

2002 No. 95

POLICE

Police Service of Northern Ireland Regulations 2002

Made 8th March 2002

Coming into operation in accordance with regulation 1(2)

To be laid before Parliament

The Secretary of State, in pursuance of section 25 of the Police (Northern Ireland) Act 1998^(a), read with section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962^(b) and after consulting, in accordance with section 25(8) of the Police (Northern Ireland) Act 1998, the Northern Ireland Policing Board and the Police Association for Northern Ireland, and after taking into account the recommendations made by the Police Negotiating Board for the United Kingdom and supplying that Board with a draft of the regulations in accordance with section 62(1) of the Police Act 1996^(c), hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Police Service of Northern Ireland Regulations 2002.

(2) These regulations shall come into operation on 5th April 2002, but—

(a) regulations 4, 9 to 13, 21 and 25 shall have effect from 9th February 1999;

(b) regulation 18 shall have effect—

(i) in the case of sub-paragraph (a), from 9th February 1999;

(ii) in the case of sub-paragraph (b), from 1st April 1999;

(iii) in the case of sub-paragraph (c), from 1st April 2000;

(iv) in the case of sub-paragraph (d), from 1st April 2001;

(c) regulation 23 shall have effect—

(i) in the case of sub-paragraph (a), from 9th February 1999;

(ii) in the case of sub-paragraph (b), from 1st July 1999;

(d) regulation 24 shall have effect—

(i) in the case of paragraph (1), from 9th February 1999;

(ii) in the case of paragraphs (2) and (4), from 1st July 2000;

(iii) in the case of paragraph (3), from 1st September 2000.

(a) 1998 c. 32
(b) 1962 c. 7 (N.I.)
(c) 1996 c. 16

(3) In these regulations “the principal regulations” means the Royal Ulster Constabulary Regulations 1996(a).

Public Holidays

2. In regulation 2 of the principal regulations (meanings assigned to certain expressions, etc.), the definition of “public holiday” shall have effect, in relation to the year 2002, with the substitution for “last Monday in May” of “3rd June 2002, 4th June 2002”.

Police trainee regulations

3. In regulation 2 of the principal regulations (meanings assigned to certain expressions, etc.), after the definition of “police force in Great Britain” there shall be inserted—

“ “police trainee” has the meaning given by section 36(3) of the Police (Northern Ireland) Act 2000(b);

“police trainee regulations” means the Police Trainee Regulations (Northern Ireland) 2001(c);”.

Part-time appointments

4. In regulation 5 of the principal regulations (part-time appointments), after paragraph (1) there shall be inserted—

“(1A) In these regulations “a person appointed to perform part-time service” includes a person appointed to share a job with another person.

(1B) A person appointed to perform part-time service may not be appointed to serve as a full-time member without his consent.

(1C) A person appointed to perform part-time service immediately after serving as a full-time member may give notice in writing of his intention to be re-appointed as a full-time member and shall be so appointed—

(a) within one month of the date on which the notice is received by the Board, where there is a suitable vacancy, or

(b) except where sub-paragraph (a) applies, when 3 months have elapsed since the day on which the notice was received, or from an earlier date if reasonably practicable.

(1D) In relation to any time before 4th November 2001, the reference to the Board in paragraph (1C)(a) shall be construed as a reference to the Police Authority.”.

Business interests incompatible with membership of the force

5. In regulation 7(1) of the principal regulations (business interests incompatible with membership of the force) after “was disclosed at” there shall be inserted “or before”.

(a) S.R. 1996 No. 473, as amended by S.R. 1997 No. 362 and S.R. 1999 No. 412
(b) 2000 c. 32
(c) S.R. 2001 No. 369

Probationary service in the rank of constable

6.—(1) In regulation 12(1) of the principal regulations (probationary service in the rank of constable) for the words from “a member appointed” to the end there shall be substituted—

- “(a) any member who was appointed in the rank of constable before 4th November 2001 other than such a member who transferred to the force from a police force in Great Britain, having completed the required period of probation in that force; and
- (b) any member who is appointed in the rank of constable on or after that date, other than a member who, having completed the required period of probation in a police force in Great Britain, left that force to become a police trainee.”

