
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 473

Royal Ulster Constabulary Regulations 1996

Part IV

Pay

Rate of pay

36.—(1) Schedule 6 shall have effect for determining the pay of members.

(2) In Schedule 6 any reference to service in a rank shall include service in a corresponding rank held on 31st May 1970.

(3) Subject to regulations 38, 39, 40 and 41, in reckoning the service of a member in any rank for the purposes of pay, account shall be taken of all his service in that rank; and service in a higher rank, on temporary promotion thereto or otherwise, shall be treated as if it had been service in that rank.

(4) For the purposes of this regulation, in reckoning a member's service in any rank—

- (a) that service shall be treated as unbroken by, and including, any period of service in Her Majesty's forces which he is entitled to reckon as pensionable service;
- (b) except where the Police Authority in the circumstances of a particular case otherwise determines with the approval of the Secretary of State no account shall be taken of any previous service in that rank which terminated in his reduction in rank as a punishment but any previous service in a higher rank which so terminated shall be treated as if it had been service in the rank to which the member was reduced;
- (c) no account shall be taken of any performance of the duties of that rank in respect of which a temporary salary is payable under regulation 37;
- (d) any period of unpaid leave shall be disregarded;
- (e) any service performed pursuant to an appointment under regulation 5 (part-time appointments) shall be multiplied by the factor which was the appropriate factor within the meaning of regulation 2(4) or (5) as it applied to him by virtue of paragraph 1 of Schedule 1;
- (f) in the case of a female member who has taken one or more periods of maternity leave—
 - (i) where that leave has been for fourteen weeks or more, account shall be taken of the first fourteen weeks whilst on maternity leave;
 - (ii) where that leave has been for less than fourteen weeks, account shall be taken of any period spent on maternity leave;

and, in the case of a member of a rank higher than that of chief inspector, paragraph (3) shall have effect subject to any contrary agreement so far as it relates to the reckoning of previous service in the force.

(5) 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 7 or of paragraph 4 thereof shall have effect.

(6) Paragraph (1) and Schedule 6 shall have effect in relation to a university scholar subject to the provisions of paragraph 3 of Schedule 5.

Temporary salary

37.—(1) A member of the rank of assistant chief constable who is required, for a continuous period exceeding 7 days, to perform the duties normally performed by a member of the rank of deputy chief constable, otherwise (subject to paragraph (5)) than as the direct or indirect result of the absence of any member on a monthly or other leave day granted under regulation 27, shall be paid in respect of that period, other than the first 7 days thereof, at a rate, determined by the Secretary of State pursuant to paragraph 1(2) of Schedule 6, within the range specified for the rank of deputy chief constable in the relevant column of the table in paragraph 1 of that Schedule.

(2) In relation to such a member as is mentioned in paragraph (1), “the relevant column” means—

- (a) in the case of a member who has been appointed in the rank of assistant chief constable under regulation 10, column 2, and
- (b) in the case of a member who has not been so appointed, column 3.

(3) A member of the rank of superintendent who is required, for a continuous period exceeding 7 days, to perform the duties normally performed by a member of a rank higher than his own, otherwise (subject to paragraph (5)) than as the direct or indirect result of the absence of any member on a monthly or other leave day granted under regulation 27, shall be paid in respect of that period, other than the first 7 days thereof, at a rate equal to the rate of pay of the member in that higher rank.

(4) A member of the rank of superintendent who is required for a continuous period exceeding 7 days to perform the duties normally performed by such a member whose pay under paragraph 2(3) of Schedule 6 is higher than his own, otherwise (subject to paragraph (2)) than as the direct or indirect result of the absence of any member on a monthly or other leave day granted under regulation 27, shall be paid in respect of that period, other than the first 7 days thereof, at a rate equal to the rate of pay of the member in that higher pay category.

(5) Where any member is absent for a continuous period comprising both—

- (a) monthly or other leave days granted under regulation 27, and
- (b) one or more annual leave days granted under regulation 30,

paragraphs (1) and (3) or (4) shall have effect as if the entire continuous period of absence were a period of annual leave.

(6) Subject to paragraph (9), a member below the rank of superintendent who, in any year, has been required to perform the duties normally performed by a member of a rank higher than his own for 14 complete days shall be paid in respect of each further complete day in that year on which he is required to perform such duties at a rate equal to the lowest rate of pay to which he would be entitled on promotion to the higher rank.

(7) Where a member—

- (a) on his last scheduled working day in any year is required to perform the duties normally performed by a member of a rank higher than his own, and
- (b) is paid in respect of that day temporary salary under paragraph (6), and
- (c) on his first scheduled working day of the next following year continues for the complete day to perform such duties,

he shall be paid, in respect of the day mentioned in sub-paragraph (c) and any following complete day which together therewith forms a continuous period when he is required to perform such duties, as if that day or days had formed part of the year mentioned in sub-paragraph (a):

Provided that the said day or days shall be disregarded for the purposes of the application of paragraph (6) to that member in the year mentioned in sub-paragraph (c).

