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STATUTORY RULES OF NORTHERN IRELAND

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**2001 No. 369**

**Police Trainee Regulations (Northern Ireland) 2001**

**Part IV**

**Pay, Allowances and Pensions**

**Pay: general**

**16.**—(1) Subject to the following provisions of this regulation and regulation 17, the annual rate of pay of police trainees shall be determined by the Secretary of State.

(2) 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.

(3) A determination under paragraph (1) may make different provision for different cases, including different provision for the pay of police trainees who have completed different periods of service.

(4) A month's pay of a police trainee shall be calculated, for all purposes, at a monthly rate of pay determined by dividing by 12 the annual rate.

(5) A week's pay of a police trainee shall be calculated, for all purposes, at a weekly rate of pay determined by dividing by 52# the annual rate.

(6) A day's pay of a police trainee shall be calculated, for all purposes, at a daily rate determined by dividing by 7 the weekly rate, determined in accordance with paragraph (5).

(7) Police trainees shall be paid monthly in arrears, or at such other intervals as the Chief Constable may fix.

(8) The Chief Constable may, if he thinks fit, pay to a police trainee such part of his pay as he may determine in advance of the day on which it would otherwise be due to be paid in accordance with this regulation.

**Pay: reckonable service**

**17.**—(1) For the purposes of any determination under regulation 16(1) the period of service completed by a police trainee shall, subject to paragraph (4), include any period of service described in Part I of Schedule 1.

(2) For the purposes of any determination under regulation 16(1), where a person has served in the Police Service of Northern Ireland Reserve, then, subject to paragraph (4), the period of service completed by him as a police trainee shall include a period calculated in accordance with Part II of Schedule 1.

(3) For the purposes of any determination under regulation 16(1), where a person has served in a police force in a country or territory outside the United Kingdom (other than as mentioned in paragraph 4 of Part I of Schedule 1), then, subject to paragraph (4), the period of service completed by him as a police trainee shall include a period calculated in accordance with Part III of that Schedule.

(4) Where a person has completed service such as is described in Part I of Schedule 1 and has served as mentioned in paragraph (2) or (3), then, for the purposes of any determination under regulation 16(1)—

- (a) paragraph (1) shall apply to his period of service as a police trainee, and service such as is mentioned in paragraph (2) or (3) shall be disregarded; or
- (b) if applying paragraph (2) or (3) to him would result in a longer period being included in his period of service as a police trainee, paragraph (2) or (as the case may be) (3) shall apply and paragraph (1) shall not apply.

### **Pay during sick leave**

**18.**—(1) Subject to paragraphs (2), (3) and (4), if, on any relevant day, a police trainee has, during his period of service as a police trainee, been on sick leave for 42 days, he ceases for the time being to be entitled to full pay, and becomes entitled to half pay, while on sick leave.

(2) Subject to paragraphs (3) and (4), if on any relevant day, a police trainee has, during his period of service as a police trainee, been on sick leave for 196 days, he ceases for the time being to be entitled to any pay while on sick leave.

(3) The Chief Constable may in a particular case determine that for a specified period—

- (a) a police trainee who is entitled to half pay while on sick leave is to receive full pay; or
- (b) a police trainee who is not entitled to any pay while on sick leave is to receive either full pay or half pay,

and may from time to time determine to extend the period.

(4) The Chief Constable, if he is satisfied after consultation with a medical practitioner appointed under standing orders made under regulation 7, that a particular case is exceptional, shall determine in consultation with the said medical practitioner that for a specified period—

- (a) a police trainee who is entitled to half pay while on sick leave is to receive full pay; or
- (b) a police trainee who is not entitled to any pay while on sick leave is to receive either full pay or half pay.

An exceptional case is a case in which the police trainee's being on sick leave is directly attributable to an injury received as a consequence of a person's service as a police trainee.

(5) For the purpose of this regulation a relevant day is a day on which a police trainee is on sick leave, and in this regulation—

- (a) references to a police trainee's being on sick leave are references to his being absent from training while entitled to be so under regulation 12, and include his being absent from training on a Saturday, Sunday or public holiday regardless of whether he was required to attend training on that day under regulation 4;
- (b) references to full pay are references to pay at the rate ascertained from a determination made under regulation 16;
- (c) references to half pay are references to pay at half the rate of the police trainee's full pay; and
- (d) "an injury received as a consequence of a person's service as a police trainee" has the same meaning as in regulation A10 of the Royal Ulster Constabulary Pensions Regulations 1988(1) as modified by paragraph 8 of Schedule 2.

