

1995 No. 117

POLICE

Royal Ulster Constabulary (Amendment) Regulations 1995

<i>Made</i>	<i>21st March 1995</i>
<i>Coming into operation</i>	<i>1st April 1995</i>
<i>To be laid before Parliament</i>	

The Secretary of State, in pursuance of section 25 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, and after taking into account the recommendations of 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(b), hereby makes the following regulations:—

Citation, operation and effect

1.—(1) These regulations may be cited as the Royal Ulster Constabulary (Amendment) Regulations 1995.

(2) These regulations, with the exception of regulation 10, shall come into operation on 1st April 1995 but shall have effect for the purposes of regulation 11(5) from 1st September 1994.

(3) Regulation 10 shall come into operation on 13th April 1995.

Interpretation

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

Ranks

3.—(1) On 1st April 1995, the rank of chief superintendent shall cease to exist.

(2) In regulation 6 of the principal regulations the words “Chief Superintendent” shall be deleted.

(3) Any person who on 1st April 1995 would hold the rank of chief superintendent but for this regulation shall hold the rank of superintendent for all purposes except those of Schedule 5 to the principal regulations (determination of pay).

(a) 1970 c. 9 (N.I.) as amended by 1994 c. 29 and modified by S.I. 1973/2163

(b) 1980 c. 10

(c) S.R. 1984 No. 62; relevant amending regulations are S.R. 1985 No. 292, S.R. 1987 No. 441, S.R. 1994 No. 186 and S.R. 1994 No. 431

Fixed term appointments for certain ranks

4. After regulation 10 of the principal regulations, there shall be inserted the following regulations:

“Fixed term appointments for certain ranks

10A.—(1) This regulation applies to every appointment on or after 1st April 1995 of a person to the rank of chief constable, deputy chief constable or assistant chief constable.

(2) Where it is proposed to vary by agreement the conditions of service of a person who on 1st April 1995 holds one of the ranks specified in paragraph (1) above indefinitely so that he holds that rank instead for a fixed term—

(a) that term shall be for a period authorised by paragraph (5) or, as the case may be, paragraph (6); and

(b) this regulation shall apply to such a variation as it applies to an appointment and as if the variation was an appointment.

(3) Subject to paragraphs (5) and (6), the length of the term of appointment of such a person as is specified in paragraph (1) or (2) shall be determined by the Secretary of State.

(4) In determining the length of the term of an appointment of such a person as is specified in paragraph (1) or (2), other than a person appointed to the rank of chief constable, the Secretary of State shall consider the views of the Police Authority.

(5) Subject to paragraphs (7) to (9), an appointment to the rank of chief constable shall be for a term of—

(a) not more than seven years, and

(b) not less than four years except with the agreement of the person so appointed.

(6) Subject to paragraphs (7) to (9), an appointment to the rank of deputy chief constable or assistant chief constable shall be for a term of—

(a) not more than either—

(i) ten years, or

(ii) a period expiring with the date at which the person appointed reaches minimum retirement age or, if that period is less than four years, four years,

whichever of the periods in sub-paragraphs (i) and (ii) is the shorter, and

(b) not less than four years except with the agreement of the person so appointed.

(7) The term of appointment to which this regulation applies may be extended by agreement for a single period not exceeding one year where, in the opinion of the Secretary of State, the particular circumstances in which such an extension is sought are such as to justify it.

(8) The term of appointment to which this regulation applies may be extended by agreement for a period or periods up to the time when the person appointed—

- (a) has completed 30 years' pensionable service for the purposes of the Royal Ulster Constabulary Pensions Regulations 1988(a), or
- (b) has completed 25 years' pensionable service for those purposes and has attained the age of 50 years, whichever is the earlier.

(9) This regulation is without prejudice to any provision whereby a term of appointment comes to an end on promotion or transfer to another police force and to regulation 13(1) and (2) (retirement) and the provisions referred to in regulation 13(3).

(10) A person does not cease to be eligible for an appointment to which this regulation applies by reason only of the fact that he has completed an appointment for a term determined in accordance with this regulation.

(11) In this regulation "the minimum retirement age" means—

- (a) in the case of a person who, on attaining the age of 55, will be entitled to reckon not less than 25 years' pensionable service for the purposes of the Royal Ulster Constabulary Pensions Regulations 1988, that age; or
- (b) in the case of a person who, on attaining that age, will not be entitled to reckon 25 years' pensionable service for the purposes of those regulations, the age at which he will be so entitled or the age at which he will be required to retire under regulation A16(1) of those regulations, whichever is the earlier.

(12) For the purposes of determining an entitlement under paragraph (10), an election under regulation G4 of the Royal Ulster Constabulary Pensions Regulations 1988 (election not to pay pension contributions) shall be disregarded.

