
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 564

**Royal Ulster Constabulary Reserve (Full-time)
(Appointment and Conditions of Service) Regulations 1996**

Part I

Commencement and Interpretation

Citation, operation and effect

1.—(1) These regulations may be cited as the Royal Ulster Constabulary Reserve (Full-time) (Appointment and Conditions of Service) Regulations 1996.

(2) These regulations shall come into operation on 30th December 1996, but shall have effect for the purposes of—

- (a) regulation 38(1)(d) as from 31st March 1993;
- (b) regulation 30(2) as from 15th October 1994;
- (c) regulation 32 as from 17th July 1995;
- (d) regulation 33 as from 31st October 1995;
- (e) the increases, in Schedule 4, of pay as from the dates specified in the Table;
- (f) the increases, in Schedule 8, of dog handler's allowance as from the dates specified therein; and
- (g) regulation 38(6) as from 31st March 1996.

Meanings assigned to certain expressions, etc.

2.—(1) The following expressions have the meanings hereby assigned to them—

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

“central committee” has the meaning assigned to it in regulation 14 of the Police Association for Northern Ireland Regulations 1991(1);

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

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

“the force” means the Royal Ulster Constabulary Reserve;

“maternity leave” has the meaning assigned thereto by regulation 28(1);

“member” means a member of the force appointed on a full-time basis and includes such a member who is suspended under the Discipline Regulations;

“public holiday” means New Year’s Day, St. Patrick’s Day, first Monday in May, last Monday in May, 12th July, last Monday in August, Christmas Day and 26th December; and, in addition, in any year where New Year’s Day, Christmas Day or 26th December falls on a Saturday or Sunday, any substitute day.

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

Part II

Government

Authorised establishment

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

Ranks

4. 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.

Restrictions on the private life of members

5. The restrictions on private life contained in Schedule 1 shall apply to all members and no restrictions, other than those designed to secure the proper exercise of the functions of a member, shall be imposed by the Police Authority or the chief constable on the private lives of members 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.

Business interests incompatible with membership of the force

6.—(1) If a member or a relative included in his family proposes to have, or has, a business interest within the meaning of this regulation, the member shall forthwith give written notice of that interest to the chief constable unless that business interest was disclosed at the time of his appointment as a member.

(2) On receipt of a notice given under paragraph (1), the chief constable shall determine whether or not the interest in question is compatible with the member concerned remaining a member and, within 28 days of the receipt of that notice, shall notify the member in writing of his decision.

(3) Within 10 days of being notified of the chief constable’s decision as aforesaid, or within such longer period as the Police Authority may in all the circumstances allow, the member concerned may appeal to the Police Authority against that decision by sending written notice of his appeal to the Police Authority.

(4) On receipt of a notice given under paragraph (3) the Police Authority shall require the chief constable to submit to it, within the next following 10 days, a notice setting out the reasons for his decision and copies of any documents on which he relies in support of that decision; and the Police Authority shall send to the member concerned copies of such notice and documents and shall afford him a reasonable opportunity, being in no case less than 14 days, to comment thereon.

(5) Where a member has appealed to the Police Authority under paragraph (3) the Police Authority shall, within 28 days of receiving his comments on the notice and any other documents submitted by the chief constable under paragraph (4) or of the expiration of the period afforded for making comments if none have by then been received, give him written notice of its determination of the appeal but, where it has upheld the decision of the chief constable and, within 10 days of being so notified or within such longer period as the Police Authority may in all the circumstances allow, the member makes written request to the Police Authority for the reference of the matter to the Secretary of State, the matter shall be so referred and, unless and until the determination of the Police Authority is confirmed by the Secretary of State, it shall be of no effect and, in particular, no action in pursuance thereof shall be taken under paragraph (6).

(6) Where a member, or a relative included in his family, has a business interest within the meaning of this regulation which the chief constable has determined, under paragraph (2), to be incompatible with his remaining a member and either the member has not appealed against that decision under paragraph (3) or, subject to paragraph (5), on such appeal, the Police Authority has upheld that decision, then the chief constable may, subject to the approval of the Police Authority, dispense with the services of that member; and before giving such approval the Police Authority shall give the member concerned an opportunity to make representations and shall consider any representations so made.

