

1994 No. 331

POLICE

**Royal Ulster Constabulary (Amendment No. 3)
Regulations 1994**

Made 26th August 1994

Coming into operation 1st September 1994

To be laid before Parliament

The Secretary of State, in pursuance of Section 25 of the Police Act (Northern Ireland) 1970(a), and after consulting, in accordance with section 34(2) of that Act, the Police Authority and the Police Association, and after taking into account the recommendations made by the Police Negotiating Board for the United Kingdom and furnishing that Board with a draft of the regulations in accordance with section 2(1) of the Police Negotiating Board Act 1980(b), hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Royal Ulster Constabulary (Amendment No. 3) Regulations 1994 and shall come into operation on 1st September 1994.

Interpretation

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

Normal daily period of duty

3. In regulation 19(1) of the principal regulations there shall be substituted for the word “superintendent” the word “inspector”.

Rostering of duties

4. In regulation 19A(1) of the principal regulations there shall be substituted for the word “superintendent” the word “inspector”.

Variable shift arrangements

5. In regulation 19B(1) of the principal regulations there shall be substituted for the word “superintendent” the word “inspector”.

(a) 1970 c. 9 (N.I.) as modified by S.I. 1973/2163 and S.I. 1981/1670 and amended by Section 66 of the Police and Magistrates’ Courts Act 1994 (c. 29) and those amendments have been brought into force by S.I. 1994 No. 2151

(b) 1980 c. 10

(c) S.R. 1984 No. 62; the relevant amending regulations are S.R. 1984 No. 380, S.R. 1985 No. 292, S.R. 1985 No. 362, S.R. 1986 No. 118, S.R. 1986 No. 284, S.R. 1987 No. 441, S.R. 1988 No. 340, S.R. 1992 No. 447 and S.R. 1994 No. 186

Overtime

6. In regulation 20(3) of the principal regulations there shall be inserted—

- (a) after the word “member” the words “below the rank of inspector”; and
- (b) after the words “that week” the words “, except that on each of the first 4 occasions on which overtime in respect of which the member was not informed as mentioned in paragraph (6) is worked during a week, 30 minutes of the overtime worked is to be disregarded”.

Public holidays and rest days for lower ranks

7. Regulation 21 of the principal regulations shall be amended as follows—

- (a) in paragraph (1) by substituting for the word “superintendent” the word “inspector”;
- (b) in paragraph (3) by substituting for sub-paragraphs (a) to (c)
 - “(a) where he receives less than 15 days’ notice of the requirement, an allowance at the appropriate rest-day rate; or
 - (b) in any other case, another rest day, which shall be notified to him within 4 days of notification of the requirement.”;
- (c) by inserting after paragraph (3)—
 - “(3A) The appropriate rest-day rate is, for each completed 15 minutes of duty on a rostered rest day, the fraction of a day’s pay specified in paragraph (3B).
 - (3B) The fraction is—
 - (a) where the member received less than 8 days’ notice of the requirement, one sixteenth; and
 - (b) in any other case, three sixty-fourths.”;
- (d) in paragraph (5) by substituting for the words “paragraph (3)(a) or (b)” the words “paragraph (3)(a)”, and for sub-paragraph (b)—
 - “(b) in the case of a rostered rest day—
 - (i) where the member received less than 8 days’ notice of the requirement, to double, and
 - (ii) in any other case, to one and a half times.”;
- (e) in paragraph (6) by substituting for the words “paragraph (3)(a) or (b)” the words “paragraph (3)(a)”;
- (f) in paragraph (7)(c) by deleting the words after “public holiday”; and
- (g) in paragraph (7)(g) by inserting after the words “a period of 4 completed hours” the words “, except that a period of not more than one hour of duty on a rostered rest day shall, if it immediately follows a period for which he was on duty as part of a normal daily period of duty, count as the number of periods of 15 minutes actually completed”.

Public holidays and rest days for inspectors

8. The principal regulations shall be amended by inserting after regulation 21—

“Public holidays and rest days for inspectors

21A.—(1) This regulation applies to every member of the rank of inspector or chief inspector.

(2) Such a member shall, so far as the exigencies of duty permit, be allowed a day's leave on each public holiday and be granted rest days at the rate of two rest days in respect of each week.”

Temporary salary

9. In regulation 30(3) of the principal regulations there shall be substituted for the word “superintendent” wherever occurring the word “inspector”.

Removal allowance

10. Regulation 43(1)(d) of the principal regulations shall be amended by deleting the words from “and may” to “immediately before the move”.

Allowance in respect of medical charges

11. Regulation 54 of the principal regulations shall be amended as follows—

(a) in paragraph (1) by substituting for the words from “other” to “paragraph (2)” the words “if the charges are incurred by reason of an injury received without his default in the execution of his duty as a constable”; and

(b) by deleting paragraph (2).

Modification for variable shift arrangements

12. Paragraph 4 of Schedule 2A to the principal regulations shall be amended by inserting after the words ““not less than”” the words “and in paragraph (7)(g) for the words “a normal daily period of duty” substitute “a rostered shift””.

Provisions ceasing to have effect

13. The following provisions of the principal regulations shall cease to have effect—

- (a) regulation 40 (housing allowance),
- (b) regulation 40A (housing allowance: supplementary),
- (c) regulation 40B (transitional rent allowance),
- (d) regulation 40C (application of regulation 40B to other members),
- (e) regulation 40D (application of regulation 42),
- (f) regulation 41 (supplementary housing allowance),
- (g) regulation 42 (compensatory grant),

- (h) regulation 44 (uniform allowance),
- (i) regulation 45 (women's stocking allowance),
- (j) regulation 47 (detective duty allowance),
- (k) regulation 51 (bicycle allowance),
- (l) regulation 52 (typewriter allowance),
- (m) regulation 55 (promotion examination allowance),
- (n) paragraph 4(1) and (2) of Schedule 4,
- (o) Schedules 9 and 10, and
- (p) paragraph 4 of Schedule 12.

