

1969. No. 258

[C]

ROYAL ULSTER CONSTABULARY

Hours of Duty and Overtime

ORDER, DATED 26TH AUGUST 1969, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 4 OF THE CONSTABULARY AND POLICE (IRELAND) ACT 1919 AND SECTION 2 OF THE CONSTABULARY ACT (NORTHERN IRELAND) 1922.

I, the Right Honourable Robert Wilson Porter, Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by Section 4 of the Constabulary and Police (Ireland) Act 1919(a) and Section 2 of the Constabulary Act (Northern Ireland) 1922(b) and of all other powers enabling me in that behalf and after considering representations made by the Representative Bodies constituted by the said Act of 1919, as required by Section 4 of that Act, do hereby order as follows:—

Citation and Commencement

1. This Order may be cited as the Royal Ulster Constabulary (Hours of Duty and Overtime) Order 1969 and shall have effect from 1st September 1969.

Revocation

2. The Royal Ulster Constabulary (Overtime) Order 1968(c) is hereby revoked.

Definitions

3. In this Order:—

- (a) the following expressions shall have the meanings hereby respectively assigned to them:—
- (i) "member" means a member of the Royal Ulster Constabulary;
 - (ii) "Ministry" means the Ministry of Home Affairs;
 - (iii) "Inspector General" means the Inspector General of the Royal Ulster Constabulary;
 - (iv) "hourly rate of pay" means annual rate of pay divided by 2,191;
 - (v) "special occasion" means an occasion designated as a special occasion for the purposes of this Order by the Ministry;
 - (vi) "detective-duty allowance" and "special duty driver's allowance" have the meanings respectively assigned to them in the Royal Ulster Constabulary (Miscellaneous) Allowances Order 1968(d);
- (b) "member recalled for extra duty" does not include a member who is only warned to be in readiness for such duty.

Normal period of duty

4.—(1) This Article shall apply to every member below the rank of District Inspector who is not in receipt of a detective-duty allowance or a special duty driver's allowance.

(2) Subject to Article 5 the normal daily period of duty (including the period for refreshment referred to in paragraph (3)) of a member shall be

(a) 9 & 10 Geo. 5. c. 68.
(b) 12 & 13 Geo. 5. c. 8 (N.I.).

(c) S.R. & O. (N.I.) 1968, No. 266.
(d) S.R. & O. (N.I.) 1968, No. 119.

8½ hours and, in addition, any time occupied in reporting at the appointed place for duty before a tour of duty begins:

Provided that in the case of a woman member, where the duty is wholly or mainly patrol duty, the Inspector General may substitute 7½ hours or 7¾ hours for the said 8½ hours.

(3) Where the normal period of duty is performed in one tour of duty an interval of 45 minutes shall normally be allowed for refreshment:

Provided that in the case of a woman member, where the duty is wholly or mainly patrol duty and the normal period of duty, other than the time occupied in reporting for duty, is 7¾ hours or more, the said interval shall normally be one hour.

Variation in normal period of duty

5. The Inspector General may, with the concurrence of the Ministry, vary for any member to whom Article 4 applies the normal daily period of duty and the normal period allowed for refreshment:

Provided that such a member shall work the same number of hours annually, exclusive of excess periods of duty (hereinafter referred to as "overtime") as a member to whom Article 4 applies.

Time off for overtime

6.—(1) This Article shall apply to every member below the rank of District Inspector not in receipt of any of the allowances specified in Article 4(1).

(2) Subject to the provisions of Article 10, where, on a day other than is mentioned in Article 9(2), a member is required to remain on duty for a period of not less than one half-hour after his tour of duty ends or is recalled to duty, between two tours of duty, the District Inspector shall ensure that he is granted, if and as soon as the exigencies of duty permit, in respect of such overtime an equal period of time off and in addition for each three quarter-hours of overtime an additional quarter-hour of time off:

Provided that any right to time off in respect of overtime shall cease after a period of three months has elapsed from the beginning of the month in which the overtime occurred.

Grant of allowance for overtime

7.—(1) This Article shall apply to every member below the rank of Head Constable not in receipt of any of the allowances specified in Article 4(1).

