

1988 No. 35

POLICE

Royal Ulster Constabulary Reserve (Part-time) (Appointments and Conditions of Service) Regulations 1988

Made . . . . . 2nd February 1988

Coming into operation . . . . . 21st March 1988

To be laid before Parliament

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The Secretary of State, in pursuance of section 26 and section 34(3) 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, hereby with the concurrence of the Treasury makes the following regulations:—

## PART I

### GENERAL

#### *Citation and operation*

1. These regulations may be cited as the Royal Ulster Constabulary Reserve (Part-time) (Appointment and Conditions of Service) Regulations 1988 and shall come into operation on 21st March 1988.

#### *Revocations*

2. The Royal Ulster Constabulary Reserve (Appointment and Conditions of Service) Regulations (Northern Ireland) 1973(b) insofar as they refer to service on a part-time basis and the Royal Ulster Constabulary Reserve (Appointment and Conditions of Service) (Amendment) Regulations (Northern Ireland) 1975(c) are hereby revoked.

#### *Meanings assigned to certain expressions, etc.*

3.—(1) In these regulations the following expressions have the meanings hereby assigned to them:—

“chief constable” means the chief constable of the Royal Ulster Constabulary;

“Discipline Regulations” means the regulations for the Royal Ulster Constabulary part-time Reserve relating to discipline for the time being in force;

“member” means a member of the Royal Ulster Constabulary Reserve appointed on a part-time basis;

“the Act” means the Police Act (Northern Ireland) 1970;

“the force” means the Royal Ulster Constabulary Reserve.

(2) Nothing in these regulations shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.

## PART II

### ORGANISATION

#### *Authorised establishment*

4. The establishment of the force shall be constituted by the maximum number of persons in each rank mentioned in regulation 5 which is determined for this purpose in accordance with section 6 of the Act.

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

(b) S.R. & O. (N.I.) 1973 No. 83 (p.372)

(c) S.R. 1975 No. 67

*Ranks*

5.—(1) The force may consist of members of the following ranks:—

- Reserve Superintendent
- Reserve Inspector
- Reserve Sergeant
- Reserve Constable

and the chief constable may appoint such numbers of members to the various ranks as the Police Authority may approve.

(2) Without prejudice to regulation 11(2), the appointment of every member shall, unless otherwise specified, be without limitation as to period.

*Control*

6. Members shall be under the direction and control of the chief constable.

*Restrictions on the private life of members*

7.—(1) No restrictions on private life of members shall be imposed by the Police Authority or the chief constable other than those designed to secure the proper exercise of the functions of a member except such as may temporarily be necessary or such as may be approved by the Secretary of State after consultation with the Advisory Board and any such restriction temporarily imposed shall be reported forthwith to the Secretary of State.

(2) A member shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his duties or which is likely to give rise to the impression amongst members of the public that it may so interfere; and in particular a member shall not take any active part in politics.

(3) A member shall not wilfully refuse or neglect to discharge any lawful debt.

#### APPOINTMENT, PROBATION AND RETIREMENT

*Qualifications for appointment to the force*

8.—(1) For appointment to the force a candidate must—

- (a) produce satisfactory references as to character, and, if he has served in any police force or in any special constabulary, in the armed forces, in the civil service or as a seaman, produce satisfactory proof of his good conduct while so serving;
- (b) have attained the age of 18 years;
- (c) be certified by a registered medical practitioner approved by the Police Authority to be in good health, of sound constitution, and fitted both physically and mentally to perform the duties on which he will be employed after appointment;
- (d) unless the chief constable with the approval of the Police Authority decides, have a minimum height of 168 cms in the case of a man or 162 cms in the case of a woman;
- (e) satisfy the chief constable that he is sufficiently educated by passing a written and oral examination; and

- (f) give such information as may be required as to his previous history, employment or any other matter relating to his appointment to the force.
- (2) For the purposes of this regulation—
  - (a) the expression “armed forces” means the naval, military or air forces of the Crown including any women’s service administered by the Defence Council; and
  - (b) the expression “seaman” has the same meaning as in the Merchant Shipping Act 1894(a).

