STATUTORY RULES OF NORTHERN IRELAND

1996 No. 564

Royal Ulster Constabulary Reserve (Full-time) (Appointment and Conditions of Service) Regulations 1996

Part III

Duty, Overtime and Leave

Duty to carry out lawful orders

17. 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 reserve constable.

Normal daily period of duty

18.—(1) The normal daily period of duty (including the period for refreshment referred to in paragraph (2)) of a member shall be 8 hours.

(2) As far as the exigencies of duty permit—

(a) the normal daily period of duty shall be performed in one tour of duty; and

(b) subject to paragraph 4 of Schedule 3, an interval of 45 minutes shall be allowed for refreshment.

(3) Where a member is required to perform his normal daily period of duty in more than one tour of duty and does not travel to and from his home between tours, an interval for refreshment and rest shall normally be included at the beginning or end of one of those tours.

Meaning of "day" in Part III

19.—(1) In this Part, the expression "day", in relation to members, means a period of 24 hours commencing at such time or times as the chief constable shall fix and the chief constable may fix different times in relation to different groups of members.

(2) In discharging his functions under paragraph (1), the chief constable shall have regard to the wishes of the central committee.

Variable shift arrangements

20.—(1) This regulation applies to members below the rank of reserve inspector.

(2) The chief constable may bring into operation variable shift arrangements agreed by him with the central committee for all members to whom this regulation applies or for any particular group or groups of such members.

(3) Variable shift arrangements must provide, as respects members for whom they are in operation—

(a) for hours of duty equivalent to those resulting from the application of regulations 18(1) and 23(1), and

(b) for annual leave equivalent to that resulting from the application of regulation 25(1) and Schedule 3, to other members.

(4) In relation to members for whom variable shift arrangements are in operation these regulations have effect with the modifications set out in Schedule 2.

Rostering of duties

21.—(1) The chief constable shall cause to be published, in accordance with this regulation, annual duty rosters for members and in these regulations—

(a) a reference to a rostered rest day is to be construed, in relation to a member who is required to do duty on that day, as a reference to 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; and

(b) a day off granted in lieu of a rostered rest day shall be treated as a rostered rest day.

(2) Each such roster shall be published at intervals not exceeding 12 months and not later than one month before the date on which it is to come into force.

(3) Each such roster shall set out, for the 12 months following the date on which it comes into force, in relation to each member to whom it relates—

(a) his rest days;

(b) those days, being public holidays, on which he may be required to do duty; and

(c) the times at which his scheduled daily periods of duty are to begin and end.

(4) Subject to paragraph (5), a duty roster shall make provision for—

(a) an interval of not less than 8 hours between the ending of each of a member's daily periods of duty and the beginning of the next; and

(b) an interval between each of his rostered rest days not exceeding 7 days;

unless the central committee agrees otherwise.

(5) Where, owing to the exigencies of duty, it is necessary to alter a duty roster, the officer responsible for making the alteration shall endeavour, so far as practicable, to avoid thereby requiring a member to do an additional daily period of duty such that the condition in paragraph (4)(*a*) would not be satisfied in relation thereto.

Overtime

22.—(1) Subject to, and in accordance with, the provisions of this regulation, a member below the rank of reserve inspector 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 period of duty,

and such time is referred to hereafter in these regulations as "overtime".

(2) Such a member shall not be compensated under this regulation for overtime for which he receives an allowance or time off under regulation 23 (public holidays and rest days) or 45 (allowance for recurring escort duty, etc.).

(3) Subject to paragraphs (4) and (6), such a member shall be granted an allowance in respect of each week at the rate of a twenty-fourth of a day's pay for each completed period of 15 minutes of overtime worked by him on any occasion during that week, 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.

(4) Where such a member, before the expiry of any pay period, elects, in respect of specified overtime worked by him during the weeks ending within that period, to be granted, in lieu of an allowance, time off subject to and in accordance with paragraph (5) and, in accordance therewith, receives time off in respect of any overtime, no allowance in respect thereof shall be payable under paragraph (3).

(5) Subject to the exigencies of duty, where, by virtue of an election under paragraph (4), time off falls to be granted to a member in respect of any overtime worked by him in any week, then, within such time (not exceeding 3 months) after that week as the chief constable may fix, he shall grant to the member time off equal, subject to paragraph (6), to the period of that overtime worked by him during that week and, in addition, for each completed 45 minutes of such overtime, an additional 15 minutes off.