(7) For the purposes of this regulation, a member or, as the case may be, a relative included in his family, shall have a business interest if—

- (a) the member holds any office or employment for hire or gain (otherwise than as a member of the force) or carries on any business; or
- (b) a shop is kept or a like business carried on by the member's spouse (not being separated from him) at any premises in Northern Ireland or by any relative included in his family at the premises at which he resides; or
- (c) the member, his spouse (not being separated from him) or any relative included in his family living with him holds, or possesses a pecuniary interest in, any such licence or permit as is mentioned in paragraph (8);

and a reference to a relative included in a member's family shall include a reference to his spouse, parent, son, daughter, brother or sister.

(8) The licence or permit referred to in paragraph (7)(c) is a licence or permit granted in pursuance of the law relating to liquor licensing, refreshment houses or betting and gaming or regulating places of entertainment in Northern Ireland.

(9) If a member or a relative included in his family has a business interest within the meaning of this regulation and, on that interest being notified or disclosed as mentioned in paragraph (1), the chief constable has, by written notice, required him to furnish particulars of such changes in that interest, as respects its nature, extent or otherwise, as may be mentioned in the notice then, in the event of any such change in that interest being proposed or occurring, this regulation shall have effect as though the changed interest were a newly proposed, or newly acquired, interest which has not been notified or disclosed as aforesaid.

Business interests precluding appointment to the force

7. Save in so far as the chief constable may allow at the request of the candidate concerned, a person shall not be eligible for appointment to the force if he or a relative included in his family has a

business interest within the meaning of regulation 6 and paragraphs (7) and (8) thereof shall apply for the purposes of the interpretation of this regulation as they apply for the purposes of that regulation.

Appointment

8. Subject to regulation 12 and to the approval of the Police Authority, the chief constable may appoint members on a full-time basis for such periods as he may deem necessary.

Qualifications for appointment to the force

9.—(1) A candidate for appointment to the force shall—

- (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) satisfy the chief constable that he is sufficiently educated by passing a written and oral examination; and
- (e) give such information as may be required as to his previous history or 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(2).

Probation

10.—(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) In reckoning service in the case of a female member who has taken one or more periods of maternity leave—

- (a) where that leave has been for fourteen weeks or more, the first fourteen weeks whilst on maternity leave shall be treated as if it were service in the force;
- (b) where that leave has been for less than fourteen weeks, any period spent on maternity leave shall be treated as if it were service in the force.

Discharge of probationer

11.—(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 or a month’s pay in lieu thereof.

(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.

(4) Where a member has received a notice under this regulation that his services are to be dispensed with and he gives written notice of his intention to retire and retires under paragraph (3), he shall nevertheless be entitled to receive pay up to and until the date on which the month's notice he has received would have expired or where he has received or is due to receive a month's pay in lieu of notice he shall remain entitled to that pay notwithstanding the notice he has given under paragraph (3).

Retirement

12.—(1) Without prejudice to the provisions mentioned in paragraph (2), 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) The provisions referred to in paragraph (1) are—

- (a) the provisions of the Royal Ulster Constabulary Pensions Regulations relating to compulsory retirement as applied to members by the Royal Ulster Constabulary Reserve (Full-time) Pensions Regulations 1994(3); and
- (b) the provisions of the Discipline Regulations.

Delegation

13. The chief constable may delegate his powers under regulations 11 and 12 to a member of the Royal Ulster Constabulary of the rank of—

- (a) deputy chief constable, or
- (b) assistant chief constable acting in the place of such a member as is mentioned in paragraph (a).

Contents of personal records

14.—(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 received, 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—

- (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;

but, in the case of a period free from punishment other than a caution which expired before 1st July 1989, only if the member so requests.

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

Personal record of member leaving the force

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

(2) Where a member 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

16.—(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 of persons whose fingerprints have been taken otherwise than in accordance with that paragraph.

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

Part III

Duty, Overtime and Leave

Duty to carry out lawful orders

17. 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 daily period of duty

18.—(1) The normal daily period of duty (including the period for refreshment referred to in paragraph (2)) of a member shall be 8 hours.