### *Probation*

9.—(1) A member shall be on probation for 2 years from the date of his first appointment as a member, provided that, in the case of a former member of the force, or of the Royal Ulster Constabulary or of a police force in Great Britain, service in that force may, at the chief constable’s discretion, count towards the period mentioned.

(2) If, in the opinion of the chief constable, the said period of probation was seriously interrupted by a period of absence from duty by reason of injury or illness, the chief constable may at his discretion extend the period of probation for such longer period not exceeding 12 months as he determines in the circumstances of the particular case.

### *Discharge of probationer*

10.—(1) Subject to the provisions of this regulation, during his period of probation in the force the services of a member may be dispensed with at any time if the chief constable considers that he is not fitted, physically or mentally, to perform the duties of his office, or that he is not likely to become an efficient or well-conducted member.

(2) A member whose services are dispensed with under this regulation shall be entitled to receive a month’s notice.

(3) A member’s services shall not be dispensed with in accordance with this regulation and any notice given for the purposes thereof shall cease to have effect if he gives written notice to the Police Authority of his intention to retire and retires in pursuance of the said notice on or before the date on which his services would otherwise be dispensed with, and such a notice taking effect on that date shall be accepted by the Police Authority notwithstanding that less than a month’s notice is given.

### *Retirement*

11.—(1) Without prejudice to the Discipline Regulations a member may retire only if he has given a month’s written notice of his intention to retire or such shorter notice as may have been accepted by the chief constable.

Provided that, while suspended under the Discipline Regulations, a member may not, without the consent of the chief constable, give notice for the purposes of this regulation or retire in pursuance of a notice previously given.

(2) Retirement shall be compulsory on attaining the age of 57 years, provided that—

(a) the Police Authority may, on the recommendation of the chief constable, vary the retiring age wherever exceptional circumstances render such variation desirable, and

(b) the chief constable may extend the service of a member by yearly periods not exceeding 5 in number on being satisfied that exceptional circumstances render such extensions desirable.

(3) The chief constable may require a member to retire on such date as he may specify on the grounds that he is disabled to such an extent that he is unable to perform the ordinary duties of a member and the disablement is likely to be permanent.

### *Delegation*

12. The chief constable may delegate his powers under regulations 10 and 11 to the deputy chief constable of the Royal Ulster Constabulary or a member of the Royal Ulster Constabulary not below the rank of assistant chief constable acting in the place of the deputy chief constable.

## PERSONAL RECORDS

### *Contents of personal records*

13.—(1) The chief constable shall cause a personal record of each member to be kept.

(2) The personal record shall contain—

(a) a personal description of the member;

(b) particulars of his place and date of birth;

(c) particulars of his marriage (if any) and of his children (if any);

(d) a record of his service (if any) in any branch of Her Majesty's naval, military or air forces or in the civil service;

(e) a record of his service (if any) in any other police force (including service in the Royal Ulster Constabulary) and of his transfers (if any) from one police force to another;

(f) a record of his service in the force including particulars of all postings, removals, injuries recorded, periods of illness, commendations, rewards, punishments other than cautions and the date of his ceasing to be a member with the reason, cause or manner thereof;

Provided that, if the member so requests—

(i) a punishment of a fine or of a reprimand shall be expunged after 3 years free from punishment, other than a caution;

(ii) any other punishment shall be expunged after 5 years free from punishment, other than a caution.

(3) A member shall, if he so requests, be entitled to inspect his personal record.

*Personal record of member leaving the force*

14.—(1) Where a person ceases to be a member he shall, on request, be given a certificate showing his rank and setting out the period of his service in the force.

(2) Where a person ceases to be a member his personal record shall be kept for such time as the chief constable may think fit and shall then be destroyed.

*Fingerprints*

15.—(1) Every member shall in accordance with the directions of the chief constable have his fingerprints taken.

(2) Fingerprints of members taken in accordance with paragraph (1) shall be kept separate from the fingerprints taken of persons whose fingerprints have been taken otherwise than in accordance with that paragraph.

