

1990 No. 83

POLICE

**Royal Ulster Constabulary Reserve (Full-Time)
(Appointment and Conditions of Service)
(Amendment No. 2) Regulations 1990**

Made 26th February 1990

Coming into operation 1st April 1990

To be laid before Parliament

The Secretary of State, in pursuance of section 26 of the Police Act (Northern Ireland) 1970(a), and after consulting in accordance with section 34(2) of the said Act of 1970, the Police Authority and the Police Association, hereby with the concurrence of the Treasury makes the following regulations:—

Citation and commencement

1.—(1) These regulations may be cited as the Royal Ulster Constabulary Reserve (Full-Time) (Appointment and Conditions of Service) (Amendment No. 2) Regulations 1990.

(2) These regulations shall come into operation on 1st April 1990.

Interpretation

2. In these regulations any reference to the principal regulations is a reference to the Royal Ulster Constabulary Reserve (Full-Time) (Appointment and Conditions of Service) Regulations 1988(b).

3. There shall be substituted for regulation 35 of the principal regulations (rent allowance) the following provisions:

“Housing allowance

35.—(1) Subject to the provisions of regulation 35B, a member who is not provided with a house or quarters free of rent shall be paid a housing allowance which shall be either a standard-rate allowance or a half-rate allowance:

Provided that—

(a) a member to whom regulation 36 applies who is so provided with quarters shall be paid a housing allowance in addition;

(b) a member shall not be paid a housing allowance if he is on unpaid leave.

(2) Subject to paragraph (3), a standard-rate allowance—

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

(b) S.R. 1988 No. 36

- (a) shall be paid to a member married to (but not separated from) a person who either—
 - (i) is not a member or a member of the Royal Ulster Constabulary, or
 - (ii) is such a member but is on unpaid leave;
- (b) shall be paid to an unmarried member, or a member separated from his spouse, who—
 - (i) has attained the age of 30 years,
 - (ii) has served for 5 years as a member or as a member of a police force in Great Britain, and
 - (iii) occupies as owner or tenant the accommodation in which he is living;
- (c) may, if the Police Authority think fit, be paid to a member, not being a member to whom sub-paragraph (a) or (b) applies, who—
 - (i) has a dependent relative living with him, or
 - (ii) is separated from, or has divorced or been divorced by, his spouse, or
 - (iii) is a widower or widow;and in all other cases a half-rate allowance shall be paid.

(3) A standard-rate allowance shall not be payable—

- (a) to a member who occupies otherwise than as owner accommodation in respect of which he makes no payment (by way of rent, rates or mortgage interest), or
- (b) to a member who resides in accommodation which he shares with another member or a member of the Royal Ulster Constabulary so, however, that this sub-paragraph shall not preclude the payment of a standard-rate allowance where that other member is on unpaid leave.

(4) The standard-rate housing allowance for a member holding a rank of constable, sergeant, inspector or superintendent shall be such as from time to time, shall be fixed by regulation for members of the Royal Ulster Constabulary of corresponding rank.

(5) A half-rate allowance shall be equal to half the amount determined as the standard-rate allowance for members of the same rank.

(6) Except where the member's spouse or former spouse is a member or a member of the Royal Ulster Constabulary or a member of a police force in Great Britain, a married member who is separated from his spouse or a member who has divorced, or been divorced by, his spouse may, if he regularly makes periodic payments to or for the benefit of his spouse or former spouse, be granted—

- (a) where he is in receipt of a housing allowance under paragraph (1) or, as the case may be, a transitional rent allowance under regulation 35B, an addition to that allowance, or
- (b) where he is provided with a house or quarters free of rent, a housing allowance,

equal to whichever is the lesser of the two following amounts, namely, the amount by which his former allowance exceeds his present allowance or the amount paid by him to or for the benefit of his spouse or former spouse.

(7) In this regulation—

(a) the expression “his former allowance” means—

(i) in relation to a member who, immediately before his spouse commenced to live apart from him, was being provided with a house or quarters free of rent, a sum fixed as the value for the time being of that house or those quarters;

(ii) in relation to any other member, the maximum limit rent allowance or housing allowance or, as the case may be, the transitional rent allowance which was payable to him immediately before his spouse commenced to live apart from him;

(b) the expression “his present allowance” means, as the case may be, the housing allowance which is being paid to the member under paragraph (1), the transitional rent allowance paid to him under regulation 35B, reduced in accordance with paragraph (5) of that regulation or a sum fixed as the value for the time being of the house or quarters with which he is provided;

(c) the expressions “rent allowance” and “rates” have the same meanings as they had in regulation 35 of the principal regulations as originally enacted;

(d) a reference to the provision of a house or quarters free of rent is a reference to such provision by the Police Authority.

