

1985 No. 292

POLICE

Royal Ulster Constabulary (Amendment No. 2) Regulations 1985

Made 17th October 1985

Coming into operation 1st December 1985

To be laid before Parliament

The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970(a), read with section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962(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 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(c), hereby with the concurrence of the Treasury makes the following regulations:—

Citation, operation and effect

1.—(1) These regulations may be cited as The Royal Ulster Constabulary (Amendment No. 2) Regulations 1985.

(2) These regulations shall come into operation on 1st December 1985 but shall have effect for the purposes of regulation 13 as from 1st July 1984, for the purposes of regulations 11(2) and 15 as from 1st January 1985, for the purposes of regulation 10 as from 1st April 1985 and for the purposes of regulations 14 and 16 as from 1st September 1985.

Interpretation

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

Business interests incompatible with membership of the force

3. In regulation 8 of the principal regulations after paragraph (3) there shall be inserted the following provision:—

“(3A) Upon receipt of such notice, the Police Authority shall send to the member concerned copies of any documents submitted to them by the chief constable setting out the matters on which he relies in support of his decision and shall afford the member concerned a reasonable opportunity to comment thereon.”.

Normal daily period of duty

4. Regulation 19 of the principal regulations shall be amended as follows:—

(a) in paragraph (2), the words following “8 hours” shall be omitted;

(a) 1970 c. 9 (N.I.) as modified by S.I. 1973/2163 and S.I. 1981/1670

(b) 1962 c. 7 (N.I.)

(c) 1980 c. 10

(d) S.R. 1984 No. 62 as amended by S.R. 1984 No. 380

(b) for paragraph (3) there shall be substituted the following provision:—

“(3) As far as the exigencies of duty permit—

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

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

(c) there shall be inserted after paragraph (4) the following provisions:—

“(5) In this Part of these Regulations, 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.

(6) In discharging his functions under paragraph (5), the chief constable shall have regard to the wishes of the central committee of the Police Federation for Northern Ireland.”.

Rostering of duties

5. There shall be inserted after regulation 19 of the principal regulations the following provision:—

“*Rostering of duties*

19A.—(1) The chief constable shall cause to be published, in accordance with this regulation, annual duty rosters for members below the rank of superintendent.

(2) Each such roster shall, in the first place, be published to the members to whom it relates not later than one month before the expiry of the roster of duties in force in relation to those members immediately before 1st December 1985.

(3) Each such roster shall thereafter 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.

(4) 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 which 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.

(5) Subject to paragraph (6), 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 of the Police Federation for Northern Ireland agrees otherwise.

(6) 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 (5)(a) would not be satisfied in relation thereto.”.

Overtime

6. There shall be substituted for regulation 20 of the principal regulations the following provision:—

“Overtime

20.—(1) Subject to, and in accordance with, the provisions of this regulation, a member shall be compensated in respect of time for which he remains on duty after his tour of duty ends or is recalled between two hours of duty (hereafter in these regulations referred to 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 21 or 56.

(3) A member to whom regulation 19 applies shall, subject to paragraph (6), 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.

(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 the foregoing paragraphs, 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) 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 or tours of duty exceeds the normal daily period of duty; and

(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, disregarding any overtime reckonable by virtue of regulation 23 (travelling time treated as duty), he shall be deemed on that occasion to have worked for such period that he is entitled to reckon 4 hours of overtime, together with any overtime reckonable by virtue of regulation 23.

(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;
 “member recalled to duty” does not include a member who is only warned to be in readiness for duty if required;
 “pay period” means the period for which, in pursuance of regulation 37, 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 for lower ranks

7. There shall be substituted for regulation 21 of the principal regulations the following provision:—

“Public holidays and rest days for lower ranks

21.—(1) This regulation shall apply to every member below the rank of superintendent.

(2) 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 2 rest days in respect of each week.

(3) 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 8 days’ notice of the requirement, an allowance at the appropriate rate and, in addition, another rest day in lieu thereof, which shall be notified to him within 4 days of notification of the requirement;
- (b) where he receives at least 8 days’ but less than 29 days’ notice of the requirement, an allowance at the appropriate rate;
- (c) in any other case, another rest day in lieu thereof, which shall be notified to him within 4 days of notification of the requirement.

(4) 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.