(6) For the purposes of paragraphs (3) and (5), no account shall be taken of any period of less than 30 minutes of overtime worked on any occasion, other than a period of 15 minutes of overtime in respect of which the member was informed at the commencement of his tour that he would be required to remain on duty after his tour ended.

(7) In computing any period of overtime for the purposes of this regulation—

(a) where the member is engaged in casual escort duty, account shall be taken only of—

(i) time during which he is in charge of the person under escort,

(ii) such other time as is necessarily spent in travelling to or from the place where the member is to take charge of, or hand over, the person under escort, as the case may be, and

(iii) any other time that may be allowed by the chief constable, so however that, if the member is so engaged overnight and has proper sleeping accommodation, whether in a train or otherwise, the chief constable may exclude such period not exceeding 8 hours, during which the member is not in charge of the person under escort as he considers appropriate in the circumstances;

(b) subject to sub-paragraph (*d*), where the tour or tours does not or do not amount in the aggregate to more than the normal daily period of duty, no account shall be taken of any overtime except so much as together with the tour of duty exceeds the normal daily period of duty;

(c) where a member is recalled to duty between two rostered tours of duty and is entitled to reckon less than 4 hours of overtime in respect of any period for which he is recalled, disregarding any overtime reckonable by virtue of regulation 24 (travelling time treated as duty), he shall be deemed to have worked for that period 4 hours of overtime in addition to any overtime reckonable by virtue of regulation 24; and

(d) where the time at which a member is required to begin a rostered tour of duty is brought forward without due notice and so that he is required to begin that tour on a day on which he has already completed his normal daily period of duty, the time for which he is on duty before the rostered commencement time—

(i) shall be reckonable as overtime, and

(ii) shall be taken into account as part of that tour of duty.

(8) For the purposes of this regulation the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"a day's pay" means the member's pay for the week in question divided by 5;

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

"member recalled to duty" does not include a member who is only warned to be in readiness for duty if required;

"normal daily period of duty" shall be construed in accordance with regulation 18;

"pay period" means the period for which, in pursuance of regulation 35 (pay day), a member is paid;

"week" means the period of 7 days beginning with such day as is fixed by the chief constable.

Public holidays and rest days

23.—(1) Subject to the following provisions of this regulation, 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.

(2) A member shall, if required to do duty on a day which is a rostered rest day, be granted—

(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.

(3) 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 (4).

(4) 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.

(5) A member shall, if required to do duty on a day which is a public holiday, be granted—

(a) where he receives less than 8 days' notice of the requirement—

(i) an allowance at the appropriate rate and, in addition,

(ii) another day off in lieu thereof, which shall be notified to him within 4 days of notification of the requirement and which shall be treated for the purposes of this regulation as a public holiday;

(b) in any other case, an allowance at the appropriate rate.

(6) A member who is required to do duty on a day which is a public holiday or a rostered rest day may, within 28 days of the day in question, elect to receive, in lieu of an allowance as mentioned in paragraph (2)(*a*) or paragraph (5)(*a*) or (*b*), time off equal—

(a) in the case of a day which is a public holiday, to double, and

(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,

the period of completed quarters of an hour of duty on the day in question.

(7) Where such a member who is required to do duty on a day which is a public holiday or a rostered rest day has elected to receive time off as mentioned in paragraph (6), the chief constable shall, subject to the exigencies of duty, grant such time off within such time (not exceeding 3 months) as he may fix; and subject to such time off being taken, no allowance in respect of the day in question shall be payable under paragraph (2)(*a*) or, as the case may be, paragraph (5)(*a*) or (*b*).