(2) As far as the exigencies of duty permit—

- (a) the normal daily period of duty shall be performed in one tour of duty; and
- (b) subject to paragraph 4 of Schedule 3, an interval of 45 minutes shall be allowed for refreshment.

(3) Where a member is required to perform his normal daily period of duty in more than one tour of duty and does not travel to and from his home between tours, an interval for refreshment and rest shall normally be included at the beginning or end of one of those tours.

Meaning of “day” in Part III

19.—(1) In this Part, 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.

(2) In discharging his functions under paragraph (1), the chief constable shall have regard to the wishes of the central committee.

Variable shift arrangements

20.—(1) This regulation applies to members below the rank of reserve inspector.

(2) The chief constable may bring into operation variable shift arrangements agreed by him with the central committee for all members to whom this regulation applies or for any particular group or groups of such members.

(3) Variable shift arrangements must provide, as respects members for whom they are in operation—

- (a) for hours of duty equivalent to those resulting from the application of regulations 18(1) and 23(1), and
- (b) for annual leave equivalent to that resulting from the application of regulation 25(1) and Schedule 3, to other members.

(4) In relation to members for whom variable shift arrangements are in operation these regulations have effect with the modifications set out in Schedule 2.

Rostering of duties

21.—(1) The chief constable shall cause to be published, in accordance with this regulation, annual duty rosters for members and in these regulations—

- (a) a reference to a rostered rest day is to be construed, in relation to a member who is required to do duty on that day, as a reference to a day which according to the duty roster was, immediately before he was so required to do duty, to have been a rest day for the member; and
- (b) a day off granted in lieu of a rostered rest day shall be treated as a rostered rest day.

(2) Each such roster shall 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.

(3) 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 whom 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.

(4) Subject to paragraph (5), 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 agrees otherwise.

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

Overtime

22.—(1) Subject to, and in accordance with, the provisions of this regulation, a member below the rank of reserve inspector shall be compensated in respect of time—

- (a) for which he remains on duty after his tour of duty ends, or
- (b) for which he is recalled between two tours of duty, or
- (c) which forms part of a tour of duty which he is required to begin earlier than the rostered time without due notice and on a day when he has already completed his normal period of duty,

and such time is referred to hereafter in these regulations 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 23 (public holidays and rest days) or 45 (allowance for recurring escort duty, etc.).

(3) Subject to paragraphs (4) and (6), such a member shall 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, except that on each of the first 4 occasions on which overtime in respect of which the member was not informed as mentioned in paragraph (6) is worked during a week, 30 minutes of the overtime worked is to be disregarded.

(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 paragraph (4), 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) subject to sub-paragraph (d), 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 of duty exceeds the normal daily period of duty;
 - (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 in respect of any period for which he is recalled, disregarding any overtime reckonable by virtue of regulation 24 (travelling time treated as duty), he shall be deemed to have worked for that period 4 hours of overtime in addition to any overtime reckonable by virtue of regulation 24; and
 - (d) where the time at which a member is required to begin a rostered tour of duty is brought forward without due notice and so that he is required to begin that tour on a day on which he has already completed his normal daily period of duty, the time for which he is on duty before the rostered commencement time—
 - (i) shall be reckonable as overtime, and
 - (ii) shall be taken into account as part of that tour of duty.
- (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;
 - “due notice” means notice given at least 8 hours before the revised starting time of the rostered tour of duty in question;
 - “member recalled to duty” does not include a member who is only warned to be in readiness for duty if required;
 - “normal daily period of duty” shall be construed in accordance with regulation 18;
 - “pay period” means the period for which, in pursuance of regulation 35 (pay day), 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