Requirement to advertise vacancies in certain ranks

10B.—(1) Subject to paragraph (4), where on or after 1st April 1995 a vacancy exists in one of the ranks specified in regulation 10A(1), a notice of the vacancy which complies with paragraph (2) shall be published by the Police Authority.

(2) The notice referred to in paragraph (1) must—

- (a) invite application to fill the vacancy; and
- (b) be published in—
 - (i) not less than one newspaper, or
 - (ii) not less than one journal which deals with police matters; and
- (c) specify the date, which shall not be less than three weeks after the date of publication of the notice, by which applications must be made.

(3) Subject to paragraph (4), no appointment shall be made to fill a vacancy in one of the ranks specified in regulation 10A(1) until after the

(a) S.R. 1988 No. 374; relevant amending regulations are S.R. 1988 No. 438, S.R. 1989 No. 357 and S.R. 1990 No. 411

date specified in accordance with paragraph (2)(c) in a notice in respect of that vacancy.

(4) Paragraphs (1) and (3) shall not apply where—

- (a) the term of appointment of the person who currently holds the rank in which the vacancy would otherwise occur is extended under regulation 10A(6) or (7), or
- (b) that person is appointed for a further term and the conditions set out in paragraph (5) below are satisfied.

(5) The conditions referred to in paragraph (4) are that—

- (a) the person who currently holds the rank in which the vacancy would otherwise occur does so by virtue of an appointment under regulation 10A;
- (b) the relevant appointment of that person was for a term which was less than the maximum term authorised in respect of that person by paragraph (3) or, as the case may be, (4) of regulation 10A; and
- (c) the term for which it is proposed to appoint that person (and for which that person is subsequently appointed) is such that, when taken together with—
 - (i) the term for which he was appointed by the relevant appointment, and
 - (ii) the term for which he was appointed by any subsequent appointment,

the terms in total do not exceed the maximum term of appointment for which he could have been appointed at the time of the relevant appointment under paragraph (3) or, as the case may be, (4) of regulation 10A.

(6) In paragraph (5) “relevant appointment” means—

- (a) an appointment made under regulation 10A after the procedures required by paragraphs (1) and (3) of this regulation have been complied with; or
- (b) a variation in the conditions of service in accordance with regulation 10A(2).”.

Probationary service in the rank of constable

5. In paragraphs (2) and (3) of regulation 11 of the principal regulations the words “with the approval of the Secretary of State” are hereby revoked.

Retirement

6. For regulation 13(2) of the principal regulations there shall be substituted the following regulation—

“(2) In the case of a chief constable, deputy chief constable or assistant chief constable, paragraph (1) shall have effect as if—

- (a) for "a month's" there were substituted "three months"; and
- (b) for "chief constable" there were substituted "Police Authority".

Variable shift arrangements

7. In regulation 19B(2) of the principal regulations the words "Subject to the consent of the Secretary of State" are hereby revoked.

Overtime

8.—(1) Regulation 20 of the principal regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1) after the word "member" there shall be inserted "below the rank of inspector".

(3) In paragraph (3) the words "to whom regulation 19 applies" shall be deleted, and for the words "paragraph (6)" there shall be substituted the words "paragraphs (4) and (6)".

(4) In paragraph (8) after the definition of "member recalled to duty" there shall be inserted—

"normal daily period of duty" shall be construed in accordance with regulation 19;"

Public holidays and rest days for lower ranks

9. In regulation 21(7)(f) of the principal regulations the words "in paragraph (2)" are hereby revoked.

Deductions from pay of social security benefits and statutory sick pay

10. In regulation 35(1)(a) of the principal regulations for the words from "sickness benefit" to "1986" there shall be substituted "short-term or long-term incapacity benefit to which he is entitled under the Social Security (Incapacity for Work) (Northern Ireland) Order 1994(a)".

Determination of pay

11.—(1) Schedule 5 to the principal regulations shall be amended in accordance with paragraphs (2) to (6).

(2) In paragraph 2(1A) (pay points for superintendents and chief superintendents), the words "and chief superintendents" are hereby revoked.

(3) In paragraph 2(1B) (pay categories for superintendents and chief superintendents)—

- (a) the words "and chief superintendents" are hereby revoked;
- (b) for pay categories F to I there shall be substituted:

"F The member is a superintendent—

- (a) whose pay category would otherwise be C, D or E, but who has been assigned by the chief constable to this category, or

- (b) who was a chief superintendent on 31st August 1994 and, since his promotion to that rank has not completed one year's service (including subsequent service as a superintendent), or
- (c) who was appointed in the rank of superintendent after 31st August 1994 and has completed one year's service in it at pay category E, or
- (d) who has completed one or more year's service in this pay category and who does not qualify for pay category G, H or I.

