

## 1977 No. 237

## POLICE

## Royal Ulster Constabulary (Amendment No. 3) Regulations 1977

Made . . . . . 29th July 1977

Coming into operation . . . . . 1st September 1977

To be laid before Parliament

The Secretary of State(a), in pursuance of sections 25 and 34(3) of the Police Act (Northern Ireland) 1970(b), and after consulting, in accordance with section 34(2) of the said Act of 1970, the Police Authority for Northern Ireland and the Police Association for Northern Ireland and, in accordance with section 4(4) of the Police Act 1969(c), the Police Council for the United Kingdom, hereby, with the concurrence of the Minister for the Civil Service(d), makes the following regulations:

*Citation, commencement and effect*

1.—(1) These regulations may be cited as the Royal Ulster Constabulary (Amendment No. 3) Regulations 1977.

(2) These regulations shall come into operation on 1st September 1977.

*Interpretation*

2. In these regulations any reference to the principal regulations is a reference to the Royal Ulster Constabulary Regulations 1973(e).

*Scales and conditions of pay*

3. For regulation 28(6) of the principal regulations (scales and conditions of pay) there shall be substituted the following provision:—

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

*Plain clothes allowances and provision of women's stockings or tights*

4. For regulations 47 and 62 of the principal regulations (plain clothes allowances and provision of women's stockings or tights) there shall be substituted the regulations set out in Appendix 1.

*Allowances*

5. In Part V of the principal regulations (allowances, etc.) after regulation 59 there shall be inserted the following regulation:—

(a) Formerly the Ministry of Home Affairs for Northern Ireland: see S.I. 1973/2163 (1973, III, p. 7541)

(b) 1970 c. 9 (N.I.) as amended by S.I. 1977/53 (N.I. 2), Article 17

(c) 1969 c. 63

(d) Formerly the Ministry of Finance for Northern Ireland: see S.I. 1973/2163 (1973, III, p. 7541)

(e) S.R. & O. (N.I.) 1973 No. 31 (I, p. 108) as amended by S.R. & O. (N.I.) 1973 No. 440 (II, p. 2624), S.R.s 1974 No. 97 (I, p. 326), 1976 No. 270 and 1977 Nos. 48 and 233

*“Allowances in respect of periods of suspension*

**59A.** This part of these regulations shall have effect in relation to a member suspended under the Discipline Regulations, subject to the provisions of paragraphs 2 and 3 of Schedule 4A.”

*Pay and allowances*

**6.** After Schedule 4 to the principal regulations (pay) there shall be inserted the Schedule set out in Appendix 2.

*Subsistence, refreshment and lodging allowances*

**7.** For paragraph 1 of Schedule 6 to the principal regulations (subsistence, refreshment and lodging allowances) there shall be substituted the following provision:—

“1.—(1) Subject as hereinafter in this Schedule provided, the amount of a subsistence, refreshment or lodging allowance payable under regulation 50 shall be in accordance with such scale appropriate to the rank of the member concerned as shall be determined by the Secretary of State: and separate scales shall be determined for members of the rank of superintendent and for members below that rank.

(2) The scales of refreshment allowances shall provide for the allowance payable in respect of one meal and that payable in respect of two meals.

(3) The scales of subsistence allowances shall provide for the allowance payable in respect of a period of retention or engagement on duty of—

- (a) over 5 hours but not exceeding 8 hours;
- (b) over 8 hours but not exceeding 12 hours;
- (c) over 12 hours but not exceeding 24 hours;
- (d) over 24 hours.”

*Motor vehicle allowances*

**8.—(1)** Tables A and B shall be omitted from Schedule 7 to the principal regulations (motor vehicle allowances in respect of motor cars).

(2) At the end of paragraph 1 of the said Schedule 7 there shall be added the following provision:—

“(2) For the purposes of this Schedule any reference to Table A or B is a reference to the Table so designated for those purposes as shall be determined hereunder by the Secretary of State”.

(3) In paragraphs 2(2)(a) and 3 of the said Schedule 7 the words “the following” shall be omitted.

(4) In paragraph 2(2)(b) and, where they first occur, in paragraph 2(3) of the said Schedule 7 the words “the said” shall be omitted.

*Specified date*

**9.** At the end of the said Schedule 7 there shall be added the following provision:—

“5.—(1) Where in any year a change is made in Tables A and B with effect from a date specified by the Secretary of State (hereinafter referred to as the “specified date”) then, unless the specified date is 1st October, as respects that year a motor vehicle allowance shall be calculated subject to the provisions of this paragraph.