- 23.**—(1) 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 two rest days in respect of each week.
- (2) 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 15 days’ notice of the requirement, an allowance at the appropriate rest-day rate; or
 - (b) in any other case, another rest day, which shall be notified to him within 4 days of notification of the requirement.
 - (3) The appropriate rest-day rate is, for each completed 15 minutes of duty on a rostered rest day, the fraction of a day’s pay specified in paragraph (4).
 - (4) The fraction is—
 - (a) where the member received less than 8 days’ notice of the requirement, one sixteenth; and
 - (b) in any other case, three sixty-fourths.
 - (5) 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.
- (6) 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 (2)(a) or paragraph (5)(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—
 - (i) where the member received less than 8 days' notice of the requirement, to double, and
 - (ii) in any other case, to one and a half times,
 the period of completed quarters of an hour of duty on the day in question.
- (7) Where such a member who is required to do duty on a day which is a public holiday or a rostered rest day has elected to receive time off as mentioned in paragraph (6), 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 (2)(a) or, as the case may be, paragraph (5)(a) or (b).
- (8) Subject to paragraph (9), 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;
 - (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(1) (meaning of "day" in Part III) commencing at any time on the calendar date of the public holiday in question;
 - (e) the expression "week" means a period of 7 days beginning with such day as is fixed by the chief constable;
 - (f) where a member is required to do duty, or is recalled to duty, for a period or periods of less than four completed hours on a day which is a public holiday or a rostered rest day, such period or, as the case may be, each such period, shall be treated as though it were a period of 4 completed hours, except that a period of not more than one hour of duty on a rostered rest day shall, if it immediately follows a period for which he was on duty as part of a normal daily period of duty, count as the number of periods of 15 minutes actually completed;
 - (g) 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 (f)) the time occupied by him in going to, and returning from, his place of duty, not exceeding such reasonable time 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 24.

(9) 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.

Travelling time treated as duty

24.—(1) This regulation shall apply where a member is—

(a) required to perform—

(i) his normal daily period of duty, or

(ii) duty on a public holiday, or

(iii) duty on a day which would have otherwise been a rostered rest day

in more than one tour of duty, or

(b) recalled to duty between 2 tours of duty,

and travels to and from his home between tours or, as the case may be, in consequence of his recall (in this regulation referred to as “relevant travelling”).

(2) For the purposes of this regulation, duty on a public holiday or on a day which would otherwise have been a rostered rest day shall be regarded as a recall to duty between 2 tours of duty only if the member, after completion of a period of such duty, is recalled for further duty.

(3) In computing any period of overtime for the purposes of regulation 22 or any period of duty for the purposes of regulation 23 (save for the purposes of paragraph (8)(f) thereof) the time occupied by such a member in relevant travelling, not exceeding such reasonable limit as may be fixed by the chief constable, shall be treated as a period of duty.

(4) For the purposes of regulation 42 the use of a motor vehicle for relevant travelling shall be treated as such use for the purpose of duties performed by the member concerned.

(5) Relevant travelling expenses shall be treated as expenses incurred in the execution of duty and, unless they are expenses in respect of which an allowance is payable under these regulations, the member concerned shall be reimbursed those expenses to the extent that they do not exceed such reasonable limit as the Police Authority may fix.

Annual leave

25.—(1) Every member shall, so far as the exigencies of duty permit, be granted annual leave in accordance with Schedule 3.

(2) The annual leave of a member shall be additional to the days upon which he is not required to perform police duties in accordance with regulation 23 and a member shall, so far as the exigencies of duty permit, be allowed to take his annual leave in one period continuous with such days as aforesaid falling within the period in which he desires to take annual leave.

Sick leave

26.—(1) A member shall not be entitled to be absent from duty on account of injury or illness unless a registered medical practitioner has certified him to be unfit for duty:

Provided that—

(a) with the consent of the Police Authority, a member may be so absent without such certificate of unfitness where the period of unfitness for duty does not exceed 7 days, including any day on which, even if he were fit to do so, he would not have been required to perform police duty;

- (b) if, notwithstanding such certificate of unfitness for duty, a registered medical practitioner, appointed or approved by the Police Authority, has examined the member and considers him to be fit for duty, the Police Authority shall, if the medical practitioner who issued the certificate of unfitness for duty agrees, within 28 days of the difference of opinion coming to its attention, arrange for a third registered medical practitioner to examine the member and to report, in writing, to the other two practitioners concerned; the third registered medical practitioner shall be acceptable to the practitioner who issued the certificate of unfitness for duty and to the practitioner who has examined the member on behalf of the Police Authority, except that in the event of a failure to agree, the Police Authority may appoint such third registered medical practitioner as it considers appropriate; and if the third registered medical practitioner certifies the member to be fit for duty, or if the medical practitioner who issued the certificate of unfitness for duty does not agree to such further examination, the member shall no longer be entitled to be absent from duty.