Savings and transitional provision

14. The Schedule to these regulations (which contains savings and transitional provision) shall have effect.

Northern Ireland Office
26th August 1994

John Wheeler
Minister of State

Savings and Transitional Provision*Interpretation*

1.—(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 Royal Ulster Constabulary or another police force,

(b) was not then on unpaid leave,

(c) has at all times after 31st August 1994 been a member of a police force, and

(d) has not after that date been on unpaid leave.

(3) “Rejoining member” means a member who by reason only of a relevant absence is not a qualifying member.

(4) “Relevant absence” means—

(a) a period of central service or overseas service, or

(b) a period of unpaid leave,

ending after 31st August 1994.

(5) “Housing emoluments” means any one or more of the following kinds of payments under the principal regulations as they had effect before the coming into force of these regulations—

(a) a housing allowance under regulation 40,

(b) transitional rent allowance and a transitional supplementary rent allowance under regulation 40B,

(c) a supplementary housing allowance under regulation 41, and

(d) a compensatory grant under regulation 42,

and in relation to a rejoining 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) above.

Qualifying member previously provided with accommodation

2.—(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 7, 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

3.—(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 7, an allowance at the rate at which the housing emoluments were payable immediately before 1st September 1994.

Rejoining member previously provided with accommodation

4.—(1) A rejoining 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 7, an allowance at the rate 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 the 1st September 1994, immediately before it began, and

(b) in any other case, immediately before 1st September 1994.

Rejoining member previously in receipt of housing payments

5.—(1) A rejoining member who immediately before the relevant absence began was in receipt—

(a) of housing emoluments, or

(b) of a replacement allowance under paragraph 2 or 3,

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 7, 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.

Members provided with house or quarters

6. A qualifying member or a rejoining member who—

(a) is provided with a house or quarters free of rent, and

(b) if these regulations had not come into force would have been entitled to an allowance under regulation 40(11) or 41(3) of the principal regulations,

is, subject to paragraph 7, entitled to an equivalent replacement allowance.

Variation and termination of replacement allowances

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

(a) a housing allowance or transitional rent allowance payable as mentioned in paragraph 2(2) or 4(2), or

(b) any of the housing emoluments mentioned in paragraphs 3(1), 5(1)(a) and 6, would, if these regulations had not come into force, have fallen to be reduced or discontinued, the replacement allowance in question is reduced accordingly or, if the effect of a 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 these regulations had not come into force, have fallen

to be increased otherwise than under regulation 40A of the principal 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.

Removal allowance

8. In relation to a qualifying member or a rejoining member who is entitled to a replacement allowance under paragraphs 2 to 5, regulation 43(1) of the principal regulations has effect as if the words deleted by regulation 10 above had not been deleted, but had continued to have effect with the substitution for references to housing allowance or transitional rent allowance—

- (a) where paragraph 2 or 4 applies, of references to the replacement allowance, and
- (b) in any other case, of references to so much of the replacement allowance as is attributable to a previous housing allowance or transitional rent allowance.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Royal Ulster Constabulary Regulations 1984 (the principal regulations) and revoke a large number of provisions relating to housing payments and other miscellaneous allowances.

The effect of regulations 3 to 5, 6(a) and 7(a) is that inspectors and chief inspectors cease to work fixed hours in accordance with a duty roster, and accordingly cease to be entitled to extra payments for overtime, and for working on public holidays and rest days although they remain in principle free from duty on such days (see the new regulation 21A inserted into the principal regulations by regulation 8).

Regulation 6(b) reduces the length of unplanned overtime counting towards the overtime allowance payable to sergeants and constables; regulation 7(b) to (g) reduces the notice threshold for payment of rest day working allowance from 28 to 14 days, removes the additional entitlement to an extra rest day (but increases the time off that may be taken in lieu of the allowance) where there was less than 8 days' notice, and reduces the length at which a short period worked on a rest day counts if it is continuous with normal duty.

Regulation 9 provides that, where an officer of the rank of sergeant is required to perform duties normally performed by an officer of the rank of inspector, and is being paid at a rate equal to the lowest rate of pay of an inspector, he shall have no entitlement to an allowance, or time off, under regulations 20 (overtime) or 21 (public holidays and rest days for lower ranks) in respect of such duties.

The amendment made by regulation 10 is consequential upon the revocation of provisions about housing payments.

Regulation 11 makes medical charges reimbursable only if they arise from an injury received on duty, a restriction which previously applied only to officers first appointed after 30th November 1991.

Regulation 12 is consequential upon regulation 7(g).

Regulation 13 revokes provisions relating to allowances of various kinds, including payments in respect of housing where it was not provided free of rent.

For officers actually or potentially entitled to housing or housing payments immediately before the commencement of these regulations whose service thereafter is uninterrupted, or is interrupted only by central or overseas service or unpaid leave, equivalent entitlements to "replacement allowances" are provided by paragraphs 1 to 7 of the Schedule (given effect by regulation 14). Paragraph 8 preserves for such officers the possibility of limited reimbursement of removal expenses in respect of a period extending beyond the first 26 weeks following a move.