(5) 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 (3)(a) or (b) or paragraph (4)(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, to one and a half times,

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

(6) Where such a member who is required to do duty on a day which is a holiday or a rostered rest day has elected to receive time off as mentioned in paragraph (5), 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 (3)(a) or (b) or, as the case may be, paragraph (4)(a) or (b).

(7) Subject to paragraph (8), 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, and three sixty-fourths of a day's pay for each such period of duty done on a rostered rest day;
- (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(5) commencing at any time on the calendar date of the public holiday in question;
- (e) a reference to a rostered rest day is to be construed as a reference to a day which, according to the roster of duties under regulation 19A was, immediately before the requirement to do duty on that day, to have been a rest day for the member concerned;
- (f) in paragraph (2) the expression "week" means a period of 7 days beginning with such day as is fixed by the chief constable;
- (g) a period of less than 4 completed hours of duty on a day which is a public holiday or on a rostered rest day shall be treated as though it were a period of 4 completed hours of duty; and
- (h) 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 (g)) the time occupied by him in going to, and returning from, his place of duty, not exceeding such reasonable 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 23.

(8) 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."

Public holidays and monthly leave days for higher ranks

8. Regulation 22 of the principal regulations shall be amended as follows:—

- (a) in paragraph (3), for the words "3 months" there shall be substituted the words "12 months in the case of a superintendent or 3 months in any other case".
- (b) in paragraph (4), for the words "three months" there shall be substituted the words "12 months".

Travelling time treated as duty

9. In paragraph (3) of regulation 23 of the principal regulations there shall be substituted for the words "(6)(e)" the words "(7)(g)".

Plain clothes allowance

10. For regulation 46(1) and (2) of the principal regulations there shall be substituted the following provisions:—

“(1) A member below the rank of assistant chief constable 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 as shall be determined by the Secretary of State.

(2) A member below the rank of superintendent who is 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 as shall be determined by the Secretary of State.”

Typewriter allowance

11.—(1) For paragraph (1) of regulation 52 of the principal regulations there shall be substituted the following provision:—

“(1) Where, immediately before 1st December 1985, a member was in receipt of a typewriter allowance in accordance with Schedule 10 in respect of the use of a typewriter owned by him which he is authorised by the chief constable to use for the purposes of duties normally and from time to time performed by him, he shall in respect of such use, continue to be paid such an allowance and the Police Authority shall continue to supply him with typewriter ribbons free of charge.”

(2) Paragraph 1 of Schedule 10 to the principal regulations shall be substituted by the following provision:—

“1. The amount of a typewriter allowance shall be calculated by reference to the duration of the authority given for the purposes of regulation 52 at a rate determined by the Police Authority not exceeding £20 a year.”

Annual leave

12. Paragraph 3(2) of Schedule 3 to the principal regulations shall be omitted and there shall be inserted after the said paragraph 3 the following provision:—

“**3A.**—(1) Subject to sub-paragraph (2), days of annual leave granted under this Schedule may be taken, at the discretion of the chief constable and subject to the exigencies of duty, as a single period, or as single days, or in periods of more than one day, or as half days.

(2) In the case of a member below the rank of superintendent, not more than 3 days of annual leave shall be taken as half days, and where annual leave is so taken, the member—

(a) shall do duty on that day for 4 hours, and

(b) shall not be entitled to be allowed an interval for refreshment such as is mentioned in regulation 19(3).”

University scholars

13. In paragraph 3(2) of Schedule 4 to the principal regulations for the words “£801” there shall be substituted the words “£837”.

Pay

14. In Schedule 5 to the principal regulations for Tables B and C there shall be substituted respectively the Tables set out in the Schedule.

Bicycle allowance

15. Paragraph 1 of Schedule 9 to the principal regulations shall be substituted by the following provision:—

“1. The amount of a bicycle allowance shall be calculated by reference to the duration of the authority given for the purposes of regulation 51 at the rate of £50 a year:

Provided that the amount of the allowance payable to a member in any year shall not be less than £10.”.

Dog handler's allowance

16. In Schedule 11 to the principal regulations there shall be substituted, in paragraph 1(a), for the words “£492” the words “£528”, and, in paragraph 1(b), for the words “£666” the words “£717”.

