

2001 No. 80

POLICE

Royal Ulster Constabulary Reserve (Full-time) (Appointment and Conditions of Service) (Amendment) Regulations 2001

Made 19th February 2001

Coming into operation 16th March 2001

To be laid before Parliament

The Secretary of State, in pursuance of section 26 of the Police (Northern Ireland) Act 1998(a), and after consulting, in accordance with section 26(6) of the Act, the Police Authority and the Police Association, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Royal Ulster Constabulary Reserve (Full-time) (Appointment and Conditions of Service) (Amendment) Regulations 2001 and shall come into operation on 16th March 2001.

Interpretation

2. In these regulations any reference to the principal regulations is a reference to the Royal Ulster Constabulary Reserve (Full-time) (Appointment and Conditions of Service) Regulations 1996(b).

Amendment

3. The principal regulations shall be amended as provided in regulations 4 to 7.

4. There shall be inserted after regulation 4 the following regulation:

“Part-time appointments

4A.—(1) The chief constable may, after consultation with the Police Association, appoint persons to perform part-time service in any rank.

(2) A person serving as a full-time member may not be appointed to perform part-time service without his consent.

(3) A person may be appointed under this regulation in the rank of reserve constable only if he has, as a full-time member, completed the period of probation in that rank that was required by regulation 10.

(a) 1998 c. 32
(b) S.R. 1996 No. 564

(4) Any appointment under this regulation in any rank above that of reserve sergeant may only be made on terms that provide for the holder to share with one other person appointed under this regulation in the rank in question the performance of duties that would otherwise fall to be performed by a single person appointed in that rank as a full-time member; if either of the persons sharing the duties ceases to hold his appointment and is not replaced, the other continues to hold the rank in which he was appointed under this regulation but is to be treated as having become a full-time member.

(5) In this regulation “full-time member” means a member appointed otherwise than under this regulation.

(6) In relation to persons appointed under this regulation to perform part-time service these regulations have effect with the modifications set out in Schedule 12.”.

5. In regulation 20(1) after the word “inspector” there shall be inserted the words, “, appointed otherwise than under regulation 4A (part-time appointments)”.

6. In regulation 30 there shall be inserted the following paragraph—

“(2A) For the purposes of this regulation, in reckoning a member’s service in any rank, any service performed pursuant to an appointment under regulation 4(A) (part-time appointments) shall be multiplied by the factor which was the appropriate factor within the meaning of regulation 2(3) or (4) as it applied to him by virtue of paragraph 1 of Schedule 12.”.

7. There shall be inserted after Schedule 11 the following Schedule—

“SCHEDULE 12 Regulation 4A(6)

Modification for part-time service

1. In regulation 2 (meanings assigned to certain expressions, etc.) there shall be inserted after paragraph (2) the following paragraphs—

“(3) In relation to a member below the rank of reserve inspector—

(a) “the determined hours” are the number of hours which the chief constable has determined, under regulation 18(1) or (3A)(a), as his normal period of duty in a relevant period,

(b) “a relevant period” is a period for which a duty roster relating to him has effect, for the time being, under regulation 21, and

(c) “the appropriate factor” is $\frac{A}{B}$

where—

A is the number of the determined hours, and

B is 40 times the number of weeks in the relevant period.

(4) In relation to a member above the rank of reserve sergeant, the appropriate factor is $\frac{1}{2}$.”.

2. In regulation 10 (probation) in paragraph (1) there shall be substituted for the words “shall be on probation for 2 years” the words “may be required to serve on probation for a period not exceeding 2 years and 6 months”.

3. In regulation 11 (discharge of probationer)—

(a) in paragraph (1) there shall be substituted for the words “his period” the words “any period”; and

(b) there shall be inserted after paragraph (4) the following paragraph—

“(4A) For the purposes of this regulation a month’s pay is to be calculated by multiplying one-twelfth of the annual rate ascertained from Schedule 4 by the appropriate factor.”.

4. In regulation 18 (normal daily period of duty) for paragraphs (1) to (3) there shall be substituted the following paragraphs—

“(1) The normal period of duty, in every relevant period, of a member to whom this regulation applies, which is to be performed in accordance with general arrangements made by the chief constable, after consulting the Police Authority and the Police Association, is, subject to paragraph (3A), the total number of hours determined by the chief constable with the agreement of the member at the time of his appointment.

(2) For the purposes of paragraph (1) a day of annual leave counts as a period of duty of 8 hours multiplied by the appropriate factor.

(3) The chief constable shall review a member’s normal period of duty at intervals of not more than 52 weeks, and in doing so shall have regard to the number of hours actually spent on duty during the interval preceding the review.