(8) Subject to paragraph (9), for the purposes of this regulation—

(a) a member who is paid a dog handler's allowance shall not be treated as required to do duty by reason only of his being required to care for the dog;

(b) "a day's pay" means a week's pay, at the rate at which the member was paid on the day in question, divided by 5;

(c) "the appropriate rate" means a sixteenth of a day's pay for each completed 15 minutes of duty done on a public holiday;

(d) a reference to a day which is a public holiday is to be construed, in relation to the member concerned, as a reference to a day within the meaning of regulation 19(1) (meaning of "day" in Part III) commencing at any time on the calendar date of the public holiday in question;

(e) the expression "week" means a period of 7 days beginning with such day as is fixed by the chief constable;

(f) where a member is required to do duty, or is recalled to duty, for a period or periods of less than four completed hours on a day which is a public holiday or a rostered rest day, such period or, as the case may be, each such period, shall be treated as though it were a period of 4 completed hours, 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;

(g) where a member is required to do duty on a day which is a public holiday or on a rostered rest day, his period of duty shall include (save for the purposes of sub-paragraph (*f*)) the time occupied by him in going to, and returning from, his place of duty, not exceeding such reasonable time limit as may be fixed by the chief constable, save that, for the purposes of this sub-paragraph, there shall be disregarded any period of time so occupied—

(i) which together with the member's period of duty exceeds 6 hours, or

(ii) which is treated as a period of duty under regulation 24.

(9) Where it is at his own request that a member works on a day which is a public holiday or a rostered rest day, he shall not be treated for the purposes of this regulation as having been required to do duty on that day but shall be granted another day off in lieu thereof, which shall be treated as a public holiday or a rostered rest day as the case may be.

Travelling time treated as duty

24.—(1) This regulation shall apply where a member is—

(a) required to perform—

(i) his normal daily period of duty, or

(ii) duty on a public holiday, or

(iii) duty on a day which would have otherwise been a rostered rest day

in more than one tour of duty, or

(b) recalled to duty between 2 tours of duty,

and travels to and from his home between tours or, as the case may be, in consequence of his recall (in this regulation referred to as "relevant travelling").

(2) For the purposes of this regulation, duty on a public holiday or on a day which would otherwise have been a rostered rest day shall be regarded as a recall to duty between 2 tours of duty only if the member, after completion of a period of such duty, is recalled for further duty.

(3) In computing any period of overtime for the purposes of regulation 22 or any period of duty for the purposes of regulation 23 (save for the purposes of paragraph (8)(*f*) thereof) the time occupied by such a member in relevant travelling, not exceeding such reasonable limit as may be fixed by the chief constable, shall be treated as a period of duty.

(4) For the purposes of regulation 42 the use of a motor vehicle for relevant travelling shall be treated as such use for the purpose of duties performed by the member concerned.

(5) Relevant travelling expenses shall be treated as expenses incurred in the execution of duty and, unless they are expenses in respect of which an allowance is payable under these regulations, the member concerned shall be reimbursed those expenses to the extent that they do not exceed such reasonable limit as the Police Authority may fix.

Annual leave

25.—(1) Every member shall, so far as the exigencies of duty permit, be granted annual leave in accordance with Schedule 3.

(2) The annual leave of a member shall be additional to the days upon which he is not required to perform police duties in accordance with regulation 23 and a member shall, so far as the exigencies of duty permit, be allowed to take his annual leave in one period continuous with such days as aforesaid falling within the period in which he desires to take annual leave.

Sick leave

26.—(1) A member shall not be entitled to be absent from duty on account of injury or illness unless a registered medical practitioner has certified him to be unfit for duty:

Provided that—

(a) with the consent of the Police Authority, a member may be so absent without such certificate of unfitness where the period of unfitness for duty does not exceed 7 days, including any day on which, even if he were fit to do so, he would not have been required to perform police duty;

(b) if, notwithstanding such certificate of unfitness for duty, a registered medical practitioner, appointed or approved by the Police Authority, has examined the member and considers him to be fit for duty, the Police Authority shall, if the medical practitioner who issued the certificate of unfitness for duty agrees, within 28 days of the difference of opinion coming to its attention, arrange for a third registered medical practitioner to examine the member and to report, in writing, to the other two practitioners concerned; the third registered medical practitioner shall be acceptable to the practitioner who issued the certificate of unfitness for duty and to the practitioner who has examined the member on behalf of the Police Authority, except that in the event of a failure to agree, the Police Authority may appoint such third registered medical practitioner as it considers appropriate; and if the third registered medical practitioner certifies the member to be fit for duty, or if the medical practitioner who issued the certificate of unfitness for duty does not agree to such further examination, the member shall no longer be entitled to be absent from duty.

(2) This regulation shall apply to a member who is in quarantine as it applies to a member who is ill and any reference to fitness or unfitness for duty shall be construed accordingly.