(3) The fingerprints taken in accordance with paragraph (1) and all copies and records thereof shall be destroyed on a person ceasing to be a member.

## PART III

## DUTY

*Duty to carry out lawful orders*

16. 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 duties*

17.—(1) Members shall attend training parades and perform patrol duty at such times as the chief constable may require and in accordance with any directions which the chief constable may issue.

(2) Members shall be required to attend 2 training parades, each of a minimum of 2 hours' duration, during each calendar month.

(3) The chief constable may require monthly patrols to be performed by members instead of some or all of the training parades required as basic duties, and for this purpose 2 hours of patrol duty shall be deemed to be the equivalent of a training parade.

(4) The chief constable may at any time direct members to perform patrols in excess of those that may be required under the foregoing provisions of this regulation.

(5) Notwithstanding anything in the foregoing provisions of this regulation, the chief constable may in any period reduce the number of training parades laid down in paragraph (2) provided, however, that any such reduction shall not be deemed to diminish the prescribed basic duties for the purpose of reckoning additional patrols under paragraph (4).

## PART IV

## PAY

*Rate of pay*

18. The rate of pay for any member for each hour of duty actually performed is £4.00.

*Sick pay*

19.—(1) Where a member loses remuneration in his private employment in consequence of an injury received or disease contracted—

(a) in the execution of his duty; or

(b) while on duty or while on a journey necessary to enable him to report for duty or to return home after duty,

he shall be entitled to an allowance by way of sick pay as hereinafter provided.

(2) Except where the Secretary of State at the request of the Police Authority determines otherwise in specific cases, the sick pay shall be payable for so long as the member continues to lose remuneration or for a period of 26 weeks, whichever is the less; and subject to regulation 20 the rate thereof shall be whichever is the lower of the following rates, that is to say—

(a) the rate of such loss of remuneration, or

(b) the rate of pay to which he would have been entitled if he had been a member of the Royal Ulster Constabulary holding the rank of constable and his service as a reserve constable had been service as such a member.

*Deductions from pay of social security benefits and statutory sick pay*

20. There shall be deducted from the pay of a member—

(a) the amount of any sickness benefit, invalidity pension or invalidity allowance to which he is entitled under the Social Security (Northern Ireland) Acts 1975 to 1986, and

(b) any statutory sick pay to which he is entitled under the Social Security (Northern Ireland) Order 1982(a)

and for the purposes of sub-paragraph (a) above any increase for adult and child dependants shall be treated as forming part of the benefit or allowance to which it relates.

(2) For the purposes of this regulation, a woman member who as a married woman or widow has elected to pay contributions under Part I of the Social Security (Northern Ireland) Act 1975(b) at the reduced rate, shall be deemed to be entitled to any social security benefits mentioned in paragraph (1) to which she would have been entitled had she not elected to contribute at the reduced rate.

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(a) S.I. 1982/1084 (N.I. 16)

(b) 1975 c. 15

*Pay day*

21.—(1) Members shall be paid at such intervals as the Police Authority may fix and the Police Authority may fix different intervals for different ranks of members.

(2) In fixing the interval for any rank the Police Authority shall have regard to the wishes of the members of that rank.

## PART V

## ALLOWANCES AND OTHER EMOLUMENTS

*Restriction on payment of allowances*

22.—(1) No allowances shall be paid to a member except as provided by these regulations or approved by the Secretary of State, and the amounts and conditions of payment of such allowances shall be as so provided or approved.

(2) Nothing in this regulation shall apply to the reimbursement of expenses incurred by a member in the execution of his duty, being expenses authorised either generally or specifically by the Police Authority in respect of which no allowance is payable under these regulations.

*Restriction on payments for private employment of police*

23. Without prejudice to the generality of regulation 22, a member who is engaged on duty at the request of any person who has agreed to pay the Police Authority for the member's services shall not be entitled to any payment for those services except as provided by the regulations applicable to him.