(2) For paragraph 2(a) of Schedule 1 to the principal regulations (modification of regulation 12(1) for part-time service) there shall be substituted—

- “(a) in paragraph (1) for sub-paragraphs (a) and (b) there shall be substituted “a member appointed in the rank of constable”;

Contents of personal records

7. In regulation 15(2) of the principal regulations (contents of personal records) after sub-paragraph (g) there shall be inserted—

- “(h) a record of his service (if any) as a police trainee;”.

Personal record of member leaving the force

8. In regulation 17(1) of the principal regulations (personal record of member leaving the force) at the end there shall be added “and any period which he served as a police trainee”.

Variable shift arrangements

9.—(1) Regulation 22(1) of the principal regulations (variable shift arrangements) shall be amended as follows.

(2) In paragraph (1), the words “appointed otherwise than under regulation 5 (part-time appointments)” shall be omitted.

(3) In paragraph (4) at the end there shall be inserted “but subject in its application to members appointed in accordance with regulation 5 (part-time appointments) to paragraph (5)”.

(4) After paragraph (4) there shall be added—

“(5) In their application to members appointed in accordance with regulation 5 to whom variable shift arrangements apply—

- (a) Schedule 1 shall have effect as if the Table in regulation 20(4D), as substituted by paragraph 4 of that Schedule, was the Table set out in regulation 20(3) as substituted by paragraph 1 of Schedule 3; and

- (b) Schedule 3 shall have effect as if paragraph 1 (except to the extent provided by sub-paragraph (a) above), paragraph 2 and paragraph 3 of that Schedule were omitted.”

Rate of pay

10.—(1) In regulation 36 of the principal regulations (rate of pay) for paragraph (1) there shall be substituted—

“(1) Subject to the following provisions of this Part, the pay of the members shall be determined by the Secretary of State.

(1A) Before making any determination under paragraph (1), the Secretary of State shall take into consideration any recommendation made by the Police Negotiating Board and shall supply the Board with a draft of the determination; and subsection (2) of section 62 of the Police Act 1996 shall apply in relation to a recommendation to be made for the purposes of this paragraph as it applies in relation to a recommendation to be made for the purposes of sub-paragraph (1) of that section.

(1B) A determination under paragraph (1) may be made with retrospective effect to any date specified in the determination, but nothing in this paragraph shall be construed as authorising the pay payable to any person to be reduced retrospectively.”

(2) In regulation 36(2) of the principal regulations (service in corresponding rank held on 31st May 1970) for “In Schedule 6, any reference to service in a rank” there shall be substituted “For the purposes of this regulation, in reckoning a member’s service in any rank, that service”.

(3) The following provisions of the principal regulations shall be omitted—

- (a) regulation 1(2)(f);
- (b) regulation 36(4)(e);
- (c) in regulation 36(6), the words “and Schedule 6”;
- (d) Schedule 6.

Temporary salary

11.—(1) In regulation 37 of the principal regulations (temporary salary) in paragraph (1) for the words from “pursuant” to the end there shall be substituted—

“(a) which is equal to the rate of pay determined by him under regulation 36 for the rank of deputy Chief Constable, or

(b) where a range of rates of pay has been so determined, which is within that range.”

(2) Regulation 37(2) of the principal regulations shall be omitted.

(3) In regulation 37(4) of the principal regulations—

(a) for “under paragraph 2(3) of Schedule 6” there shall be substituted “as determined under regulation 36(1)”;

(b) for “the member in that higher pay category” there shall be substituted “of that more highly-paid member”.

(4) In regulation 37(6) of the principal regulations, for “paragraph (9)” there shall be substituted “paragraphs (6A) and (9)”.

