1990 No. 433

POLICE

Royal Ulster Constabulary (Amendment No. 3) Regulations 1990

Made . . . . . *3rd December 1990*

Coming into operation . . *21st January 1991*

To be laid before Parliament

The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970(**a**), and after consulting in accordance with section 34(2) of the said Act of 1970, the Police Authority and the Police Association, and after taking into account the recommendations made by the Police Negotiating Board for the United Kingdom and furnishing that Board with a draft of the regulations in accordance with section 2(1) of the Police Negotiating Board Act 1980(**b**), hereby with the concurrence of the Treasury makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Royal Ulster Constabulary (Amendment No. 3) Regulations 1990.

2. These regulations shall come into operation on 21st January 1991 and shall have effect for the purposes of regulations 4, 5, 6, 7 and 8 as on and from 1st April 1990.

Interpretation

3. In these regulations any reference to "the principal regulations" is a reference to the Royal Ulster Constabulary Regulations 1984(**c**).

4.—(1) In regulation 40B(4)(*b*) of the principal regulations there shall be substituted for the words "for the financial year" the words "and any compensatory grant in relation to such rent allowance in respect of the period".

(2) There shall be inserted after regulation 40B(5) of the principal regulations the following paragraph:

"(5A) Where a member in receipt of a transitional rent allowance—

(*a*) was entitled on 31st March 1990 to a flat-rate rent allowance, and

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(**a**) 1970 c. 9 (N.I.) as modified by S.I. 1973/2163 and S.I. 1981/1670
(**b**) 1980 c. 10
(**c**) S.R. 1984 No. 62 as amended by S.R. 1987 No. 441 and S.R. 1990 No. 82

(*b*) is married to (but not separated from) a woman member who on or after 1st April 1990 begins a period of unpaid maternity leave,

his transitional rent allowance shall, during his wife's period of unpaid maternity leave, be payable at an annual rate equivalent to the maximum limit rent allowance which would have been payable to him on 31st March 1990 in respect of the accommodation in which he was living on 31st March 1990 if his wife had then been on unpaid maternity leave.''.

5. In regulation 40B of the principal regulations, there shall be inserted after paragraph (6) the following paragraph:

''(6A) In determining—

(*a*) for the purposes of paragraph (1), (2), (3) or (5), the annual rate of rent allowance, or supplementary rent allowance under regulation 41(3)(*b*), payable to a member on 31st March 1990,

(*b*) for the purposes of paragraph (5A), the maximum limit rent allowance which would have been payable to him on 31st March 1990,

(*c*) for the purposes of paragraph (6), (including that paragraph as applied by regulation 40C), the maximum limit for the purposes of rent allowance fixed on 31st March 1990 for members of the Royal Ulster Constabulary of the corresponding rank, or the flat-rate rent allowance then payable to such members, or

(*d*) for the purposes of paragraph (2), (3) or (5) as applied by regulation 40C, or of paragraph (1) or (2) of regulation 40C, the annual rate of rent allowance (or of supplementary rent allowance under regulation 41(3)(*b*)) which would have been payable to a member on 31st March 1990,

(but for no other purposes of these regulations) the rate of rent allowance payable, or which would have been payable, on that date or the maximum limit payable or fixed at that time, as the case may be, shall be deemed to be increased by the same percentage as that by which the housing allowance was increased on 1st April 1990 in accordance with regulation 40A.''.

6. Regulation 40A of the principal regulations shall be amended by substituting for the words ''rent allowance or'' the words ''maximum limit for the purposes of rent allowance or the''.

7.—(1) Regulation 40B(6) of the principal regulations shall be amended by inserting after the words ''transitional rent allowance'' the words ''under a corresponding regulation which has effect there in relation to such force'' and after the words ''maximum limit'' the words ''for the purposes of''.

(2) Regulation 40B(7) of the principal regulations shall be amended by adding at the end the words ''and, in the case of a member transferring from a police force in Great Britain, shall mean rent allowance and supplementary rent allowance payable there under corresponding regulations applicable to such force as they had effect on 31st March 1990''.

8. There shall be substituted for regulations 40C and 40D of the principal regulations the following provisions:

"40C.—(1) Subject to the provisions of this regulation, paragraph (1) of the preceding regulation shall also apply to a member who, on or after 1st April 1990—

(*a*) returns to duty at the end of a period of unpaid leave which included 31st March 1990; or

(*b*) acquires a new home having ceased to receive a rent allowance on or before 31st March 1990 by reason only that he had necessarily moved his home on transferring from a police force in Great Britain, or at the request of the chief constable in the interests of the efficiency of the force or where such removal was, in the opinion of the chief constable, due to the exigencies of police duty, and was on 31st March 1990 occupying a house or quarters with which he was provided free of rent and rates pending disposal of his former home and acquisition of that new home;

and who also fulfils the requirements of paragraph (2).

(2) The requirements referred to in the preceding paragraph are that:

(*a*) the member was in receipt of a rent allowance immediately before his period of unpaid leave or immediately before moving his home, as the case may be; and

(*b*) the rent allowance (and, where appropriate, supplementary rent allowance) which (but for his period of unpaid leave or his moving home) would have been payable to him on 31st March 1990 would have been greater than the standard-rate or half-rate housing allowance and any supplementary housing allowance to which he would be entitled under regulation 40 or 41 at the time when regulation 40B(1) first applied to him by virtue of paragraph (1) of this regulation.

(3) In their application to such a member as is mentioned in paragraph (1)(*a*), the provisions of regulation 40B shall have effect as if—

(*a*) in each of paragraphs (2) and (3) there were inserted—

(i) before the word "payable" the words "which would have been", and

(ii) at the end the words "if he had not then been on unpaid leave but was serving in the rank he held, and occupying the accommodation in which he was living, immediately before the commencement of his period of unpaid leave";

(*b*) in paragraph (3) there were substituted for the word "was" the words ", had he not then been on unpaid leave and if he continued to occupy the accommodation in which he was living immediately before the commencement of that period of leave, would have been";

(*c*) in paragraph (4)(*a*) there were substituted for the words "1st April 1990" the words "the day on which he returns to duty at the end of the period of unpaid leave";