(2) (a) Subject to the provisions of Articles 8, 10 and 14, if in respect of all or part of such overtime as is mentioned in Article 6 which occurred in any calendar month time off is not granted within a period of three months from the beginning of that month a member shall be granted, for each complete hour of the overtime for which time off has not been granted, an allowance equal to 1½ times the hourly rate of pay earned on the last day of the month in which the overtime occurred.

(b) An allowance in respect of a residual period of overtime of less than one hour in any calendar month shall be granted pro rata.

Computation of overtime

8.—(1) Where a member is recalled to his station for extra duty the period of overtime shall include the time occupied in going from and returning to his home, not exceeding a total limit of one hour.

(2) Where a member is recalled for extra duty but is authorised to go direct to the place of duty and return direct to his home the period of overtime shall include the time occupied in going to and returning from his place of duty. If on the journey to or from the place of duty the member necessarily reports to his station the period of overtime shall include the time occupied in travelling between his home and station not exceeding a limit of a half-hour.

(3) Where a member not in receipt of any of the allowances specified in Article 4(1) is engaged on casual escort duty the computation of any period of overtime shall take account of:—

- (a) the time during which he is in charge or shares the charge of the person under escort;
- (b) such other time as is necessarily spent on travelling to or from the place where he is to take charge or share the charge or hand over the person under escort; and
- (c) any other time, including waiting time, that may be allowed by the Inspector General, so, however, that if the member is so engaged and has sleeping accommodation, whether on a ship, train or otherwise, the Inspector General may exclude such period, not exceeding 8 hours in any period of 24 hours, as he considers appropriate in the circumstances, during which the member is not in charge or sharing the charge of the person under escort.

(4) Where a member has completed a tour of duty which ends at any time after 2 a.m. and before 8 a.m. and is recalled to duty before 9½ hours have elapsed from the time when such tour of duty ended he shall be deemed, if the period of overtime worked in that occasion amounts to less than four hours of overtime, to have worked in respect of that period a period of overtime equal to four hours of overtime.

Duty on rest days

9.—(1) This Article shall apply to every member below the rank of District Inspector.

(2) Subject to the provisions of Article 10, where a member is required to do duty on a day which would otherwise have been a rest day the duty shall be regarded as overtime and the District Inspector shall ensure that he is granted, if and as soon as the exigencies of duty permit, in respect of such overtime an equal period of time off and in addition, for each complete half-hour of the overtime, an additional quarter-hour of time off.

(3) (a) If in respect of all or part of such overtime as is referred to in paragraph (2) which occurred in any calendar month time off is not granted within a period of three months from the beginning of that month a member shall be granted, for each complete hour of overtime for which time off has not been granted, an allowance equal to 1½ times the hourly rate of pay earned on the last day of the month in which the overtime occurred.

(b) An allowance in respect of a residual period of overtime of less than one hour in any calendar month shall be granted pro rata.

(4) For the purposes of this Article:—

(a) a member who is in receipt of any of the allowances set out in Article 4(1) shall, in respect of duty performed on such a day as is specified in paragraph (2), be deemed to be required to do duty on such day only if he has been specifically ordered to do that duty;

- (b) a reference to a day which would otherwise have been a rest day is to be construed as a reference to a day which, according to the roster of rest days was to have been a rest day for the member concerned, and for the purpose of determining what would have been such a day any alteration in the roster made less than 8 days before that day shall be ignored except where the alteration is made at the request of the member concerned;
- (c) a period of less than two hours' duty on any such day as is specified in paragraph (2) which is not continuous with a normal period of duty shall be treated as though it were a period of two hours' duty;
- (d) where a member is recalled to duty on any such day as is specified in paragraph (2) after completing a tour of duty the provisions of Article 8(1) and (2) in respect of computation of the period of duty shall apply;
- (e) where a member is required to do duty on any such day as is specified in paragraph (2) his period of duty shall include the time occupied by him in going to and returning from his place of duty, not exceeding a total limit of one hour, save that any period of time so occupied which together with the member's period of duty amounts to more than four hours shall be disregarded.

Overtime on special occasions

10.—(1) This Article shall apply to every member below the rank of District Inspector.