(5) In regulation 37 of the principal regulations, after paragraph (6) there shall be inserted—

“(6A) A member of the rank of chief inspector who, in any year, has been required to perform the duties normally performed by a member of the rank of superintendent for 14 complete days shall be paid in respect of any further complete day in that year on which he is required to perform such duties at a rate equal to the lowest rate of pay to which he would be entitled on promotion to superintendent.”

Pay on promotion

12. After regulation 37 of the principal regulations there shall be inserted—

“Pay on promotion

37A.—(1) This regulation applies to a member who is promoted to a higher rank.

(2) The rate of pay payable to a member in the higher rank—

(a) shall always be higher than the rate of pay the member would have received had he not been promoted, and

(b) where the rates of pay determined by the Secretary of State under regulation 36 for members of the higher rank form a series of pay points, shall be set at a rate which is not less than the rate appropriate to the pay point for members of the higher rank which is immediately above the rate of pay the member would have been receiving but for his promotion.

(3) For so long as the member continues to serve in the higher rank, he shall be paid at the rate identified in paragraph (2) until a higher rate of pay applies to him under a determination by the Secretary of State under regulation 36.”

Temporary promotion

13. After regulation 37A of the principal regulations there shall be inserted—

“Temporary promotion

37B.—(1) A chief inspector who, for a period of 2 months or more, has performed the duties of superintendent shall be temporarily promoted to the rank of superintendent.

(2) A member temporarily promoted in accordance with paragraph (1) shall revert to the rank of chief inspector when he is no longer required to perform those duties,

(3) A member shall, while temporarily promoted to the rank of superintendent, be paid at such rate of pay determined for superintendents under regulation 36 as would have applied in his case if the promotion had not been temporary.”

Reckoning service of constables who have served as police trainees

14. After regulation 37B of the principal regulations there shall be inserted—

“Reckoning service of constables who have served as police trainees

37C.—(1) For the purposes of regulation 36, in reckoning a member’s service in the rank of constable, that service shall include—

- (a) any period of service as a police trainee, and
- (b) subject to paragraph (2), any period treated as service as a police trainee under regulation 17 of the police trainee regulations.

(2) Where a member is appointed to the rank of constable, and on the date of his appointment his period of service in that rank is deemed under paragraph (1) to consist of—

- (a) a period equal to or greater than one year calculated in accordance with Part II or III of Schedule 1 to the police trainee regulations, and

(b) the period of service actually completed by him as a police trainee, then, for the purposes of regulation 36, his period of service as a member of the rank of constable shall be calculated in accordance with paragraph (3) or (4).

(3) So long as the total of—

- (a) the period of service which he has actually completed as a member of the rank of constable, and
- (b) the period of service which he has actually completed as a police trainee,

is less than the period mentioned in paragraph (2)(a), his period of service in the rank of constable shall be deemed to be equal to the period mentioned in paragraph (2)(a).

(4) Beginning with the date on which the total of the periods mentioned in sub-paragraphs (a) and (b) of paragraph (3) equals the period mentioned in paragraph (2)(a), his period of service as a member in the rank of constable shall be deemed to be equal to the total of the periods mentioned in sub-paragraphs (a) and (b) of paragraph (3).”

Port of Tilbury Constabulary

15. In regulation 39(2)(b) of the principal regulations (reckoning of service in Port of Tilbury Constabulary) at the end there shall be added “that is to say, the force of constables appointed under section 154 of the Port of London Act 1968(a)”.

Pay during sick leave

16.—(1) In regulation 42(4) of the principal regulations (pay during sick leave: exceptional cases), at the end there shall be added “or an injury received as a consequence of his service as a police trainee, as defined in the Pensions

Regulations, as modified by paragraph 8 of Schedule 2 to the police trainee regulations”.

(2) In regulation 42(5)(a) of the principal regulations (references to a member’s being on sick leave) at the end there shall be added “or to his being absent from training while entitled to be so under regulation 12 of the police trainee regulations”.

Pay during maternity leave

17. In regulation 43(2)(a) of the principal regulations (pay during maternity leave: continuous service), after “in the force” there shall be inserted “, as a police trainee,”.