Leave for ante-natal care

27.—(1) A female member who is pregnant and who, on the advice of a registered medical practitioner, registered midwife or registered health visitor, has made an appointment to attend at any place for the purpose of receiving ante-natal care shall, subject to the following provisions of

this regulation, have the right not to be unreasonably refused special leave from duty to enable her to keep the appointment.

(2) Subject to paragraph (3), the chief constable shall not be required by virtue of this regulation to permit a female member to take special leave from duty to keep an appointment unless, if he requests her to do so, she produces for his inspection—

(a) a certificate from a registered medical practitioner, registered midwife or registered health visitor stating that she is pregnant, and

(b) an appointment card or other document showing that the appointment has been made.

(3) Paragraph (2) shall not apply where the female member's appointment is the first appointment during her pregnancy for which she seeks permission to take special leave from duty in accordance with paragraph (1).

(4) A period of special leave from duty taken in accordance with paragraph (1) shall be treated as a period of duty.

Maternity leave

28.—(1) In this regulation—

"expected date of birth" means, subject to paragraph (4), the date given in accordance with paragraph (2)(*b*);

"maternity leave" means leave taken in accordance with the provisions of this regulation by a qualified member during the maternity period;

"maternity period", in relation to such a member, means the period beginning six months before the probable date of birth of the member's child, as given under paragraph (2)(*b*) or, as the case may be, paragraph (4), and ending nine months after the date so given; and

"qualified member" means a member who qualifies under paragraph (2).

(2) Subject to the following provisions of this regulation, a female member qualifies for maternity leave when she has given to the chief constable notice stating—

(a) that she is pregnant;

(b) the probable date of the birth of her child; and

(c) the date on which she intends to commence maternity leave or, where she proposes to take more than one period of maternity leave before the probable date of birth of her child, the proposed dates of those periods.

(3) A female member does not qualify for maternity leave where the chief constable has requested a certificate from a registered medical practitioner, registered midwife or registered health visitor setting out the matters referred to in paragraph (2)(*a*) and (*b*) and she fails to produce such a certificate.

(4) Where a certificate produced under paragraph (3) sets out a different date as the probable date of the birth of the child of the female member from the date given in accordance with paragraph (2)(*b*), the date given in the certificate shall have effect in place of the date given in the notice.

(5) A female member who is pregnant shall give the notice required by paragraph (2) as soon as reasonably practicable after she becomes aware of the probable date of birth of her child.

(6) The date given in accordance with paragraph (2)(*c*) may be amended by a subsequent notice to the chief constable, provided that not less than 21 days' notice is given of the qualified member's intention to return to duty.

(7) A qualified member shall commence maternity leave no later than the date given in accordance with paragraph (2)(*b*) and, subject to paragraphs (8) and (9), the leave shall continue until the last day of the maternity leave.

(8) Where a qualified member intends to return to duty before the end of the maternity period after taking maternity leave, she shall give the chief constable not less than 21 days' notice of her intention.

(9) A notice under paragraph (8) may be subsequently revoked; and any such revocation shall be without prejudice to the giving of another notice under that paragraph of an intention to return to duty before the end of the maternity period.

(10) During any period of maternity leave, a qualified member shall not be entitled to any sick leave under regulation 26.

(11) In paragraph (10) "period of maternity leave" means the period—

(a) beginning on—

(i) the date given in accordance with paragraph (2)(*c*) as the date on which the qualified member intends to commence maternity leave or, where she proposes to take more than one period of such leave, the first of those dates, or

(ii) where that date or, as the case may be, the first of those dates has been amended by a subsequent notice under paragraph (6), that date; and

(b) ending on—

(i) where a notice has been given under paragraph (8) and has not been subsequently revoked, the date so given, or

(ii) where no such notice has been given or remains in force, the last day of the maternity period.

Paternity leave

29.—(1) So far as the exigencies of duty permit, a male member shall be granted 2 days' paternity leave during the relevant part of a woman's maternity period.

(2) A woman's maternity period is one beginning with the later of—

(a) the date on which she is certified by a registered medical practitioner to be pregnant, and

(b) the date 6 months before the one estimated by that practitioner as being the probable date of birth,

and ending 9 months after the birth of the child.

(3) The relevant part of a woman's maternity period is any part during which—

(a) the member is married to and not separated from her, or

(b) they are not married to each other but are living together as husband and wife.