(2) So far as the allowance falls to be calculated by reference to completed months of authorised use ending, or mileage of authorised use performed, on or after the specified date, it shall be calculated by reference to the changed Tables but, save as aforesaid, the allowance shall be calculated as if the Tables had not been changed."

*Roy Mason*

Northern Ireland Office  
29th July 1977

One of Her Majesty's Principal  
Secretaries of State

The concurrence of the Minister for the Civil Service given under his  
Official Seal on 29th July 1977.

(L.S.)

*W. E. Wightman*

Authorised by the Minister  
for the Civil Service

## APPENDIX 1

**Regulations substituted for Regulations 47 and 62 of the Principal Regulations***Plain clothes allowances*

47.—(1) A member who is required for a continuous period of not less than a week to do duty in plain clothes shall be paid a plain clothes allowance at such annual rate appropriate to his rank as shall be determined by the Secretary of State; and different rates shall be determined for the ranks of superintendent, inspector, sergeant and constable.

(2) An inspector, sergeant or constable required to perform duties in plain clothes for not less than 40 hours in the aggregate in any period of 6 months shall, subject to paragraph (3), be paid a plain clothes allowance in respect of such duties at such hourly rate appropriate to his rank as shall be determined by the Secretary of State; and different rates shall be determined for the ranks of inspector, sergeant and constable.

(3) For the purposes of paragraph (2) and the calculation of the aggregate duration of the duties there referred to—

- (a) where the duties were performed on an occasion falling within such a continuous period of plain clothes duty as is mentioned in paragraph (1), no account shall be taken of those duties;
- (b) where the duties performed on any occasion lasted for less than 4 completed hours, no account shall be taken of those duties;
- (c) where the duties performed on any occasion lasted for a completed number of hours and a fraction of an hour, no account shall be taken of that fraction.

(4) Notwithstanding anything in paragraph (1) or (2), where a member is provided with overalls when doing duty in plain clothes or for any other reason is, in the opinion of the Secretary of State, put to substantially less or substantially more than the normal expense caused by wearing his own clothes, a plain clothes allowance payable to him under paragraph (1) or (2) shall be payable not at the rate determined under the paragraph in question but at such rate as may be approved by the Secretary of State having regard to the circumstances of the case.

*Provision of stockings or tights to women members*

62.—(1) Where, in the case of a woman member, stockings or tights are provided by the Police Authority for the purposes of duty the issue shall be at the rate of 24 pairs annually.

(2) A woman member who is not supplied with stockings or tights by the Police Authority shall be paid in lieu an allowance at such annual rate as shall be determined by the Secretary of State unless she is being paid either a uniform allowance under regulation 45 or a plain clothes allowance under regulation 47(1).

## APPENDIX 2

## SCHEDULE INSERTED AFTER SCHEDULE 4 TO THE PRINCIPAL REGULATIONS

## SCHEDULE 4A

**Effect of disciplinary action on pay and allowances**

1.—(1) Subject to paragraph 3, a member suspended under the Discipline 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 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 the deputy chief constable acting as chief constable), shall not, by virtue of regulation 28, 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 the chief constable or another senior officer within the meaning of the Discipline Regulations sub-paragraph (1) shall have effect as if for the reference therein to the chief constable (or the deputy chief constable acting as chief constable) there were substituted a reference to the Police Authority.

2. Subject to paragraph 3, a member suspended under the Discipline Regulations shall not, by virtue of Part V of these regulations, be entitled to any allowance, other than a rent allowance, supplementary rent allowance or compensatory grant in respect of the period of suspension.

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 Discipline 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 force, the whole amount of any fine unpaid may be deducted from any pay then due.

## EXPLANATORY NOTE

*(This note is not part of the regulations but is intended to indicate their general purport.)*

These regulations amend the Royal Ulster Constabulary Regulations 1973 (the "principal regulations").

Regulations 3, 5 and 6 include in the principal regulations provisions relating to the emoluments of policemen suspended from duty, and the recovery from pay of fines imposed, under regulations relating to discipline. The provisions correspond to those previously contained in the regulations revoked by the Royal Ulster Constabulary (Discipline and Disciplinary Appeals) Regulations 1977 (S.R. 1977 No. 236).

Regulations 4, 7, 8 and 9 relate to specified allowances payable in respect of certain expenditure which does not rank for reimbursement, namely, plain clothes, women's stockings, subsistence, refreshment, lodging and motor vehicle allowances. The conditions under which these allowances are payable are unchanged and remain specified in the principal regulations but, with effect from 1st September 1977, the rates of these allowances are no longer so specified but fall to be determined by the Secretary of State; (this provision is made in exercise of the power conferred by section 34 of the Police Act (Northern Ireland) 1970 as amended by Article 17 of the Police (Northern Ireland) Order 1977).