Removal allowance

18. In regulation 49(7) of the principal regulations (amount of removal allowance)—

- (a) for “£1,396” there shall be substituted “£1,482”;
- (b) for “£1,482” there shall be substituted “£1,524”;
- (c) for “£1,524” there shall be substituted “£1,551”; and
- (d) for “£1,551” there shall be substituted “£1,596”.

Detective expenses allowance

19.—(1) Regulation 51 of the principal regulations (detective expenses allowance) shall be omitted.

(2) In regulation 58 of the principal regulations (continuance of allowances when member ill) the words “detective expenses allowance” shall be omitted.

(3) Paragraph 19 of Schedule 1 to the principal regulations shall be omitted.

Allowance in respect of medical charges

20. In regulation 56 of the principal regulations (allowance in respect of medical charges), after paragraph (2) there shall be inserted—

“(3) Where charges such as are mentioned in paragraph (1) are incurred in the case of a member who has served as a police trainee, the member—

- (a) shall be reimbursed the charges if they are incurred as mentioned in paragraph (1)(a) of regulation 25 of the police trainee regulations; and
- (b) may be reimbursed the charges if they are incurred as mentioned in paragraph (1)(b) of that regulation.”

Modification for part-time service

21.—(1) In regulation 2(4) as inserted by paragraph 1 of Schedule 1 to the principal regulations, for “inspector” there shall be substituted “superintendent”.

(2) In regulation 13(4A) as inserted by paragraph 3(b) of Schedule 1 to the principal regulations for “ascertained from Schedule 6” there shall be substituted “determined by the Secretary of State under regulation 36”.

(3) In paragraph 4 of Schedule 1 to the principal regulations—

(a) after “period of duty” there shall be inserted “for the word “inspector” in paragraph (1) there shall be substituted the word “superintendent”, and”;

(b) in regulation 20(4A) as inserted by paragraph 4—

(i) after “(4)” there shall be inserted “or (4ZA)”;

(ii) for head (b) there shall be substituted—

“(b) if no different number was agreed to by the member, his normal period of duty is the number of hours determined on the last previous review or where no such review has taken place, under paragraph (2).”;

(c) after regulation 20(4A) as inserted by paragraph 4 there shall be inserted—

“(4ZA) In addition to any review required under paragraph (4A), a member or the Chief Constable may require a further review where there has been or is likely to be significant changes in the normal daily period of duty or in the circumstances of the member.

(4ZB) On any review under paragraph (4ZA) the Chief Constable shall have regard to the number of hours actually spent on duty during the interval preceding the review.”,

(d) in regulation 20(4D) as inserted by paragraph 4 for the Table there shall be substituted—

“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, but less than 9 hours	45 minutes
9 hours or more, but less than 10 hours	50 minutes
10 hours or more	60 minutes”

(4) After paragraph 4 of Schedule 1 to the principal regulations, there shall be inserted—

“4A. In regulation 22(1) for the word “inspector” there shall be substituted “superintendent”.”

(5) In paragraph 5(a) of Schedule 1 to the principal regulations, after head (i)—

“(ia) for “inspector” there shall be substituted “superintendent”, and”.

(6) In paragraph 6 of Schedule 1 to the principal regulations, after regulation 24(2) as inserted by that paragraph, there shall be inserted—

“(2A) In the case of a member working a variable shift arrangement, the number of hours on duty shall be determined by adding together—

- (a) the average number of hours the member is contracted to work in the 7 day period referred to in paragraph (2);
- (b) the number of hours (if any) the member worked on any rest day falling within that period; and
- (c) the number of hours (if any) the member worked on any public holiday falling within that period.”.