*Subsistence, refreshment and lodging allowances*

24.—(1) A member who, being retained on duty beyond his normal period of duty or being engaged on duty away from his usual place of duty, necessarily incurs additional expense to obtain food or lodging shall—

- (a) if the period for which he is so retained or engaged exceeds an hour but does not exceed 5 hours, be paid a refreshment allowance;
- (b) if the period for which he is so retained or engaged exceeds 5 hours, be paid a subsistence allowance;
- (c) if the said expense includes the expense of obtaining lodging, be paid a lodging allowance.

(2) A member who satisfies the chief constable that during his normal period of duty he was, although not away from his usual place of duty, unable by reason of the exigencies of duty to obtain his meals in his usual way and that he necessarily incurred additional expense for the purpose may be paid a refreshment allowance.

(3) Where the place of duty of a member has been temporarily changed the expression in this regulation "usual place of duty" shall, after such period from the date of change as the chief constable may determine, mean the temporary place of duty.

(4) A subsistence, refreshment or lodging allowance payable under the foregoing provisions of this regulation shall be of an amount determined in accordance with Schedule 1.

*Motor vehicle allowances*

25.—(1) Where the chief constable is of opinion that the duties normally performed by a member are of such a nature that it is—

- (a) essential, or
- (b) desirable,

that the member in question should, at all material times have a motor vehicle at his disposal, he may authorise that member to use (subject to his directions) a motor vehicle owned by the member for the purposes of duties performed by him and, subject as hereinafter provided, in respect of such use the member shall be paid a motor vehicle allowance.

(2) A motor vehicle allowance shall not be payable in respect of the authorised use of a motor vehicle unless there was in force in relation thereto a policy of insurance in terms approved by the Police Authority, in relation to the use in question, for the purpose hereof.

(3) A motor vehicle allowance shall not be payable in respect of the authorised use of a motor car of a cylinder capacity exceeding 500 c.c. unless the member concerned was willing to carry passengers for the purposes of the duties performed by him or, in the case of passengers being members or members of any police force, by those members.

(4) A motor vehicle allowance in respect of the authorised use of a motor car of a cylinder capacity exceeding 500 c.c. shall, subject as aforesaid, be payable—

- (a) where the chief constable is of the opinion mentioned in paragraph (1)(a), at the essential user's rate;
- (b) where the chief constable is of the opinion mentioned in paragraph (1)(b), at the casual user's rate,

as provided in Schedule 2.

(5) A motor vehicle allowance in respect of the authorised use of—

- (a) a motor car of a cylinder capacity not exceeding 500 c.c., or
- (b) a motor bicycle,

shall, subject as aforesaid, be payable on such conditions and at such rate as is approved by the Secretary of State.

(6) Paragraph 1 of Schedule 2 shall have effect for the purposes of the interpretation of this regulation.

*Advances to cover expenses when away on duty*

26. Where a member is required to do duty away from his usual place of duty he shall be given, if he so requests, an advance to cover, as far as practicable, any expenses which he will probably incur.

*General*

27. A member claiming any allowance under this part of these regulations shall comply with such directions as may be given by the Police Authority from time to time as to the time and manner of claiming and certification.

## PART VI

## UNIFORM AND EQUIPMENT

*Issue of uniform and equipment*

28. Uniform and equipment shall be issued by the Police Authority free of charge to members in accordance with the provisions of Schedule 3.

*Re-issue of uniform and equipment*

29. Uniform and equipment handed back to the Police Authority shall not be re-issued to another member until it has received any necessary cleaning or renovation and is in serviceable condition.

*Ownership of uniform and equipment*

30. Subject to regulation 31, the uniform and equipment issued by the Police Authority shall not become the property of the member to whom they are issued and shall be handed back by him to the Police Authority on his leaving the force.

*Replacement of uniform and equipment*

31. On any article of uniform or equipment being replaced by the Police Authority the article shall be handed back to the Police Authority unless the member, with the consent of the Police Authority, buys such article at a price to be fixed by the Police Authority or, with such consent, retains it without payment.