(2) This regulation shall apply to a member who is in quarantine as it applies to a member who is ill and any reference to fitness or unfitness for duty shall be construed accordingly.

Leave for ante-natal care

27.—(1) A female member who is pregnant and who, on the advice of a registered medical practitioner, registered midwife or registered health visitor, has made an appointment to attend at any place for the purpose of receiving ante-natal care shall, subject to the following provisions of this regulation, have the right not to be unreasonably refused special leave from duty to enable her to keep the appointment.

(2) Subject to paragraph (3), the chief constable shall not be required by virtue of this regulation to permit a female member to take special leave from duty to keep an appointment unless, if he requests her to do so, she produces for his inspection—

- (a) a certificate from a registered medical practitioner, registered midwife or registered health visitor stating that she is pregnant, and
- (b) an appointment card or other document showing that the appointment has been made.

(3) Paragraph (2) shall not apply where the female member's appointment is the first appointment during her pregnancy for which she seeks permission to take special leave from duty in accordance with paragraph (1).

(4) A period of special leave from duty taken in accordance with paragraph (1) shall be treated as a period of duty.

Maternity leave

28.—(1) In this regulation—

“expected date of birth” means, subject to paragraph (4), the date given in accordance with paragraph (2)(b);

“maternity leave” means leave taken in accordance with the provisions of this regulation by a qualified member during the maternity period;

“maternity period”, in relation to such a member, means the period beginning six months before the probable date of birth of the member's child, as given under paragraph (2)(b) or, as the case may be, paragraph (4), and ending nine months after the date so given; and

“qualified member” means a member who qualifies under paragraph (2).

(2) Subject to the following provisions of this regulation, a female member qualifies for maternity leave when she has given to the chief constable notice stating—

- (a) that she is pregnant;

- (b) the probable date of the birth of her child; and
- (c) the date on which she intends to commence maternity leave or, where she proposes to take more than one period of maternity leave before the probable date of birth of her child, the proposed dates of those periods.

(3) A female member does not qualify for maternity leave where the chief constable has requested a certificate from a registered medical practitioner, registered midwife or registered health visitor setting out the matters referred to in paragraph (2)(a) and (b) and she fails to produce such a certificate.

(4) Where a certificate produced under paragraph (3) sets out a different date as the probable date of the birth of the child of the female member from the date given in accordance with paragraph (2)(b), the date given in the certificate shall have effect in place of the date given in the notice.

(5) A female member who is pregnant shall give the notice required by paragraph (2) as soon as reasonably practicable after she becomes aware of the probable date of birth of her child.

(6) The date given in accordance with paragraph (2)(c) may be amended by a subsequent notice to the chief constable, provided that not less than 21 days' notice is given of the qualified member's intention to return to duty.

(7) A qualified member shall commence maternity leave no later than the date given in accordance with paragraph (2)(b) and, subject to paragraphs (8) and (9), the leave shall continue until the last day of the maternity leave.

(8) Where a qualified member intends to return to duty before the end of the maternity period after taking maternity leave, she shall give the chief constable not less than 21 days' notice of her intention.

(9) A notice under paragraph (8) may be subsequently revoked; and any such revocation shall be without prejudice to the giving of another notice under that paragraph of an intention to return to duty before the end of the maternity period.

(10) During any period of maternity leave, a qualified member shall not be entitled to any sick leave under regulation 26.

(11) In paragraph (10) "period of maternity leave" means the period—

- (a) beginning on—
 - (i) the date given in accordance with paragraph (2)(c) as the date on which the qualified member intends to commence maternity leave or, where she proposes to take more than one period of such leave, the first of those dates, or
 - (ii) where that date or, as the case may be, the first of those dates has been amended by a subsequent notice under paragraph (6), that date; and
- (b) ending on—
 - (i) where a notice has been given under paragraph (8) and has not been subsequently revoked, the date so given, or
 - (ii) where no such notice has been given or remains in force, the last day of the maternity period.

