
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 564

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

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⁽¹⁾; 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—

(1) S.I.1977/2157 (N.I. 28)

- (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(2) (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(3).

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.

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

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

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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.