STATUTORY RULES OF NORTHERN IRELAND

2001 No. 80

POLICE

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

Made - - - -	*19th February 2001*
To be laid before Parliament	
Coming into operation	*16th March 2001*

The Secretary of State, in pursuance of section 26 of the Police (Northern Ireland) Act 1998(**1**), 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(**2**).

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.

(**1**) 1998 c. 32
(**2**) S.R. 1996 No. 564

(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.

(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 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 ½.".

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

Number of hours	Refreshment interval
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