G The member is a superintendent—

- (a) whose pay category would otherwise be C, D, E or F, but who has been assigned by the chief constable to this category, or
- (b) who was a chief superintendent on 31st August 1994, and since his promotion to that rank, has completed one year's service (including subsequent service as a superintendent), or
- (c) who has been assigned to pay category F by virtue of a decision under paragraph (a) of the description of that category and who has completed one year's service at that pay category, or
- (d) who has completed one or more year's service in this pay category and who does not qualify for pay category H or I.

H The member is a superintendent—

- (a) whose pay category would otherwise be C, D, E, F or G, but who has been assigned by the chief constable to this category, or
- (b) who was a chief superintendent on 31st August 1994 and, since his promotion to that rank, has completed two year's service (including subsequent service as a superintendent), or
- (c) who has been assigned to pay category G by virtue of a decision under paragraph (a) of the description of that category and who has completed one year's service at that pay category, or
- (d) who has completed one or more year's service in this pay category and who does not qualify for pay category I.

I The member is a superintendent—

- (a) whose pay category would otherwise be H but who has been assigned by the chief constable to this category, or
- (b) who was a chief superintendent on 31st August 1994 and, since his promotion to that rank, has completed three or more years' service (including subsequent service as a superintendent), or

(c) who has been assigned to pay category H by virtue of a decision under paragraph (a) of the description of that category and who has completed one year's service at that pay category, or

(d) who has completed one or more year's service in this pay category.”.

(4) In paragraph 2(1D) (pay categories for inspectors and chief inspectors) before the words “sub-paragraph (5)”, in every place where they occur, there shall be inserted the words “the revoked”.

(5) In paragraph 2(1D) (pay categories for inspectors and chief inspectors) at the end of pay category G, there shall be added—

“or

(d) who has completed one or more year's service in this pay category and who does not qualify for pay category H or I.”.

(6) In paragraph 2(1D) (pay categories for inspectors and chief inspectors), for pay categories H and I there shall be substituted—

“H The member is a chief inspector who held that rank on 31st August 1994 and—

(a) who has completed three years' service in that rank, or

(b) to whom on that date the revoked sub-paragraph (5) applied and who has completed two, but not three, years' service in that rank.

I The member is a chief inspector who held that rank on 31st August 1994 and—

(a) who has completed four or more years' service in that rank, or

(b) to whom on that date the revoked sub-paragraph (5) applied and who has completed three, but not four, years' service in that rank.”.

(7) In paragraph 1(10) before the words “sub-paragraph (5)”, in the first place where they occur, there shall be inserted the words “the revoked”.

(8) Paragraph 2(2) (transitional provision for certain chief superintendents) is hereby revoked.

P. B. B. Mayhew

Northern Ireland Office
21st March 1995

One of Her Majesty's Principal
Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Royal Ulster Constabulary Regulations 1984 (the principal regulations).

Regulation 3 abolishes the rank of chief superintendent, and regulation 11(2) and (3) makes consequential changes to Schedule 5 to the principal regulations.

In addition, regulation 11(3) provides for superintendents who remain in a particular pay category, and regulation 11(5) and (6) makes similar provision for chief inspectors.

Regulation 4 inserts two new regulations into the principal regulations. New regulation 10A requires appointments on or after 1st April 1995 to the rank of chief constable, deputy chief constable or assistant chief constable to be for a fixed term determined in accordance with that regulation. It also makes provision requiring those who hold those ranks on 1st April 1995 on an indefinite basis and who transfer to a fixed term appointment to do so in accordance with that regulation. New regulation 10B requires any vacancy in such a rank on or after 1st April 1995 to be advertised in accordance with regulation 10B(2) except in the circumstances set out in regulation 10B(4) and (5).

Regulations 5 and 7 remove the requirement for the chief constable to obtain the approval or consent of the Secretary of State in extending the probationary period of certain members and in the introduction of variable shift arrangements respectively.

Regulation 6 extends the period of notice of retirement required of senior officers from one month to three months.

Regulation 8(2) makes clear that only members below the rank of inspector are eligible for overtime. Regulation 8(3) removes a superfluous reference to regulation 19 of the principal regulations and makes a technical amendment to reflect that regulation 20(4) of those regulations provides an alternative to the allowance payable by virtue of regulation 20(3) of those regulations.

Regulation 9 reflects the fact that the expression "week" occurs in regulation 21(7)(b) (as well as regulation 21(2)) irrespective of the definition of "a day's pay".

Regulation 10 reflects changes needed on the coming into force of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994.

Regulation 11(8) reflects the fact that paragraph 2(2) of Schedule 5 to the principal regulations is now spent, as there are no longer any officers of the rank of chief superintendent who were serving as such on 1st September 1978.