Paternity leave

29.—(1) So far as the exigencies of duty permit, a male member shall be granted 2 days' paternity leave during the relevant part of a woman's maternity period.

(2) A woman's maternity period is one beginning with the later of—

- (a) the date on which she is certified by a registered medical practitioner to be pregnant, and

- (b) the date 6 months before the one estimated by that practitioner as being the probable date of birth,
and ending 9 months after the birth of the child.
- (3) The relevant part of a woman's maternity period is any part during which—
 - (a) the member is married to and not separated from her, or
 - (b) they are not married to each other but are living together as husband and wife.

Part IV

Pay

Rate of pay

- 30.**—(1) The rate of pay of a member holding such rank as is specified in Schedule 4 shall be in accordance with the scale in that Schedule.
- (2) For the purposes of this regulation, in reckoning the service of a female member who has taken one or more periods of maternity leave—
- (a) where that leave has been for fourteen weeks or more, account shall be taken of the first fourteen weeks whilst on maternity leave;
 - (b) where that leave has been for less than fourteen weeks, account shall be taken of any period spent on maternity leave.
- (3) 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 5 or of paragraph 4 thereof shall have effect.

Sick pay

- 31.**—(1) Where a member loses remuneration 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 33, the rate thereof shall be in accordance with regulation 30.

Pay during maternity leave

- 32.**—(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 28) taken in accordance with regulation 28, 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 28(1)) occurs, the female member will have served continuously for a period

of not less than sixty-three weeks in the force or in the Royal Ulster Constabulary 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

33.—(1) There shall be deducted from the pay of a member who is in receipt of full pay at the rate ascertained from regulation 30—

- (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(4), and
- (b) any statutory sick pay to which he is entitled under the Social Security Contributions and Benefits (Northern Ireland) Act 1992(5),

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

34.—(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 22 and 23, at a daily rate determined by dividing by 7 the weekly rate, determined as aforesaid.

Pay day

35.—(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.

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

(5) 1992 c. 7

Part V

Allowances and Other Emoluments

Restriction on payment of allowances

36.—(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) Subject to paragraph (3), 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.

(3) A member of the rank of reserve superintendent who is required to travel by train in the execution of his duty shall be entitled to travel in first-class accommodation and to be reimbursed his expenses accordingly.

Restriction on payments for private employment of police

37. Without prejudice to the generality of regulation 36, 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.

Removal allowance

38.—(1) Where a member moves his home in circumstances to which this paragraph applies, the Police Authority shall—

- (a) either reimburse the reasonably incurred cost of removal or carry out the removal;
- (b) where the member was the owner of his former home, reimburse expenses reasonably incurred by him in connection with the disposal thereof;
- (c) where the member is the owner of his new home, reimburse expenses reasonably incurred by him in connection with the acquisition thereof if—
 - (i) he was the owner of his former home, or
 - (ii) the Police Authority, after consulting the chief constable, is satisfied that he could neither have been provided with a suitable house or quarters nor have been reasonably expected to find suitable rented accommodation within a reasonable distance of his normal place of duty,

so, however, that where the Police Authority is of the opinion that the member could have acquired a suitable home for a consideration less than that actually paid, it may restrict the reimbursement of expenses directly related to the consideration paid by him to expenses which would have been reasonably incurred had he paid that lesser consideration;

- (d) reimburse the member his payments in connection with his former home by way of mortgage interest, rent or rates payable in respect of the first 26 weeks following the move and may, if it thinks fit, reimburse him such payments in respect of such further period as it may determine so, however, that where the Police Authority is of the opinion that the member had not taken all reasonable steps to reduce or terminate his liability to make such payments as aforesaid, it may restrict the reimbursement to payments which the member would have been liable to make had he taken all such steps.

(2) Paragraph (1) applies where the member moves his home except as a consequence of joining the force, and the removal is, in the opinion of the chief constable, due to the exigencies of police

duty or is made at the request of the chief constable and is, in his opinion, in the interests of the efficiency of the force.

(3) Where the cost of removal is reimbursed or the removal is carried out by the Police Authority under paragraph (1), then, subject to paragraph (4), in respect of expenditure incidental to the move the Police Authority shall pay the member an allowance of the amount hereinafter provided.