Housing allowance: supplementary

35A. Standard-rate and half-rate housing allowances determined in accordance with regulation 35 in relation to the Royal Ulster Constabulary Full-Time Reserve shall be adjusted on 1st April 1990 and thereafter on each biennial of such date; and each such adjustment shall correspond to any movement in the retail prices index since the rent allowance or housing allowance, as the case may be, was last fixed.

Transitional rent allowance

35B.—(1) This paragraph applies to a member to whom a rent allowance was payable on 31st March 1990 where the sum of the annual rent allowance (and, where appropriate, supplementary rent allowance) then payable to him and his compensatory grant in respect of the financial year ending on 5th April 1990 is greater than the standard-rate or half-rate housing allowance and any supplementary housing allowance to which he would be entitled under regulation 35 or 36 for the year beginning on 1st April 1990.

(2) Subject to the provisions of this regulation, a member to whom paragraph (1) applies shall be entitled, for any part of the relevant period when he would be eligible to receive a housing allowance, to be paid, instead of a housing allowance, an allowance (“transitional rent

allowance'') at an annual rate equal to the amount of rent allowance payable *PER ANNUM* at the rate applicable to him on 31st March 1990.

(3) A member to whom paragraph (1) applies who was in receipt of a supplementary rent allowance on 31st March 1990 shall be entitled, for any part of the relevant period when he would be eligible to receive a supplementary housing allowance, to be paid, instead of a supplementary housing allowance, an allowance ("transitional supplementary rent allowance'') at an annual rate equal to the amount of supplementary rent allowance payable *PER ANNUM* at the rate applicable to him on 31st March 1990.

(4) In relation to a member to whom paragraph (1) applies, the relevant period mentioned in paragraphs (2) and (3) shall—

(a) begin on 1st April 1990, and

(b) end on the day immediately preceding the date on which the standard-rate or half-rate housing allowance and any supplementary housing allowance to which he would then be entitled under regulation 35 or 36 first equals or exceeds the sum of his transitional rent allowance, any transitional supplementary rent allowance or any supplementary housing allowance then payable to him and the total amount of compensatory grant paid since 1st April 1990 in pursuance of regulation 35D in respect of his rent allowance for the financial year ending on 5th April 1990;

except that the relevant period shall terminate if a member resigns or retires, or is discharged or dismissed from the force and shall not recommence if he again becomes a member.

(5) Where a member in receipt of a transitional rent allowance was entitled on 31st March 1990 to a maximum limit rent allowance and thereafter, by reason of a change in his personal circumstances, he would be eligible only for a half-rate housing allowance, his transitional rent allowance shall, as long as he receives such allowance instead of a half-rate housing allowance, be equal to half the annual rate of rent allowance payable to him on 31st March 1990.

(6) In this and the next following regulation the expressions "rent allowance" and "supplementary rent allowance" mean allowances payable under regulations 35 and 36 respectively of the principal regulations as they had effect on 31st March 1990.

35C.—(1) Subject to the provisions of this regulation, paragraph (1) of the preceding regulation shall also apply to a member who, on or after 1st April 1990—

(a) returns to duty at the end of a period of unpaid leave which included 31st March 1990; or

(b) acquires a new home having ceased to receive a rent allowance on or before 31st March 1990 by reason only that he had necessarily moved his home on transferring from a police force in Great Britain, or at the request of the chief constable in the interests of the efficiency of the force or where such removal was, in the opinion of the chief constable, due to the exigencies of police

duty, and was on 31st March 1990 occupying a house or quarters with which he was provided free of rent and rates pending disposal of his former home and acquisition of that new home;

and who also fulfils the requirements of paragraph (2).

(2) The requirements referred to in the preceding paragraph are that:

(a) the member was in receipt of a rent allowance immediately before his period of unpaid leave or immediately before moving his home, as the case may be; and

(b) the rent allowance (and, where appropriate, supplementary rent allowance) which (but for his period of unpaid leave or his moving home) would have been payable to him on 31st March 1990 would have been greater than the standard-rate or half-rate housing allowance and any supplementary housing allowance to which he would then be entitled under regulations 35 or 36.