Northern Ireland Office
17th October 1985

Tom King
One of Her Majesty's Principal
Secretaries of State

We concur
23rd October 1985

Donald Thompson
A. G. Hamilton
Two of the Lords Commissioners
of Her Majesty's Treasury

SCHEDULE

Tables substituted for Tables B and C in Schedule 5 to the principal regulations with effect from 1st September 1985

TABLE B

<i>Rank</i>	<i>Service in rank</i>	<i>Annual pay</i>
Chief Superintendent	Less than 1 year	£22,671
	After 1 year	£22,995
	After 2 years	£23,511
	After 3 years	£24,072
Superintendent	Less than 1 year	£20,394
	After 1 year	£20,913
	After 2 years	£21,432
	After 3 years	£22,143
Chief Inspector	Less than 1 year	£14,991
	After 1 year	£15,411
	After 2 years	£15,828
	After 3 years	£16,254
	After 4 years	£16,677
Inspector	Less than 1 year	£13,203
	After 1 year	£13,617
	After 2 years	£14,151
	After 3 years	£14,568
	After 4 years	£14,991
Sergeant	Less than 1 year	£11,508
	After 1 year	£12,033
	After 2 years	£12,456
	After 3 years	£12,870
	After 4 years	£13,203

TABLE C

Annual pay of Constables

<i>Reckonable service</i>	<i>Annual pay</i>
Before completing 1 year of service	£ 7,212
After 1 year of service	£ 7,710
After 2 years of service	£ 9,075
After 3 years of service	£ 9,291
After 4 years of service	£ 9,597
After 5 years of service	£ 9,927
After 6 years of service	£10,245
After 7 years of service	£10,563
After 8 years of service	£10,875
After 12 years of service	£11,508
After 15 years of service	£12,033

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Royal Ulster Constabulary Regulations 1984 (the principal regulations) with effect from 1st December 1985 in the case of regulations 3, 4, 5, 6, 7, 8, 9, 11(1) and 12, from 1st April 1985 in the case of regulation 10, from 1st January 1985 in the case of regulations 11(2) and 15, from 1st July 1984 in the case of regulation 13 and from 1st September 1985 in the case of regulations 14 and 16.

Regulation 3 relates to a member who appeals to the Police Authority under regulation 8(3) of the principal regulations against the chief constable's decision that a business interest which he or his family has is incompatible with his remaining a member of the force. The regulation entitles him, on giving notice of appeal to the Police Authority, to copies of any documents sent by the chief constable to the Police Authority in support of his decision.

Regulation 4 amends the provision made by regulation 19 of the principal regulations for defining and regulating the normal daily period of duty of a member. Time occupied in reporting at the appointed place for duty is no longer included in the definition. Where annual leave is taken as a half day (by virtue of the amendment to Schedule 3 to the principal regulations by regulation 12 of these regulations) there will be no entitlement to an interval for refreshment under regulation 19(3). The chief constable is required to determine the force day, in consultation with the central committee of the Police Federation for Northern Ireland. Regulation 5 provides for the publication by the chief constable of annual duty rosters.

Regulations 6 and 7 make new, simplified provision for allowances and time off in respect of overtime and cases where members are required to work on a public holiday or a rostered rest day (substituted regulations 20 and 21 respectively). All periods of overtime of 30 minutes or more will be compensated at the rate of time and a third (substituted regulation 29(3)). An officer will be entitled to a minimum of 4 hours' compensation at overtime rates when he is recalled to duty between 2 rostered tours of duty (substituted regulation 20(7)(c)). Where an officer is required to work on a rostered rest day and 8 days or more notice is given of the requirement, the present practices are replaced by uniform rules depending on whether 29 days' notice is given (substituted regulation 21(3)(b) and (c)). Compensation is improved where an officer is given less than 8 days' notice of a requirement to work on a public holiday (substituted regulation 21(4)). Provision for electing to receive time off in lieu of an allowance is simplified (substituted regulation 21(5)).

Regulation 8 allows members of the superintending ranks to have time off in lieu of public holidays and monthly leave days.

Regulation 10 increases plain clothes allowances. Regulation 11 increases the typewriter allowance (which will henceforth apply only in cases where it was being paid immediately before 1st December 1985). Regulation 12 regulates the manner in which annual leave may be taken. Regulation 13 increases the supplement payable to a member who takes up residence as a university scholar in London. Regulation 14 increases the rates of pay for members of the force of rank not higher than that of chief superintendent. Regulation 15 increases the bicycle allowance.

Regulation 16 increases the dog handler's allowance.

Retrospective effect is authorised by section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962.