(3A) After the review under paragraph (3)—

(a) any number of hours different from that determined under paragraph (1) which was determined by the chief constable and agreed to by the member becomes the member’s normal period of duty, and

(b) if no different number was agreed to by the member, his normal period of duty is the number of hours determined under paragraph (1),

(3B) The number of hours determined under paragraph (1) or (3A)(a) must not be less than 16 times the number of weeks in the relevant period.

(3C) As far as the exigencies of duty permit, a shift shall consist of one continuous period.

(3D) Where in one day a member is on duty for a continuous period of 5 hours or more, an interval for refreshment shall, as far as the exigencies of duty permit, be allowed in accordance with the Table below.

TABLE

<i>Number of hours</i>	<i>Refreshment interval</i>
Less than 6 hours	30 minutes
6 hours or more, but less than 7 hours	35 minutes
7 hours or more, but less than 8 hours	40 minutes
8 hours or more	45 minutes

(3E) Where a shift consists of two periods, amounting in total to 5 hours or more, and the member does not travel to and from his home between those periods, an interval for refreshment and rest shall normally be included at the beginning or end of one of them.”.

5. In regulation 21 (rostering of duties)—

(a) in paragraph (1)—

- (i) the word “annual” shall be omitted, and
- (ii) after sub-paragraph (b) there shall be inserted the following sub-paragraph—

“and

(c) a reference to a free day is to be construed as a reference to a day which is not—

- (i) a day on which a shift is, according to the duty roster, to begin or end, or
- (ii) a rostered rest day, or
- (iii) a public holiday.”;

(b) in paragraph (2) after the word “roster” there shall be inserted the words “(except one relating to a member who has agreed with the chief constable on a different period) shall have effect for a period of 12 months, and”;

(c) in paragraph (3)—

- (i) for the words “the 12 months following the date on which it comes into force” there shall be substituted the words “the period for which it has effect”,
- (ii) after sub-paragraph (a) there shall be inserted—
“(aa) his free days;”, and
- (iii) in sub-paragraph (c) for the words “his scheduled daily periods of duty are” there shall be substituted the words “each of his shifts is”;

(d) in paragraph (4)—

- (i) in sub-paragraph (a) for the words “daily periods of duty” there shall be substituted the words “shifts”, and

- (ii) in sub-paragraph (b) before the words “an interval” there shall be inserted the words “unless he has agreed with the chief constable on a longer interval;”; and
- (e) in paragraph (5) for the words “daily period of duty” there shall be substituted the word “shift”.

6. For regulation 22 (overtime) there shall be substituted the following regulation—

“22.—(1) This regulation applies to a member below the rank of reserve inspector.

(2) A member who has been on duty for more than 40 hours in any period of 7 days, beginning with such day as is fixed for the purpose of this regulation by the chief constable (a “relevant week”), is entitled, in respect of any day during that period in which he has been on duty for more than 8 hours (a “long-duty day”), to an allowance at the rate of one-twelfth of an hour’s pay for each completed 15 minutes in excess of 8 hours, except that on each of the first 4 occasions on which overtime, which the member was not told at the beginning of the shift would be required, is worked during a relevant week, 30 minutes of the overtime worked is to be disregarded.

(3) A member may, before the end of a pay period (that is to say, a period comprising one of the intervals between payments under regulation 35), elect to be granted time off, instead of an allowance under paragraph (2), in respect of any long-duty day that occurred during a relevant week ending within the pay period.

(4) Subject to the exigencies of duty, where a member has elected as mentioned in paragraph (3) the chief constable shall, within 3 months after the end of the relevant week, grant him time off equal to the total of—

- (a) the time in excess of 8 hours spent on duty in the day, or as the case may be in each of the days, in respect of which the election was made, and
- (b) 15 minutes in respect of each completed 45 minutes of that time,

(5) Any time counting for the purpose of regulation 30 (rate of pay) as time spent on duty, except—

- (a) time for which an allowance is received under paragraph (7) or under regulation 23 or 45, and
- (b) any period of less than 30 minutes worked during the first 30 minutes after the end of a rostered shift, except a period of 15 minutes which the member was told at the beginning of the shift would be required,

counts as time spent on duty for the purposes of paragraph (2).

(6) For the purposes of paragraph (2) a period of duty—

- (a) which resulted from a member’s being recalled and returning to duty between two rostered shifts, and

(b) the length of which, after deducting any travelling time counting as a period of duty by virtue of regulation 24, was less than 4 hours,

counts as a period of duty lasting for the aggregate of 4 hours and any period counting by virtue of regulation 24.

(7) Where the time at which a member is required to commence a rostered shift is brought forward—

(a) without giving him notice 8 hours or more before the new commencement time, and

(b) so that he is required to commence that shift on the day on which his previous shift ended,

he is entitled to an allowance at the rate of one-twelfth of an hour's pay for each completed 15 minutes of the time for which he is on duty before the rostered commencement time.

(8) A member who has become entitled to an allowance under paragraph (7) may, before the end of the pay period during which the day on which he was required to commence the shift occurred, elect to be granted time off instead of the allowance.