### **Deductions from pay of social security benefits and statutory sick pay**

**19.**—(1) There shall be deducted from the pay of a police trainee who is in receipt of full pay (within the meaning of regulation 18(5)(b))—

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

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

(2) For the purposes of this regulation a female police trainee 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(4) 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 during maternity leave**

**20.**—(1) Subject to the following provisions of this regulation, a female police trainee who satisfies the conditions in paragraph (2) is entitled to be paid as respects the first three months of any period or periods of maternity leave in any one maternity period (as defined by regulation 14) taken in accordance with regulation 14 but is not entitled to be paid thereafter.

(2) The conditions referred to in paragraph (1) are that—

- (a) at the beginning of the week in which the expected date of birth (as defined in regulation 14(1)) occurs, the police trainee will have completed relevant service of a total period of not less than sixty-three weeks; and
- (b) on the date (“the relevant date”) fifteen weeks before the expected date of birth (as so defined) she either—
  - (i) remains pregnant, or
  - (ii) has given birth prematurely to a baby who is alive on the relevant date.

(3) In this regulation—

“relevant service” means continuous service, comprising—

- (a) service as a police trainee;
- (b) service such as is mentioned in regulation 17(1); or
- (c) service in any rank in the Police Service of Northern Ireland Reserve, being service on a full-time basis, or part-time service which a person was appointed to perform under regulation 4A of the Royal Ulster Constabulary Reserve (Full-Time) (Appointment and Conditions of Service) Regulations 1996(5);

“week” means a period of seven days beginning with Sunday.

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(2) 1992 c. 7

(3) S.I. 1994 (N.I. 12)

(4) 1992 c. 7

(5) S.R. 1996 No. 564. Regulation 4A was inserted by S.R. 2001 No. 80

### **Allowances: general**

**21.**—(1) No allowances shall be paid to a police trainee 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 provided by or under these regulations or as approved by the Secretary of State.

(2) A police trainee claiming any allowance under this Part shall comply with such directions as may be given by the Chief Constable from time to time as to the time and manner of claiming and certification.

### **Expenses of moving home: officers from other police forces**

**22.**—(1) This regulation applies where a person who has been appointed as a police trainee moves his home as a consequence of leaving a police force in Great Britain or in any country or territory outside the United Kingdom to become a police trainee.

- (2) Where this regulation applies to a person moving his home, the Chief Constable may—
- (a) either reimburse the reasonably incurred cost of removal or arrange for the removal to be carried out at the Chief Constable's expense;
  - (b) reimburse that person 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
  - (c) if he thinks fit, reimburse those payments in respect of such further period as he may determine so, however, that where he is of the opinion that that person had not taken all reasonable steps to reduce or terminate his liability to make such payments, the Chief Constable may restrict the reimbursement to payments which that person would have been liable to make had he taken all such steps.

### **Expenses of moving home at request of Chief Constable**

**23.**—(1) This regulation applies where a police trainee moves his home at the request of the Chief Constable, and the removal is not a consequence of becoming a police trainee.

- (2) Where this regulation applies, the Chief Constable shall—
- (a) either reimburse the reasonably incurred cost of removal or arrange for the removal to be carried out at the Chief Constable's expense;
  - (b) reimburse that person 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
  - (c) if he thinks fit, reimburse those payments in respect of such further period as he may determine so, however, that where he is of the opinion that that person had not taken all reasonable steps to reduce or terminate his liability to make such payments, the Chief Constable may restrict the reimbursement to payments which that person would have been liable to make had he taken all such steps.

### **Removal allowance**

**24.**—(1) Where the cost of removal is paid or reimbursed by the Chief Constable under regulation 22 or 23, the Chief Constable shall, subject to paragraph (2), pay the police trainee an allowance in respect of expenditure incidental to the move of an amount determined under paragraphs (3) to (5).