(8) Where—

- (a) a member below the rank of inspector is entitled to be paid under paragraph (6),
- (b) the higher rank is that of inspector or above, and
- (c) the day on which the member is required to perform the duties referred to in paragraph (6) is not a public holiday or rostered rest day,

there shall be no entitlement to an allowance or time off under regulation 24 in respect of such duties.

(9) Paragraph (6) shall not apply where—

- (a) a member below the rank of inspector is required to perform the duties normally performed by a member of the rank of inspector or above, and
- (b) the day on which the member is so required to perform such duties is a public holiday or rostered rest day.

(10) For the purposes of this regulation the expression “year” means a period of 12 months beginning on 1st April.

(11) For the purposes of this regulation, the expression “day” means, in relation to a member below the rank of inspector, his normal daily period of duty.

Reckoning of service in a police force in Great Britain

38.—(1) Where a member joined or rejoined the force having left a police force in Great Britain, on or after 29th June 1970, for that purpose or on exercising the right of reversion conferred by section 21(1) of the Act then, for the purposes of regulation 36, his service in any rank in the police force in Great Britain shall be treated as if it were service in the corresponding rank in the force:

Provided that in the case of a member of a rank higher than that of chief inspector this paragraph shall have effect subject to any contrary agreement.

(2) A member of the rank of constable shall be entitled to reckon, for the purposes of pay for that rank, any period of service in a police force in Great Britain not reckonable under paragraph (1).

(3) In this regulation any reference to a rank corresponding to a rank in the force is a reference to a rank in a police force in Great Britain, designated by the Secretary of State for the purposes hereof, as the rank corresponding to the rank in question.

Reckoning by constables of service in certain constabularies

39.—(1) A member of the rank of constable shall be entitled to reckon, for the purposes of pay for that rank, any period of service in a constabulary mentioned in paragraph (2).

(2) The constabularies referred to in paragraph (1) are—

- (a) the Ministry of Defence Police, that is to say the force established by section 1 of the Ministry of Defence Police Act 1987⁽¹⁾ or, before the coming into force of that Act, comprising constables appointed under section 3 of the Special Constables Act 1923⁽²⁾ on the nomination of the Defence Council or, before 1st April 1964, of the Admiralty, Army Council or Air Council;
- (b) the Port of Tilbury London Limited’s police force, that is to say the force of constables appointed under section 154 of the Port of London Act 1968⁽³⁾.

(1) 1987 c. 4
(2) 1923 c. 11
(3) 1968 c. xxxii

Reckoning of service in an airport constabulary

40. Where a member of an aerodrome constabulary has been transferred to the force by an order under section 30 of the Aviation Security Act 1982(4) then, for the purposes of regulation 36, his service in any rank in that constabulary shall be treated as if it were service in the corresponding rank in the force.

Reckoning by constables of overseas police service

41.—(1) A member of the rank of constable shall be entitled to reckon, for the purposes of pay for that rank, the following periods of service, that is to say, any period of—

- (a) certified overseas police service such as is mentioned in paragraph (2);
- (b) certified service in the British South Africa Police such as is mentioned in paragraph (3);
- (c) such service in a police force in the Channel Islands or the Isle of Man as is mentioned in paragraph (4),

notwithstanding that such service is not service in the rank of constable in the force.

(2) The reference in paragraph (1) to certified overseas police service is a reference to—

- (a) continuous service as a member of a police force in any territory or country outside the United Kingdom, being a colony, protectorate or protected state within the meaning of the British Nationality Act 1948(5), a dependent territory within the meaning of the British Nationality Act 1981(6), or, where appropriate, the territory or country wherein the colony, protectorate, protected state or dependent territory was incorporated after the inception of the service, subject to it having been certified by or on behalf of the Secretary of State that—

- (i) the service was, at its inception, pensionable, and
- (ii) in his opinion the person concerned ceased so to serve for reasons connected with constitutional developments in the territory or country in question, or

- (b) continuous service for 6 years or more as a member of a police force outside the United Kingdom, subject to it having been certified by or on behalf of the Secretary of State that—

- (i) the person concerned so served under a contract of service,
- (ii) immediately before he ceased so to serve, the person concerned was, for the purposes of section 12 of the Overseas Development and Co-operation Act 1980(7), a person designated in accordance with such an agreement as is therein mentioned, and
- (iii) in his opinion the person concerned ceased so to serve for reasons connected with constitutional developments in the territory or country in question,

except that the said reference in paragraph (1) does not include a reference to service as a reversionary member of a home police force as defined in the Police Pensions Regulations 1987(8).