(3) In their application to such a member as is mentioned in paragraph (1)(a), the provisions of regulation 35B shall have effect as if—

(a) in each of paragraphs (2) and (3) there were inserted—

(i) before the word “payable” the words “which would have been”, and

(ii) at the end the words “if he had not then been on unpaid leave but was serving in the rank he held, and occupying the accommodation in which he was living, immediately before the commencement of his period of unpaid leave”;

(b) in paragraph (3) there were substituted for the word “was” the words “, had he not then been on unpaid leave and if he continued to occupy the accommodation in which he was living immediately before the commencement of that period of leave, would have been”;

(c) in paragraph (4)(a) there were substituted for the words “1st April 1990” the words “the day on which he returns to duty at the end of the period of unpaid leave”;

(d) in paragraph (5), there were substituted for the word “was” the words “would (if he had not then been on unpaid leave) have been”, and there were inserted after the words “rent allowance” in the last place where they occur the words “which would have been”.

(4) In their application to such a member as is mentioned in paragraph (1)(b), the provisions of regulation 35B shall have effect as if—

(a) in each of paragraphs (2) and (3) there were inserted—

(i) before the word “payable” the words “which would have been”, and

(ii) at the end the words “if he had still been occupying his former home”;

(b) in paragraph (3) there were substituted for the word “was” the words “, had he still been occupying his former home, would have been”;

- (c) in paragraph (4)(a) there were substituted for the words "1st April 1990" the words "the day on which he acquires his new home";
- (d) in paragraph (5), there were substituted for the word "was" the words "would (if he had still been occupying his former home) have been"; and there were inserted after the words "rent allowance" in the last place where they occur the words "which would have been".

35D.—(1) Regulation 37 (compensatory grant) shall cease to have effect, except in relation to a member in receipt of a transitional rent allowance.

(2) Where regulation 37 continues to have effect by virtue of paragraph (1)—

- (a) subject to sub-paragraph (c), compensatory grant shall be payable as if the expression "rent allowance" included "transitional rent allowance";
- (b) no compensatory grant shall be payable after the end of the financial year ending on 5th April 1992 which would be attributable to the inclusion in the emoluments of the member in question of compensatory grant in respect of a rent allowance paid before 5th April 1990; but a member in receipt during that financial year of compensatory grant which is so attributable shall be paid in addition a sum equivalent to the amount of income tax which would be payable in respect of such compensatory grant at the basic rate of tax in force on 6th April 1991;
- (c) no compensatory grant shall be payable to a member after the end of the relevant period, referred to in regulation 35B(2) and 3, applicable to him."

4. The principal regulations shall be amended as follows:

(a) in regulation 36—

(i) there shall be substituted for the word "rent", in each place where it occurs except in paragraph (3)(a), the word "housing", and

(ii) there shall be substituted for the word "flat-rate" in paragraph (3)(b), the word "half-rate";

(b) in regulation 37(2) there shall be substituted for the words "rent allowance" the words "housing allowance";

(c) in regulation 38(1)(d) there shall be substituted for the words "rent allowance" in each place where they occur, the words "housing allowance or transitional rent allowance";

(d) in paragraph 3(2) of Schedule 1, there shall be substituted for the words "rent allowance" the words "housing allowance or transitional rent allowance"; and

(e) for paragraph 2 of Schedule 4, there shall be substituted the following provision—

“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 housing allowance, supplementary housing allowance, transitional rent allowance, transitional supplementary rent allowance or compensatory grant in respect of the period of suspension.”.

Northern Ireland Office
26th February 1990

P. L. Brooke
One of Her Majesty's Principal
Secretaries of State

We concur
5th March 1990

John Taylor
Stephen Dorrell
Two of the Lords Commissioners
of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These regulations amend the Royal Ulster Constabulary Reserve (Full-Time) (Appointment and Conditions of Service) Regulations 1988 (the principal regulations) in relation to rent allowance, supplementary rent allowance and compensatory grant.

2. Regulation 3 makes new provision which replaces rent allowance with a housing allowance. Substituted regulation 35 of the principal regulations makes provision concerning eligibility for and the amount of housing allowance. Eligibility is similar to that for rent allowance, except that where two members live in accommodation owned by one of them, neither is to be eligible for more than half-rate housing allowance (regulation 35(3)(b)). New regulation 35A provides for the amount of housing allowance to be adjusted biennially. New regulation 35B provides for a transitional rent allowance, payable instead of housing allowance to members who were in receipt of rent allowance on 31st March 1990 and who would otherwise receive less by way of housing allowance than they received in rent allowance. New regulation 35C enables transitional rent allowance to be paid also to certain members who, temporarily, were not in receipt of rent allowance on that date. New regulation 35D abolishes compensatory grant under regulation 37, except on a transitional basis for members who receive transitional rent allowance.

3. Regulation 4 makes minor consequential amendments.