- (2) An allowance under paragraph (1)—

- (a) shall not be payable where a person who has never been married moves from furnished accommodation;
  - (b) shall only be payable if the Chief Constable so decides, where a person moves from unfurnished into furnished accommodation.
- (3) In the case of a person who—
- (a) moves into furnished accommodation; or
  - (b) moves into unfurnished accommodation but has not previously lived in such accommodation while a police trainee or while serving in any police force which he left to become a police trainee,

the allowance shall be such amount as may be determined by the Secretary of State.

- (4) In the case of any other person, the allowance—
- (a) shall not exceed such maximum amount as may be determined by the Secretary of State; and
  - (b) shall not be less than such minimum amount as may be determined by the Secretary of State,

but, subject to that, shall equal the aggregate of the amount of the expenditure incidental to the move reasonably incurred by that person and the amount of any relevant additional expenditure.

(5) In paragraph (4) “relevant additional expenditure” means, where a person satisfies the Chief Constable 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 regulation 22(2)(b) or 23(2)(b)), so much of that expenditure as is not recoverable by him.

### **Allowance in respect of medical charges**

**25.**—(1) A police trainee who incurs normal standard charges under Articles 5, 61, 62, 63 and 98 of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(6)</sup> (which Articles relate to charges for certain drugs, medicines and appliances and for dental treatment)—

- (a) shall be reimbursed the charges if they are incurred by reason of an injury received without his default during training; and
- (b) may be reimbursed the charges if they are incurred by reason of an injury which, in the opinion of the Chief Constable—
  - (i) would not have been received had he not been known to be a police trainee, or
  - (ii) is an injury to which paragraph (i) may apply, and should be treated as one to which paragraph (ii) does apply.

(2) For the purposes of paragraph (1)—

- (a) “injury” includes any injury or disease, whether of body or mind; and
- (b) an injury shall be treated as received without the default of the police trainee concerned unless the injury is wholly or mainly due to his own serious and culpable negligence or misconduct.

### **Motor vehicle allowance**

**26.**—(1) Where the Chief Constable specifies a place as a qualifying site for the purposes of this regulation, and authorises a police trainee to use a motor vehicle for the purposes of attending training at a qualifying site, the police trainee shall be paid a motor vehicle allowance.

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(6) S.I.1972/1265 (N.I. 14)

(2) A motor vehicle allowance shall be payable on such conditions and at such rate as are specified in standing orders made under regulation 7.

### **Replacement allowance**

27.—(1) A police trainee who left a police force in Great Britain to become a police trainee and was, immediately before leaving that force, entitled to a replacement allowance under Schedule 13 to the Police Regulations 1995(7) shall, subject to paragraph (3), be entitled to an allowance of an amount equal to the amount of the replacement allowance to which he would have been entitled had he not left that force.

(2) A police trainee who left the Police Service of Northern Ireland Reserve to become a police trainee and was, immediately before leaving the Police Service of Northern Ireland Reserve, entitled to a replacement allowance under Schedule 11 to the Royal Ulster Constabulary Reserve (Full-Time) (Appointment and Conditions of Service) Regulations 1996(8) shall, subject to paragraph (3), be entitled to an allowance of an amount equal to the amount of the replacement allowance to which he would have been entitled had he not left the Police Service of Northern Ireland Reserve.

(3) In any circumstances in which the replacement allowance to which a person was entitled as a member of a police force in Great Britain or as a member of the Police Service of Northern Ireland Reserve would have fallen (by reason of a period of unpaid leave or otherwise) to be increased, reduced or terminated if he had not left that force or that service, the allowance under this regulation shall be accordingly increased, reduced or terminated.

### **Pension regulations: application to police trainees**

28. The regulations mentioned in paragraph 1 of Schedule 2 (which make provision about pensions for police officers) shall apply to police trainees as they apply to members of the Police Service of Northern Ireland, and in their application by virtue of this regulation those regulations shall have effect as if—

- (a) the modifications specified in Schedule 2, and
- (b) such other modifications as may be necessary,

were made to those regulations.

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(7) S.I. 1995/215; Schedule 13 was brought into existence by S.I. 2000/2013 reg. 12

(8) S.R. 1996 No. 564; Schedule 11 was brought into existence by S.R. 1997 No. 363 reg. 2