Association.

Regulation 23(3)(f, g & h) (Pay) amends the circumstances in which an officer’s maternity leave counts as service for the purposes of pay and sets out the circumstances in which periods of adoption leave, maternity support leave, parental leave and adoption support leave are also counted.

Regulation 32 makes new provision for parental, adoption support and adoption leave and for time off for dependants, and replaces provision in the 1996 Regulations for paternity leave with provision for maternity support leave.

Regulation 32(13) gives the Secretary of State power to make determinations relating to career breaks.

Regulation 3 of the 1996 Regulations (which provided for the authorised establishment of the Police Service) has not been reproduced.