(3) The reference in paragraph (1) to certified service in the British South Africa Police is a reference to continuous service as a member thereof, for a period which included 11th November 1965, up to such time, on or after that date, as the person concerned ceased to perform duties therein, subject to his having ceased to perform those duties before 2nd March 1970 and subject to it having been certified by or on behalf of the Secretary of State that he approves the application of this regulation in the case of the person concerned.

(4) 1982 c. 36
 (5) 1948 c. 56
 (6) 1981 c. 61
 (7) 1980 c. 63
 (8) S.I. 1987/257

(4) The reference in paragraph (1) to service in a police force in the Channel Islands or the Isle of Man is a reference to service in—

- (a) the Island police force maintained under the Police Force (Guernsey) Law 1986,
- (b) the States of Jersey police force maintained under the Jersey Laws entitled the Police Force (Jersey) Law 1974, or
- (c) the Isle of Man Constabulary maintained under the Police Act 1993 (an Act of Tynwald).

Pay during sick leave

42.—(1) Subject to paragraphs (2), (3) and (4), if, on any relevant day, a member has, during the period of 12 months ending with that day, been on sick leave for 183 days, he ceases for the time being to be entitled to full pay, and becomes entitled to half pay, while on sick leave.

(2) Subject to paragraphs (3) and (4), if on any relevant day a member has been on sick leave for the whole of the period of 12 months ending with that day, he ceases for the time being to be entitled to any pay while on sick leave.

(3) The chief constable may in a particular case determine that for a specified period—

- (a) a member who is entitled to half pay while on sick leave is to receive full pay, or
- (b) a member who is not entitled to any pay while on sick leave is to receive either full pay or half pay,

and may from time to time determine to extend the period.

(4) The chief constable, if he is satisfied after consultation with a registered medical practitioner appointed or approved by the Police Authority, that a particular case is exceptional, shall determine in consultation with the said medical practitioner that for a specified period—

- (a) a member who is entitled to half pay while on sick leave is to receive full pay, or
- (b) a member who is not entitled to any pay while on sick leave is to receive either full pay or half pay.

An exceptional case is a case in which the member's being on sick leave is directly attributable to an injury received in the execution of his duty, as defined in the Pensions Regulations.

(5) For the purpose of this regulation a relevant day is a day after 30th October 1995 on which a member is on sick leave, and in this regulation—

- (a) references to a member's being on sick leave are references to his being absent from duty while entitled to be so, or with the consent of the Police Authority, under regulation 31,
- (b) references to full pay are references to pay at the rate ascertained from regulation 36, and
- (c) references to half pay are references to pay at half the rate of the member's full pay.

Pay during maternity leave

43.—(1) Subject to the following provisions of this regulation, a female member who satisfies the conditions in paragraph (2) is entitled to be paid as respects the first three months of any period or periods of maternity leave in any one maternity period (as defined by regulation 33) taken in accordance with regulation 33, but is not entitled to be paid thereafter.

(2) The conditions referred to in paragraph (1) are that—

- (a) at the beginning of the week in which the expected date of birth (as defined in regulation 33(1)) occurs, the female member will have served continuously for a period of not less than sixty-three weeks in the force or in a police force in Great Britain; and
- (b) on the date ("the relevant date") fifteen weeks before the expected date of birth (as so defined) she either—

- (i) remains pregnant, or
 - (ii) has given birth prematurely to a baby who is alive on the relevant date.
- (3) In this regulation “week” means a period of seven days beginning with Sunday.

Deductions from pay of social security benefits and statutory sick pay

44.—(1) There shall be deducted from the pay of a member who is in receipt of full pay (within the meaning of regulation 42(5)(b))—

- (a) the amount of any short-term or long-term incapacity benefit to which he is entitled under the Social Security (Incapacity for Work) (Northern Ireland) Order 1994(9), and
- (b) any statutory sick pay to which he is entitled under the Social Security Contributions and Benefits (Northern Ireland) Act 1992(10),

and for the purposes of sub-paragraph (a) 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 section 19 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 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.

Calculation of monthly, weekly and daily pay

45.—(1) A month’s pay shall be calculated, for all purposes, at a monthly rate of pay determined by dividing by 12 the annual rate.

(2) A week’s pay shall be calculated, for all purposes, at a weekly rate of pay determined by dividing by 52# the annual rate.

(3) A day’s pay shall be calculated, except for the purposes of regulations 24 and 25, at a daily rate determined by dividing by 7 the weekly rate, determined as aforesaid.

Pay day

46.—(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.

(3) The Police Authority may, if it thinks fit, pay to a member such part of his pay as it may determine in advance of the day on which it would otherwise be due to be paid in accordance with this regulation.

(9) S.I. 1994/1898 (N.I. 12)

(10) 1992 c. 7