(7) In paragraph 7 of Schedule 1 to the principal regulations—

(a) in regulation 25(5D), as inserted by paragraph 7, for “paragraph (5C)”, the shall be substituted “paragraph (5B)(c)”;

(b) after sub-paragraph (c) there shall be inserted—

“(cc) after paragraph (5D), there shall be added—

“(5E) In the case of any member working a variable shift arrangement the number of hours on duty shall for the purposes of paragraph (5C)(a) be determined by adding together—

- (a) the average number of hours the member is contracted to work in the week in which the free day occurred;
- (b) the number of hours (if any) the member worked on any rest day in that week; and
- (c) the number of hours (if any) the member worked on any public holiday within that period.”

(c) in sub-paragraph (d), at the end of regulation 25(7A) inserted by paragraph 7, there shall be added—

“(7B) Any entitlement of a member arising under paragraphs (6), (7) and (7A) in respect of any day is in addition to any payments due to that member for that day in accordance with regulation 36 (rate of pay).”;

(d) in sub-paragraph (f), in head (i), in sub-paragraph (b) for “one quarter” there shall be substituted “one half”.

(8) Paragraph 11 of Schedule 1 to the principal regulations shall be omitted.

(9) In paragraph 14 of Schedule 1 to the principal regulations—

(a) in the paragraph substituted by sub-paragraph (a), for “ascertained from Schedule 6” there shall be substituted “determined by the Secretary of State under regulation 36”; and

(b) the paragraph inserted by sub-paragraph (b) shall be re-numbered “(1AA)”, and in that paragraph, for “that ascertained from Schedule 6” there shall be substituted “that rate as determined by the Secretary of State under regulation 36”;

(c) at the end there shall be added—

“(c) after paragraph (1B) insert—

“(1C) A member’s rate of pay for days of leave is to be the rate determined by the Secretary of State under paragraph (1)—

(a) reduced in the case of a member who shares a job with another person by one half; and

(b) except in a case to which sub-paragraph (a) refers—

(i) reduced in the case of a constable or sergeant in the proportion that the number of determined hours bears to 40 times the number of weeks in the relevant period; and

(ii) multiplied in the case of a member above the rank of sergeant, by the appropriate factor.” and

(d) in paragraph (4), after sub-paragraph (d) insert—

“(dd) any part-time service shall be taken into account as though it was full-time service.”

(10) For paragraph 15 of Schedule 1 to the principal regulations, there shall be substituted—

“15. In regulation 37 (temporary salary)—

(a) in paragraph (3)—

(i) for “to perform the duties normally performed by a member of the force of a higher rank than his own for 14 complete days” there shall be substituted “for at least 112 hours of complete shifts throughout which he performed the duties normally performed by a member of a higher rank than his own”,

(ii) after “to the higher rank” there shall be inserted “as a full-time member”, and

(b) in paragraph (6) for the words after “below the rank of” there shall be substituted “superintendent, the period that would constitute his normal daily period of duty if he were a full-time member, and “full-time member” means a member appointed otherwise than under regulation 5.”

(11) Paragraph 17 of Schedule 1 to the principal regulations shall be omitted.

(12) Paragraph 23 of Schedule 1 to the principal regulations shall be omitted.

Annual leave

22. In Schedule 4 to the principal regulations (annual leave) after paragraph 4 there shall be inserted—

“4A.—(1) Where the Chief Constable is satisfied that a member of the rank of constable did not, while serving as a police trainee, take the full period of leave which he was allowed under regulation 11 of the police trainee regulations, the Chief Constable may, in his discretion and subject

to the exigencies of duty, notwithstanding anything in paragraphs 1 and 2, but subject to sub-paragraph (2), grant the member during the leave year in which he is appointed to the rank of constable, additional days of annual leave not exceeding the number of days not taken.

(2) The Chief Constable shall not exercise his discretion under sub-paragraph (1) so as to grant more than 5 additional days of annual leave to a member unless he is satisfied that there are exceptional circumstances and that it is in the interests of efficiency to do so.”