## PART VII

## TRANSITIONAL PROVISIONS

*Transitional provisions*

32. Without prejudice to sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954(a) any appointment, deduction, payment, application, or approval, direction, consent, certificate or notice given, or any record or list kept, or any rank adopted, or any additional patrol duty worked or other thing done under any of the regulations revoked by these regulations or for the purposes thereof shall not be invalidated by the revocations effected by regulation 2, but shall in so far as it could have been made, given, adopted, worked, fixed or done under a provision of these regulations or for the purposes thereof have effect as if it had been made, given, kept, adopted, worked, fixed or done under, or for the purposes of that provision.

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(a) 1954 c. 33 (N.I.)

Northern Ireland Office  
2nd February 1988

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

We concur  
8th February 1988

*Mark Lennox-Boyd*  
*Michael Neubert*  
Two of the Lords Commissioners  
of Her Majesty's Treasury

**Subsistence, refreshment and lodging allowances**

1.—(1) Subject as hereinafter in this Schedule provided, the amount of a subsistence, refreshment or lodging allowance payable under regulation 24(4) shall be in accordance with such scale as shall be determined by the Secretary of State.

(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.

2. If a lodging allowance is payable as well as a subsistence allowance in respect of a period of retention or engagement on duty of 16 hours or less, the subsistence allowance shall be of the amount appropriate to a retention or engagement for a period exceeding 8 hours and not exceeding 12 hours.

3. If the chief constable is satisfied in any particular case that the amount of the allowances calculated in accordance with paragraphs 1 and 2 is not sufficient to cover the actual expenses necessarily incurred, he may authorise payment of the difference.

4. If the chief constable is satisfied in any particular case that the amount of the allowances calculated in accordance with paragraphs 1 and 2 would be excessive, having regard to the additional expenses necessarily incurred, he may direct that the amount of the allowances shall be reduced to such an amount as he determines, not being less than the amount of such expenses.

5. If in any particular class of cases the period of retention or engagement on duty exceeds a week and the chief constable is satisfied that the amount of the allowances calculated in accordance with paragraph 1 would be excessive, he may direct that there shall be granted in lieu thereof a weekly allowance at such lower rate as may be necessary to cover the reasonable expenses of the member concerned.

## SCHEDULE 2

## Regulation 25

**Motor vehicle allowances in respect of motor cars**

1. For the purposes of regulation 25 and of this Schedule the following expressions have the meanings hereby respectively assigned to them:—

“authorised use” means the use, authorised under regulation 25, of a motor vehicle owned by the member concerned for the purposes of his duties as a member, and “period of authorised use” means the period during which such use is authorised;

“cylinder capacity” means the cylinder capacity of the engine of a vehicle calculated in accordance with the Road Vehicles (Registration and Licensing) Regulations (Northern Ireland) 1973(a);

“motor bicycle” means a mechanically propelled bicycle (including a motor scooter, a bicycle with an attachment for propelling it by mechanical power and a mechanically propelled bicycle used for drawing a sidecar);

“motor car” means a mechanically propelled vehicle other than a motor bicycle and, accordingly, includes a mechanically propelled tricycle;

“year” means a period of twelve months beginning on such date as may be determined by the Police Authority;

and a reference to a motor vehicle owned by a member is a reference to such a vehicle kept and used by him.

2.—(1) Subject as hereinafter provided, the amount of a motor vehicle allowance payable at the essential user’s rate shall in any year comprise a fixed element and a mileage element calculated as provided in sub-paragraphs (2) and (3).

(2) The fixed element shall be calculated by reference to the number of completed months comprised in the period of authorised use for the year in question, at such annual rate as is specified by the Secretary of State by reference to the cylinder capacity of the motor car in question.

(3) The mileage element shall be calculated in relation to authorised use at such rates as is specified by the Secretary of State by reference to the cylinder capacity of the motor car in question, and for that purpose he may so specify—

(a) a basic rate, in relation to authorised use not exceeding such mileage as is specified by him (“the basic mileage”), and

(b) a reduced rate in relation to authorised use in excess of the basic mileage.

