

SCHEDULE

SAVINGS AND TRANSITIONAL PROVISION

PART II

Housing Payments

Interpretation

1.—(1) This paragraph has effect for defining expressions used in this Schedule.

(2) “Qualifying member” means a member of a police force who—

- (a) immediately before 1st September 1994 was a member of that or another police force,
- (b) was not then on unpaid leave,
- (c) has at all times after 31st August 1994 been a member of a police force, and
- (d) has not after that date been on unpaid leave.

(3) “Re-joining member” means a member of a police force who by reason only of a relevant absence is not a qualifying member.

(4) “Relevant absence” means—

- (a) a period of central service or overseas service, or
- (b) a period of unpaid leave,

ending after 31st August 1994.

(5) “Housing emoluments” means any one or more of the following kinds of payments under the principal Regulations as they had effect before the coming into force of these Regulations—

- (a) a housing allowance under regulation 49,
- (b) a transitional rent allowance and a transitional supplementary rent allowance under regulation 49B,
- (c) a supplementary housing allowance under regulation 50,
- (d) a compensatory grant under regulation 52, and
- (e) a compensatory allowance under regulation 52B,

and in relation to a re-joining member includes a rent allowance under regulation 49 as it had effect before 1st April 1990; and “housing allowance” and “transitional rent allowance” mean respectively the allowances mentioned in (a) and (b) above.

Qualifying member previously provided with accommodation

2.—(1) A qualifying member who ceases to occupy a house or quarters with which he was provided free of rent becomes entitled to a replacement allowance.

(2) The replacement allowance is, subject to paragraph 7, an allowance at a rate equal to the total of—

- (a) the rate at which housing allowance, or as the case may be transitional rent allowance, was payable, or would have been payable if he had not been occupying the house or quarters, immediately before 1st September 1994, and
- (b) the rate at which any allowance under regulation 49(11) or 50(3) was or would have been then payable.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Qualifying member with housing emoluments

3.—(1) A qualifying member who immediately before 1st September 1994 was in receipt of housing emoluments is entitled to a replacement allowance unless he is provided with a house or quarters free of rent.

(2) The replacement allowance is, subject to paragraph 7, an allowance at the rate at which the housing emoluments were payable immediately before 1st September 1994.

Re-joining member previously provided with accommodation

4.—(1) A re-joining member who immediately before the relevant absence began was occupying a house or quarters with which he was provided free of rent becomes entitled to a replacement allowance unless he is again provided with a house or quarters free of rent.

(2) The replacement allowance is, subject to paragraph 7, an allowance at the rate at which, if he had not been occupying the house or quarters, housing allowance, or as the case may be transitional rent allowance, would have been payable—

- (a) where the relevant absence began before 1st September 1994, immediately before it began, and
- (b) in any other case, immediately before 1st September 1994.

Re-joining member previously in receipt of housing payments

5.—(1) A re-joining member who immediately before the relevant absence began was in receipt—

- (a) of housing emoluments, or
- (b) of a replacement allowance under paragraph 2 or 3,

becomes entitled to a replacement allowance unless he is provided with a house or quarters free of rent.

(2) The replacement allowance is, subject to paragraph 7, an allowance—

- (a) where sub-paragraph (1)(a) applies, at the rate at which the housing emoluments were payable, and
- (b) where sub-paragraph (1)(b) applies, at the rate at which the previous replacement allowance was payable,

immediately before the relevant absence began.

Members provided with house or quarters

6. A qualifying member or re-joining member who—

- (a) is provided with a house or quarters free of rent, and
- (b) if these Regulations had not come into force would have been entitled to an allowance under regulation 49(11) or 50(3) of the principal Regulations,

is, subject to paragraph 7, entitled to an equivalent replacement allowance.

Variation and termination of replacement allowances

7.—(1) Subject to sub-paragraph (2), in circumstances in which—

- (a) a housing allowance or transitional rent allowance payable as mentioned in paragraph 2(2) or 4(2), or

(b) any of the housing emoluments mentioned in paragraphs 3(1), 5(1)(a) and 6, would, if these Regulations had not come into force, have fallen to be reduced or discontinued, the replacement allowance in question is reduced accordingly or, if the effect of a discontinuance would have been that no housing emoluments remained payable, terminated.

(2) For the purposes of sub-paragraph (1) it is to be assumed that a housing allowance or transitional rent allowance would not have fallen to be reduced by reason of the member's being married to or sharing accommodation with another member of a police force appointed after 31 st August 1994.

(3) In circumstances in which any allowance or housing emoluments mentioned in subparagraph (1) would, if these Regulations had not come into force, have fallen to be increased otherwise than under regulation 49A of the principal Regulations (which provided for biennial adjustment of housing allowances), or in which any new housing emoluments would in that case have become payable, the replacement allowance in question is increased accordingly.

Removal allowance

8. In relation to a qualifying member or a re-joining member who is entitled to a replacement allowance under paragraphs 2 to 5 regulation 53(1) of the principal Regulations has effect as if the words deleted by regulation 10 above had not been deleted, but had continued to have effect with the substitution for references to housing allowance or transitional rent allowance—

- (a) where paragraph 2 or 4 applies, of references to the replacement allowance, and
- (b) in any other case, of references to so much of the replacement allowance as is attributable to a previous housing allowance or transitional rent allowance.