University scholars

23. In Schedule 5 to the principal regulations (university scholars), in paragraph 3(2)—

(a) for “£1,440” there shall be substituted “£1,605”;

(b) for “£1,605” there shall be substituted “£1,662”;

Dog handler’s allowance

24.—(1) In Schedule 10 to the principal regulations (dog handler’s allowance), in paragraph 1—

(a) in sub-paragraph (a) for the words from “at the annual rate” to the end there shall be substituted “at the annual rate of £1,059”, and

(b) in sub-paragraph (b) for the words from “at the annual rate” to the end there shall be substituted “at the annual rate of £1,443”.

(2) For paragraph 1 of that Schedule there shall be substituted the following paragraph—

“1. Subject to paragraph 2, a dog handler’s allowance shall be payable at an annual rate of £1,554.”

(3) In paragraph 1 of that Schedule for “£1,554” there shall be substituted “£1,602”.

(4) For paragraph 2 of that Schedule there shall be substituted—

“2.—(1) Where the member keeps and cares for at his home more than one dog owned by the Board, there shall be added to the allowance an amount equal to 25 per cent of the sum specified in paragraph 1 for each such dog.

(2) In relation to any time before 4th November 2001, the reference to the Board in sub-paragraph (1) shall be construed as a reference to the Police Authority.”

Replacement Allowance

25.—(1) Schedule 13 to the principal Regulations (replacement allowance), after paragraph 2(2) there shall be inserted—

“(2A) Where a member of a police force in Scotland or England and Wales in receipt of a replacement allowance under a corresponding regulation which has effect there transfers to the force he shall be treated from the date of his transfer as if he were a qualifying member.”

(2) After paragraph 2(4)(b) of that Schedule there shall be inserted—

“or

(c) or a period of relevant service within the meaning of paragraph (b) or (c) of section 27(1) of the Police (Northern Ireland) Act 1998 or any corresponding provision for the time being in force in Scotland or England and Wales.”

John Reid

Northern Ireland Office
8th March 2002

One of Her Majesty’s Principal
Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Royal Ulster Constabulary Regulations 1996 (“the 1996 Regulations”).

Regulation 2 provides for 3rd and 4th June 2002 to be public holidays for the purposes of the 1996 regulations.

Regulations 3, 5 to 8, 14, 16, 17, 20 and 22, amend regulations 2, 7, 12, 15, 17, 42, 43 and 56 of, and Schedule 4 to, the 1996 regulations and insert a new regulation 37C, so as to take account of any period of service as a police trainee completed by a person before joining the Police Service of Northern Ireland.

Regulations 4, 9 and 21 make provision for part-time workers, including those taking part in job-share arrangements. In particular provision is made relating to members’ normal period of duty, pay and allowances, and Schedule 1 to the 1996 regulations is amended to take account of the removal of Schedule 6 to those Regulations.

Regulation 10 replaces the pay scales formerly set out in Schedule 6 to the 1996 Regulations with a provision that the pay of members of the Police Service of Northern Ireland be determined by the Secretary of State.

Regulation 11 provides for the pay of a chief inspector who for 14 days in any year performs the duties of a superintendent to be determined in respect of any further days in that year in which the chief inspector performs those duties by reference to the pay range applicable to superintendents. Where those duties are performed for a period of 2 months or more, regulation 13 provides for the chief inspector to be promoted temporarily to the rank of superintendent and to be paid at the rate which would have been appropriate had the promotion not been temporary.

Regulation 12 provides for a higher rate of pay on promotion.

Regulation 15 makes a drafting amendment to the description of the Port of Tilbury Constabulary in regulation 39 of the 1996 Regulations.

Regulations 18 and 23 increase various allowances.

Regulation 19 abolishes detective expenses allowance.

Regulation 24 provides a single dog handler’s allowance and increases the amount.

Regulation 25 makes drafting amendments to the 1996 Regulations to treat replacement allowance in the same way as other allowances payable under those Regulations.

By virtue of regulation 1(2), the regulations there cited have effect from dates before the coming into force of these Regulations. Retrospection is authorised by section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962.

£3.00

Published by The Stationery Office Limited

Printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly
Dd. N20444. C4 3/02. Gp. 130. 14567.