(2) Subject to the provisions of Articles 9(4) and 14, a member who works overtime in connection with a special occasion shall be granted for each complete hour of such overtime in any calendar month—

- (a) where the overtime is worked on a day other than a rest day an allowance equal to $1\frac{1}{2}$ times the hourly rate of pay on the last day of the month in which the overtime occurred;
- (b) where the overtime is worked on such a day as is specified in Article 9(2) an allowance equal to $1\frac{1}{2}$ times the hourly rate of pay on the last day of the month in which the overtime occurred.

(3) In respect of a residual period of overtime of less than one hour in any calendar month, whether worked on rest days or otherwise, an allowance shall be granted pro rata.

(4) For the purposes of this Article the overtime hours shall be regarded as hours in excess of those which the member would normally have worked on each such day:

Provided that—

- (a) in the case of a member in receipt of any of the allowances specified in Article 4(1), the normal daily working hours shall be deemed to be the normal period of duty as specified in Article 4(2); and
- (b) if the exigencies of duty do not permit a member to be relieved of duty for a period of refreshment, the period which would otherwise be such period of refreshment shall be reckonable for overtime.

On-call duty

11.—(1) This Article shall apply to any member below the rank of District Inspector who is not in receipt of any of the allowances specified in Article 4(1) and who has the commitment specified in paragraph (2).

(2) A member who has a specific roster commitment to be continuously and immediately available at home or in lodgings outside normal duty hours

shall be granted an on-call allowance of 8s. 0d. for each such rostered period of not more than 18 hours. Where however the commitment exceeds a period of 18 hours the allowance shall be 15s. 0d.

(3) The allowance specified in paragraph (2) shall not be payable in respect of a member who is allowed to leave his home or lodgings during the period of his commitment.

(4) A member who is recalled to duty outside his normal period of duty shall, in addition to the on-call allowance, be eligible in respect of such duty for time off or an overtime allowance in accordance with Articles 6, 7, 8 and 10.

Stand-by duty

12.—(1) This Article shall apply to every member below the rank of District Inspector who is not in receipt of any of the allowances specified in Article 4(1) and who has the commitment specified in paragraph (2).

(2) A member who has a commitment to remain at a station after a complete tour of duty, including overtime, and is provided with sleeping accommodation, shall be granted a stand-by allowance of 16s. 6d. for each such period during which he is required to remain at the station:

Provided that the member shall not be granted more than one such allowance in any period of 24 hours.

(3) The allowance specified in paragraph (2) shall not apply to a member who is allowed to leave his station during a stand-by period.

(4) A member who is called on to perform duty during a stand-by period shall, in addition to the stand-by allowance, be eligible in respect of such duty for time off or an overtime allowance in accordance with Articles 6, 7, 8, 9 and 10.

Authorisation of overtime or stand-by duty

13. A period of overtime or stand-by duty shall be reckonable for the purposes of this Order only if duly authorised beforehand by a member of a rank above that of the member concerned or by the person in charge of the station to which the member concerned is attached, or, where such authorisation has not been practicable, if certified as soon as possible afterwards, by a person qualified to authorise it, as necessary for the purpose of essential duty.

14. In computing any period of overtime or duty for the purposes of this Order the period to be taken into account shall be that calculated up to and including the last complete quarter-hour.

Records and claims

15. A member to whom this Order applies shall comply with such directions as may be given by the Ministry as to the keeping of records of duty performed and the manner of claiming allowances.

Dated this 26th day of August 1969.

R. W. Porter,
Minister of Home Affairs
for Northern Ireland.

The Ministry of Finance hereby concurs in the foregoing Order.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 27th day of August 1969.

(L.S.)

C. F. Darling,
Assistant Secretary,
Ministry of Finance.

EXPLANATORY NOTE

(This note is not part of the Order but is intended to indicate its general purport.)

This Order prescribes the normal daily period of duty for members of the Royal Ulster Constabulary and provides for compensation, either by time-off or by additional pay, when the normal period of duty is exceeded.

On-call and stand-by allowances are also provided to compensate any member whose freedom of movement is restricted by specified commitments during the time when not on duty.