(9) Subject to the exigencies of duty, where a member has elected as mentioned in paragraph (8) the chief constable shall, within 3 months after the date of election, grant him time off equal to one and one-third times the number of completed quarters of an hour for which he was on duty before the rostered commencement time.

(10) Where—

(a) on any day on which he has a rostered shift a member has been on duty for a period exceeding the length of that shift, and

(b) he is not entitled in respect of that day to any allowance under paragraph (2) or (7),

he may, not later than 4 days after the end of the relevant week in which the day in question occurred, elect to be granted time off in respect of the excess over the length of the shift ("the excess period").

(11) for the purposes of paragraphs (2) and (10) a continuous period of duty which began before and ended after the beginning of a day shall—

(a) if the day on which it ended was not—

(i) a public holiday,

(ii) a rostered rest day, or

(iii) a free day,

in respect of which he became entitled to an allowance under regulation 23, be treated as having fallen wholly within, and

(b) in any other case, be treated as having consisted only of so much of the period as fell within,

the day on which the period began.

(12) Subject to the exigencies of duty, where a member has elected as mentioned in paragraph (10), the chief constable shall, within 3 months after the date of the election, grant him time off equal to the excess period.

(13) For the purpose of regulation 30 (rate of pay), any extra period of duty in respect of which time off is granted under paragraph (4) or (9) counts as one and one third times the number of completed quarters of an hour comprised in the extra period of duty, and a period falling within paragraph (6)(a) and (b) counts as one of 4 hours.”.

7. In regulation 23 (public holidays and rest days)—

(a) in paragraph (3) for the words “a day’s pay” there shall be substituted the words “the member’s hourly rate of pay calculated in accordance with regulation 30”

(b) in paragraph (4)—

(i) for the words “one sixteenth” there shall be substituted the words “one quarter”, and

(ii) for the words “three sixty-fourths” there shall be substituted the words “one eighth”;

(c) there shall be inserted after paragraph (4) the following paragraphs—

“(4A) A member who—

(a) is required to do duty on a free day, and

(b) receives not less than 15 days’ notice of the requirement,

shall be granted another free day in lieu, which shall be notified to him within 4 days of notification of the requirement.

(4B) This paragraph applies where—

(a) a member is required to do duty on a free day, and

(b) he receives less than 15 days’ notice of the requirement, and

(c) the duty is of such a nature that it would not in the circumstances have been reasonably practicable for it to have been done by any other member.

(4C) Where paragraph (4B) applies—

(a) if the member was on duty for more than 8 hours on the free day and for more than 40 hours (in addition to any hours on a rostered rest day or a public holiday for which an allowance fell to be granted under paragraph (2)(a) or (5)(a) or (b)) during the week in which the free day occurred, he is entitled to an allowance at the rate of one twelfth of an hour’s pay for each completed period of 15 minutes of duty done on the free day, and

(b) in any other case, he is entitled to time off equal to the total length of those periods.

(4D) Where—

(a) a member is required to do duty on a free day, and

(b) he receives less than 15 days' notice of the requirement,

but paragraph (4C) does not apply, he is entitled to an allowance at the appropriate rest-day rate.”;

(d) after paragraph (6) there shall be inserted the following paragraph—

“(6A) A member who is required to do duty on a free day may within 28 days of that day elect to receive—

(a) in lieu of an allowance under paragraph (4C)(a), time off equal to one and one-third times, and

(b) in lieu of an allowance under paragraph (4D), time off equal to one and one-half times,

the period of completed quarters of an hour of duty done on the free day,”;

(e) in paragraph (7)—

(i) after the words “rostered rest day” there shall be inserted the words “or on a free day”,

(ii) after the words “paragraph (6)” there shall be inserted the words “or (6A)”, and

(iii) after the words “as the case may be” there shall be inserted the words “paragraph (4C) or (4D) or”;

(f) in paragraph (8)—

(i) for sub-paragraph (b) there shall be substituted the following sub-paragraph—

“(b) “the appropriate rate” is, for each completed 15 minutes of duty done on a public holiday, one quarter of the member’s hourly rate of pay calculated in accordance with regulation 30;”

(ii) sub-paragraph (c) shall be omitted, and

(iii) in sub-paragraphs (f) and (g) after the words “rostered rest day”, wherever occurring, there shall be inserted the words “or a free day”, and in sub-paragraph (f) for the words “a normal daily period of duty” there shall be substituted the words “a rostered shift”;

(g) in paragraph (9) after the words “rostered rest day”, wherever occurring, there shall be inserted the words “ or a free day”; and

(h) after paragraph (9) there shall be inserted the following paragraph—

“(10) For the purposes of regulation 30 (rate of pay)—

(a) a day’s leave allowed under paragraph (2) and a day off granted under paragraph (6)(a) or under paragraph (10) in

respect of a public holiday each count as a period of duty of 8 hours multiplied by the appropriate factor, and

- (b) so much of any time off granted under paragraph (6A) or (7) as exceeds the time spent on duty on the public holiday, rest day or free day counts as time spent on duty.”.