(4) Where in any year a motor vehicle allowance is payable at the essential user’s rate it shall be payable in such instalments, in advance or in arrears, as the Police Authority may determine; but when the amount of the allowance for that year is finally calculated, any overpayment shall be recoverable.

(5) Where in any year a motor vehicle allowance is payable at the essential user’s rate to a member and the member is on sick leave, or maternity leave, or the motor car in question is out of order, for a continuous period of four or more weeks in that year, the allowance shall be reduced by such amount as the Police Authority determines appropriate in all the circumstances.

(6) Where in any year a motor vehicle allowance is payable at the essential user’s rate but the period of authorised use is a fraction only of that year, sub-paragraph (3) shall have effect as if for the reference to the basic mileage there were substituted a

reference to the corresponding fraction of that mileage; and for the purposes of this paragraph the monthly rate of the fixed element of such an allowance so payable shall be taken to be a twelfth of the annual rate.

3. The amount of a motor vehicle allowance payable at the casual user's rate shall in any year be an amount calculated in relation to the mileage of authorised use in that year at such rate as is specified by the Secretary of State by reference to that mileage and the cylinder capacity of the motor car in question, except that where the amount of the allowance would be less if it were calculated at the essential user's rate, it shall be of an amount calculated in accordance with paragraph 2.

4. The amount of a motor vehicle allowance payable to a member shall not exceed that which would be payable if the vehicle in question were of such a cylinder capacity, not being less than 1,000 c.c., as the chief constable with the approval of the Police Authority, has determined appropriate for use for the purposes of the duties normally performed by the member concerned.

**Issue of uniform and equipment**

1. The uniform specified in the following tables for men and women shall be issued in accordance with those tables subject to any modifications approved by the Secretary of State:

Provided that where particular duties or the duties of a particular member entail greater or less wear than normal, the issue of any article of uniform may be made as required.

**TABLES**

**Men**

<i>Article</i>	<i>Issue</i>	<i>Maximum Number in Issue</i>
Jacket	}	1
Trousers		1
Raincoat		1
Gaberdine coat		1
General service coat		1
Caps		1
Cap cover		1
Shirts bush		3
Ties		1
Pullover		1
Gloves leather		1
Gloves white		1
Belt trouser		1
Epaulettes		2
Kapok lining		1
Overtrousers		1

**Women**

<i>Article</i>	<i>Issue</i>	<i>Maximum Number in Issue</i>
Jacket	}	1
Skirts		1
Raincoat		1
Gaberdine coat		1
General service coat		1
Caps		1
Cap cover		1
Blouses		3
Ties		1
Pullover		1
Gloves brown		1
Gloves white		1
Epaulettes		2
Kapok lining		1
Shoulder bag		1

2. Uniform or equipment issued by the Police Authority which is lost or damaged otherwise than owing to the member's default or is faulty or is ill-fitting shall be replaced or repaired by the Police Authority free of charge:

Provided that this paragraph shall not apply to minor repairs or alterations which can be satisfactorily carried out by the members.

3. Clothing for particular or specialist duties shall be issued as and when necessary.

4. Issues of equipment shall be made as circumstances require.

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### EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations provide for the appointment of members of the Royal Ulster Constabulary Reserve on a part-time basis and for their conditions of service. They replace the Royal Ulster Constabulary Reserve (Appointment and Conditions of Service) Regulations (Northern Ireland) 1973 applying to part-time service which are revoked.

The regulations are divided into seven separate parts each of which cover a different aspect of the conditions of service of a part-time member of the Royal Ulster Constabulary Reserve.

Part I establishes the extent of the regulations and defines the limitation of application.

Part II describes the organisation of the force and the restrictions which may be applied to its members both prior to and after appointment.

Part III defines the duties a member is normally expected to carry out.

Part IV explains how the rates of pay are calculated.

Part V lists the various allowances and other emoluments to which a member may be entitled provided the relevant criteria are satisfied.

Part VI details the items of uniform and equipment which will be issued to each member and when they will be replaced.

Part VII makes the necessary transitional provisions.