
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 565

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

Part I

Commencement and Interpretation

Citation, operation and effect

1. These regulations may be cited as the Royal Ulster Constabulary Reserve (Part-time) (Appointment and Conditions of Service) Regulations 1996, and shall come into operation on 30th December 1996, but shall have effect for the purposes of regulation 16 as from the dates specified therein.

Meanings assigned to certain expressions, etc.

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

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

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

“the force” means the Royal Ulster Constabulary Reserve;

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

(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 Police Act (Northern Ireland) 1970.

Ranks

4.—(1) 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.

(2) Without prejudice to regulation 9(2), the appointment of every member shall, unless otherwise specified, be without limitation as to period.

Restrictions on the private life of members

5.—(1) No restrictions on the private life of members shall be imposed by the Police Authority or the chief constable, other than those designed to secure the proper exercise of the functions of a member, 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.

(2) A member shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his duties or which is likely to give rise to the impression amongst members of the public that it may so interfere; and in particular a member shall not take any active part in politics.

(3) A member shall not wilfully refuse or neglect to discharge any lawful debt.

Qualifications for appointment to the force

6.—(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(1).

Probation

7.—(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) If, in the opinion of the chief constable, the said period of probation was seriously interrupted by a period of absence from duty by reason of injury or illness, the chief constable may, at his

discretion, extend the period of probation for such longer period, not exceeding 12 months, as he determines in the circumstances of the particular case.

Discharge of probationer

8.—(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.

(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.

Retirement

9.—(1) Without prejudice to the Discipline Regulations, 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) Retirement shall be compulsory on attaining the age of 57 years, provided that the chief constable may extend the service of a member by yearly periods not exceeding 5 in number on being satisfied that exceptional circumstances render such extensions desirable.

(3) The chief constable may require a member to retire on such date as he may specify on the grounds that he is disabled to such an extent that he is unable to perform the ordinary duties of a member and the disablement is likely to be permanent.

Delegation

10. The chief constable may delegate his powers under regulations 8 and 9 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

11.—(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 transfer (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

12.—(1) Where a member ceases to be a member he shall, on request, 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

13.—(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

Duty to carry out lawful orders

14. 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 duties

15.—(1) Members shall attend training parades and perform patrol duty at such times as the chief constable may require and in accordance with any directions which the chief constable may issue.

(2) Members shall be required to attend 2 training parades, each of a minimum of 2 hours' duration, during each calendar month.

(3) The chief constable may require monthly patrols to be performed by members instead of some or all of the training parades required as basic duties, and for this purpose 2 hours of patrol duty shall be deemed to be the equivalent of a training parade.

(4) The chief constable may at any time direct members to perform patrols in excess of those that may be required under the foregoing provisions of this regulation.

(5) Notwithstanding anything in the foregoing provisions of this regulation, the chief constable may in any period reduce the number of training parades laid down in paragraph (2) provided, however, that any such reduction shall not be deemed to diminish the prescribed basic duties for the purpose of reckoning additional patrols under paragraph (4).

Part IV

Pay

Rate of pay

16. The rate of pay for any member for each hour of duty actually performed is, with effect as from 31st August 1995, £6·91 and, with effect as from 31st August 1996, £7·15.

Sick pay

17.—(1) Where a member loses remuneration in his private employment 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 18, the rate thereof shall be whichever is the lower of the following rates, that is to say—

- (a) the rate of such loss of remuneration, or
- (b) the rate of pay to which he would have been entitled if he had been a member of the Royal Ulster Constabulary holding the rank of constable and his service as a reserve constable had been service as such a member.

Deductions from pay of social security benefits and statutory sick pay

18.—(1) There shall be deducted from the pay of a member—

- (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(2), and
- (b) any statutory sick pay to which he is entitled under the Social Security Contributions and Benefits (Northern Ireland) Act 1992(3),

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

(3) 1992 c. 7

(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.

Pay day

19.—(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.

Part V

Allowances and other Emoluments

Restriction on payment of allowances

20.—(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

21. Without prejudice to the generality of regulation 20, 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.

Subsistence, refreshment and lodging allowances

22.—(1) A member who, having been retained on duty beyond his normal 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 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 1.

Advances to cover expenses when away on duty

23. 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

24.—(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 2.

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

General

25. 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

26. Uniform and equipment shall be issued by the Police Authority free of charge to members in accordance with the provisions of Schedule 3.

Re-issue of uniform and equipment

27. 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

28. Subject to regulation 29, 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

29. 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 and Transitional Provisions

Revocations

30. The regulations specified in Schedule 4 are revoked.

Transitional provisions

31. Without prejudice to sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954(4) any appointment, deduction, payment, application, or approval, direction, consent, certificate or notice given, or any record or list kept, or any rank adopted, or any additional patrol duty worked, 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 30 but shall in so far as it could have been made, given, 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