8. In regulation 24 (travelling time treated as duty)—

- (a) for paragraph (1) there shall be substituted the following paragraph—

“(1) This regulation shall apply to a member where—

- (a) a shift consists of two separate periods, or
- (b) he is recalled to duty between shifts,

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

- (b) in paragraph (3) for the words from “overtime” to “thereof” there shall be substituted the words “duty for the purposes of regulation 22, regulation 23 (except paragraph (8)(f)) or regulation 30”.

9. In regulation 25 (annual leave) after paragraph (1) there shall be inserted the following paragraph—

“(1A) Each day of annual leave granted counts for the purposes of regulation 30 (rate of pay) as a period of duty of 8 hours multiplied by the appropriate factor.”.

10. In regulation 26 (sick leave) after paragraph (2) there shall be inserted the following paragraph—

“(3) While a member is entitled under this regulation to be absent from duty, any rostered shift counts for the purposes of regulation 30 (rate of pay) as a period of duty of the same duration.”.

11. In regulation 29 (paternity leave) after paragraph (3) there shall be inserted the following paragraph—

“(4) Each day of paternity leave granted counts for the purposes of regulation 30 (rate of pay) as a period of duty of 8 hours multiplied by the appropriate factor.”.

12. In regulation 30 (rate of pay)—

- (a) for paragraph (1) there shall be substituted the following paragraph—

“(1) A member shall be paid for time spent on duty at an hourly rate calculated by multiplying the annual rate ascertained from Schedule 4 by $\frac{6}{12520}$.”.

12520.”.

13. In regulation 32 (pay during maternity leave) after paragraph (3) there shall be inserted the following paragraph—

“(4) A woman member who satisfies the conditions in paragraph (2) is to be treated for the purposes of regulation 30 (rate of pay) as having been on duty for the number of hours determined by multiplying the number of her determined hours by the length in days of the paid leave period and dividing the result by the length in days of the relevant period.”.

14. In regulation 38 (removal allowance) after paragraph (4) there shall be inserted the following paragraph—

“(4A) Every sum of money specified in paragraphs (5) to (7) is to be multiplied by the appropriate factor.”.

15. In regulation 40 (subsistence, refreshment and lodging allowances) at the end of paragraph (3) there shall be inserted the words “, references in this regulation to his normal daily period of duty are to be construed as references to—

- (i) a period of duty lasting 8 hours, or
- (ii) periods of duty performed in one day amounting in total to 8 hours”.

16. In Schedule 5 (effect of disciplinary action on pay and allowances) in paragraph 4—

- (a) after the words “13 weeks” there shall be inserted the words “multiplied by the reciprocal of the appropriate factor”; and
- (b) after the words “weekly pay” there shall be inserted the words “multiplied by the appropriate factor”.

17. In Schedule 7 (motor vehicle allowances) after paragraph 2(2) there shall be inserted the following paragraph—

“(2A) The fixed element calculated in accordance with sub-paragraph (2) shall be multiplied by the appropriate factor.”.

18. In Schedule 11 (Replacement Allowance) after paragraph 8 there shall be added the following paragraph—

“Modification for part-time service

9.—(1) This paragraph applies to a qualifying or a rejoining member appointed pursuant to regulation 4A to perform part-time service.

(2) Where such a member as is mentioned in sub-paragraph (1) is entitled to a replacement allowance under paragraphs 2 to 6, the allowance shall be multiplied by the appropriate factor.”.

Northern Ireland Office
19th February 2001

John Reid
One of Her Majesty's Principal
Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations further amend the Royal Ulster Constabulary Reserve (Full-time) (Appointment and Conditions of Service) Regulations 1996.

Regulation 4A authorises the chief constable to make part-time appointments and applies the regulations to part-time appointees with the modifications set out in a new Schedule 12, the main ones of which are as follows. Part-time reserve constables (who must have completed full-time probation before appointment) may be required to serve a further period of probation (paragraphs 2 and 3). Part-time duty is to be performed in accordance with general arrangements made by the chief constable after consulting the Police Authority and the Police Association, an individual's normal period of duty during a duty roster period being a number of hours determined with his agreement by the chief constable (paragraph 4). That number, divided by the hours that would be required of a full-time member, constitutes the "appropriate factor" (paragraph 1) to be used in calculating various entitlements. Examples of the use of the factor occur in paragraphs 7 (public holidays and rest days); 9 (annual leave); 14 (removal allowance); and 16, 17 and 18 (various other allowances). Regulation 30 is amended to scale down pay for part-time appointees.