(4) An allowance under paragraph (3)—

- (a) shall not be payable, where a member who has never been married moves from furnished accommodation;
- (b) shall only be payable if the chief constable so decides, where a member moves from unfurnished into furnished accommodation.

(5) In the case of a member who—

- (a) moves into furnished accommodation; or
- (b) moves into unfurnished accommodation but has not previously, while a member, lived in such accommodation,

the amount of the allowance under paragraph (4) shall be £20.

(6) In the case of any other member the amount of the allowance under paragraph (3) shall not exceed £1,396 nor be less than the minimum amount mentioned in paragraph (7) but, subject as aforesaid, shall equal the aggregate of the following amounts—

- (a) the amount of the expenditure incidental to the move reasonably incurred by the member, and
- (b) where he satisfies the Police Authority that, in consequence of the move, he has failed to benefit, in whole or in part, from expenditure reasonably incurred by him prior to the move (other than such payments as are referred to in paragraph (1)(d), the whole or the proportionate part of that expenditure so far as it is not recoverable by him.

(7) The minimum amount referred to in paragraph (6) shall be £82.

(8) Where a member has been requested by the chief constable, in the interests of the efficiency of the force, to move his home, and—

- (a) the member has, in consequence, in connection with the contemplated disposal of his home and acquisition of a new home, incurred any expenses; and
- (b) he would, if he had moved his home, have been reimbursed those expenses by the Police Authority in pursuance of paragraph (1)(b) or (c); but
- (c) in consequence of a subsequent decision of the chief constable, the member does not in fact move his home,

he shall be entitled, notwithstanding that he has not moved his home, to be reimbursed those expenses by the Police Authority.

(9) In this regulation—

- (a) any reference to an owner of any property is a reference to an occupier thereof whose interest therein is either a freehold interest or a leasehold interest which is neither a yearly or shorter tenancy nor a furnished tenancy;
- (b) any reference to expenses incurred in connection with the disposal or acquisition of any property shall be construed as including, in particular, estate agent's, auctioneer's and solicitor's fees, stamp duty and expenses in connection with the redemption, transfer or taking out of a mortgage and any reference to expenses incurred in connection with the acquisition of any property shall be construed as also including expenses in connection with the contemplated acquisition of a property other than that acquired;
- (c) the expression "rates" includes—

- (i) any rate within the meaning of Article 2(2) of the Rates (Northern Ireland) Order 1977(6); and
- (ii) the reasonable cost of emptying a cess-pit where the premises do not have main drainage.

Plain clothes allowance

39.—(1) A member 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 (2), be paid a plain clothes allowance in respect of such duties at such hourly rate as shall be determined by the Secretary of State.

(2) For the purposes of paragraph (1) and the calculation of the aggregate duration of the duties there referred to—

- (a) where the duties were performed on an occasion falling within such a continuous period of plain clothes duty as is mentioned in paragraph (1), no account shall be taken of those duties;
- (b) where the duties performed on any occasion lasted less than 4 completed hours, no account shall be taken of those duties;
- (c) where the duties performed on any occasion lasted for a completed number of hours and a fraction of an hour, no account shall be taken of that fraction.

(3) Notwithstanding anything in paragraph (1), where a member is provided with overalls when doing duty in plain clothes or for any other reason is, in the opinion of the Secretary of State, put to substantially less or substantially more than the normal expense caused by wearing his own clothes, a plain clothes allowance payable to him under paragraph (1) shall be payable not at the rate determined under the paragraph in question but at such rate as may be approved by the Secretary of State having regard to the circumstances of the case.

Subsistence, refreshment and lodging allowances

40.—(1) A member who, having been retained on duty beyond his normal daily period of duty or engaged on duty away from his usual place of duty, certifies that, by reason of being so retained or engaged, he has been unable to obtain a meal in his usual way and that, as a consequence thereof, he has incurred additional expenditure to obtain food, shall—

- (a) if the period for which he is so retained or engaged is not less than two hours but does not exceed five 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.

