
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 547

Police Service of Northern Ireland Regulations 2005

PART IV

Pay

Pay

23.—(1) Subject to the following provisions of this Part, the pay of members shall be determined by the Secretary of State, and in making such a determination the Secretary of State may—

- (a) confer such functions in relation to the pay of members above the rank of chief superintendent on the Board;
- (b) where the pay of a member of the rank of chief inspector or below is payable subject to such conditions as may be specified in the determination, confer on a member senior in rank to that member, or on a member of the police support staff, such functions in relation to those conditions,

as he thinks fit.

(2) Subject to regulations 39 to 44 and section 27(3) of the Act, in reckoning the service of a member in any rank for the purposes of pay, account shall be taken of all his service in that rank; and service in a higher rank, on temporary promotion thereto or otherwise, shall be treated as if it had been service in that rank.

(3) For the purposes of this regulation in reckoning a member's service in any rank—

- (a) that service shall be treated as unbroken by, and including, any period of service in Her Majesty's forces which he is entitled to reckon as pensionable service;
- (b) except where the Chief Constable in the circumstances of a particular case otherwise determines with the approval of the Secretary of State, no account shall be taken of any previous service in that rank which terminated in his reduction in rank as a punishment but any previous service in a higher rank which so terminated shall be treated as if it had been service in the rank to which the member was reduced;
- (c) no account shall be taken of any performance of the duties of that rank in respect of which a temporary salary is payable under regulation 26;
- (d) any period of unpaid leave shall be disregarded;
- (e) any part-time service shall be taken into account as though it were full-time service;
- (f) in the case of a female member who has taken one or more periods of maternity leave—
 - (i) where that leave has been for 26 weeks or more, account shall be taken of the first 26 weeks whilst on maternity leave;
 - (ii) where that leave has been for less than 26 weeks, account shall be taken of any period spent on maternity leave;

and where that member has, at the beginning of the 14th week before the expected date of birth of the member's child, as given in accordance with a determination under regulation 32(7), served continuously as a member for a period of not less than 26 weeks, account shall be taken of any period (not being a period of which account has been taken under paragraph (i) or (ii)) spent on maternity leave during the period of 29 weeks beginning with the week in which the child is born;

- (g) in the case of a member who has taken one or more periods of maternity support leave, adoption support leave or parental leave, account shall be taken of any period of such leave taken in accordance with a determination under regulation 32(8)(c),(b) and (d);
- (h) in the case of a member who has taken one or more periods of adoption leave in accordance with a determination under regulation 32(8)(c)—
 - (i) where that leave has been for 5 days or more, account shall be taken of the first 5 days whilst on adoption leave;
 - (ii) where that leave has been for less than 5 days, account shall be taken of any period spent on adoption leave;

and where that member has, at the end of the week in which they are notified of being matched with a child for adoption, served continuously as a member for a period of not less than 26 weeks, account shall be taken of any period spent on adoption leave during the period of 26 weeks beginning with the week in which the child is placed with the officer for adoption;

and, in the case of a member of a rank higher than that of chief inspector, paragraph (2) shall have effect subject to any contrary agreement so far as it relates to the reckoning of previous service in the police service.

(4) Nothing in this regulation shall affect the operation of any provisions of the Conduct Regulations and, in relation to a member suspended or fined thereunder the provisions of paragraphs 1 and 3 of Schedule 3 or of paragraph 4 thereof shall have effect.

(5) A determination under paragraph (1) shall have effect in relation to a university scholar subject to the provisions of any determination for the time being in force under regulation 31.

Overtime

24.—(1) Subject to the provisions of this regulation, the Secretary of State shall determine the circumstances and manner in which a member 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 daily period of duty;

and such time is referred to in these regulations as “overtime”.

(2) For the purposes of this regulation—

“due notice” means notice given at least 8 hours before the revised starting time of the rostered tour of duty in question;

“normal daily period of duty” shall be construed in accordance with regulation 21;

“recall” does not include a warning to be in readiness for duty if required; and

“tour of duty”, in relation to a member for whom variable shift arrangements are in operation under regulation 21(1)(c), means rostered shift.

(3) In making a determination under paragraph (1), the Secretary of State may confer on the Chief Constable discretion—

- (a) to fix the day on which a period commences for the purposes of the determination;
- (b) to fix the period within which time off in compensation for overtime is to be granted;
- (c) to allow time in addition to that specified in the determination to be taken into account in computing any period of overtime.

Public holidays and rest days

25.—(1) The Secretary of State shall determine the circumstances and manner in which a member shall be granted leave or otherwise compensated in respect of time spent on duty on—

- (a) public holidays, or
- (b) rostered rest days;

and in this regulation “rostered rest day”, in relation to a member who is required to do duty on that day, means 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.

(2) In making a determination under paragraph (1) the Secretary of State may confer on the Chief Constable discretion—

- (a) to fix the time at which, or the day on which, a period commences for the purposes of the determination;
- (b) to fix the period within which time off in compensation for time spent on duty as mentioned in that paragraph is to be granted;
- (c) to fix a limit on the time occupied by a member in travelling to and from his place of duty which is to be included in a period of duty for the purposes of the determination.

Temporary salary and temporary promotion

26. The Secretary of State shall determine—

- (a) the circumstances in which a member is entitled to receive a temporary salary and the rate of that salary; and
- (b) the circumstances in which a member is entitled to be temporarily promoted and the rate of his salary while so promoted.

Sick pay

27. The Secretary of State shall determine the entitlement of members to pay during periods of sick leave taken in accordance with a determination under regulation 32(5), and in making such a determination the Secretary of State may confer on the Chief Constable discretion to allow a member to receive more pay than that specified in the determination.

Pay during periods of maternity leave, adoption leave etc.

28.—(1) The Secretary of State shall determine the entitlement of female members to pay during periods of maternity leave.

(2) The Secretary of State shall determine the entitlement of members to pay during periods of—

- (a) maternity support leave;
- (b) adoption support leave; and
- (c) adoption leave,

taken in accordance with a determination under regulation 32(8).

Fixing of pay day and calculation of monthly, weekly and daily pay

29.—(1) The intervals at which members are to be paid shall be fixed by the Chief Constable in accordance with such rules as the Secretary of State may determine.

(2) The Secretary of State shall determine the manner of calculating monthly, weekly and daily pay.

Deductions from pay of social security benefits and statutory sick pay

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

- (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⁽¹⁾;
- (b) any statutory sick pay to which he is entitled under the Social Security Contributions and Benefits (Northern Ireland) Act 1992⁽²⁾,

and for the purposes of sub-paragraph (a) any increase for adult and child dependants shall be treated as forming part of the benefit to which it relates.

(2) For the purposes of this regulation, a female 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.

(3) In this regulation, “full pay” means pay at the rate ascertained from regulation 23 and the determination made thereunder.

University scholars

31. The Secretary of State shall determine how Part III and this Part and any determination made thereunder shall have effect in relation to a university scholar, and in making such a determination the Secretary of State may confer on the Board discretion to determine whether or not the conditions subject to which a university scholar is entitled to any payment under this Part are met.

(1) S.I.1994/1898 (N.I. 12)
(2) 1992 c. 7