(2) A member who, having been retained on duty beyond his normal daily period of duty or engaged on duty away from his usual place of duty, certifies that he has incurred additional expense for the purpose of obtaining lodging which he would not have required if he had not been so retained or engaged shall be paid a lodging allowance.

(3) A member who satisfies the chief constable that during his normal daily period of duty he has, though not away from his usual place of duty, been prevented by the exigencies of duty from obtaining a meal in his usual way and that he has, as a consequence thereof, incurred additional expenditure to obtain food, may be paid a refreshment allowance.

(4) For the purposes of this regulation the expression “usual place of duty” means a member’s police station or other police establishment in which the member is stationed or, where such place

of duty has been temporarily changed and after such period from the date of change as the chief constable may determine, in which he is temporarily stationed, as the case may be.

(5) A subsistence, refreshment or lodging allowance payable under the foregoing provisions of this regulation shall be of an amount determined in accordance with Schedule 6.

Advances to cover expenses when away on duty

41. 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.

Motor vehicle allowances

42.—(1) Where the chief constable is of the 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 purposes 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 7.

(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 7 shall have effect for the purposes of the interpretation of this regulation.

Dog handler's allowance

43.—(1) Where a dog owned by the Police Authority is kept and cared for by a member at his home, the member shall be paid a dog handler's allowance in respect of the care accorded to the dog on the member's rest days and on public holidays.

(2) A dog handler's allowance shall be of an amount determined in accordance with Schedule 8.

(3) For the purposes of this regulation and of Schedule 8, a member shall be treated as keeping and caring for a dog at his home if he would be so doing but for his being on annual leave.

Allowance in respect of medical charges

44.—(1) A member, if the charges are incurred by reason of an injury received without his default in the execution of his duty as a member, shall be reimbursed the normal standard charges incurred in his case under Articles 5, 61, 62, 63 and 98 of the Health and Personal Social Services (Northern Ireland) Order 1972(7) (which Articles relate to charges for certain drugs, medicines, appliances and for dental treatment).

(2) For the purposes of the preceding paragraph, the terms “injury” and “injury received in the execution of duty” shall, subject to the necessary modifications, have the same meanings as they have in the Royal Ulster Constabulary Pensions Regulations 1988(8).

Allowance for recurring escort duty, etc.

45. An allowance may be paid, of such amount and under such conditions as may be determined by the Secretary of State on the recommendation of the Police Authority, in respect of recurring escort duty or other specific duties involving recurring retention on duty beyond the normal daily period and not covered by any other payment.

Continuance of allowances when member ill

46. If a member, who is regularly in receipt of any allowance to meet an expense which ceases during his or her absence from duty, is placed upon the sick list or is on maternity leave, the allowance shall be payable during his or her absence from duty up to a period of a month but thereafter, during the remainder of his or her absence from duty, payment may be suspended at the discretion of the chief constable.

Allowances in respect of periods of suspension

47. This Part shall have effect in relation to a member suspended under the Discipline Regulations, subject to the provisions of paragraphs 2 and 3 of Schedule 5.

General

48. A member claiming any allowance under this Part 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

49. Uniform and equipment shall be issued by the Police Authority free of charge to members in accordance with the provisions of Schedule 9.

(7) S.I. 1972/1265 (N.I. 14) as modified by S.I. 1978/1907 (N.I. 26)

(8) S.R. 1988 No. 374, to which there are amendments not relevant to these regulations

Re-issue of uniform and equipment

50. 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

51. Subject to regulation 52, 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

52. 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

Revocations, Savings and Transitional Provisions

Revocations and savings

- 53.**—(1) The regulations specified in Part I of Schedule 10 are revoked.
(2) The revocations have effect subject to the savings in Part II of Schedule 10.

Transitional provisions

54. Without prejudice to sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954(9), any appointment, deduction, payment, application, or election made, or approval, direction, consent, certificate or notice given, or any record or list kept, or any rank adopted, or any overtime worked or hours of duty worked on any public holiday or rest day, or any maximum limit fixed, 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 53, but shall, in so far as it could have been made, given, kept, 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.

Northern Ireland Office
4th December 1996

P. B. B. Mayhew
One of Her Majesty's Principal Secretaries of
State