1990 No. 82

POLICE

Royal Ulster Constabulary (Amendment No. 2) Regulations 1990

Made . . . . . 26th February 1990

Coming into operation . . 1st April 1990

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.—(1) These regulations may be cited as the Royal Ulster Constabulary (Amendment No. 2) Regulations 1990.

(2) These regulations shall come into operation on 1st April 1990.

Interpretation

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

3. There shall be substituted for regulation 40 of the principal regulations (rent allowance) the following provisions:

"*Housing allowance*

40.—(1) Subject to the provisions of regulation 40B, a member who is not provided with a house or quarters free of rent shall be paid a housing allowance which shall be either a standard-rate allowance or a half-rate allowance:

Provided that—

(*a*) a member to whom regulation 41 applies who is so provided with quarters shall be paid a housing allowance in addition;

(*b*) a member shall not be paid a housing allowance if he is on unpaid leave.

(**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

(2) Subject to paragraph (3), a standard-rate allowance—

(*a*) shall be paid to a member married to (but not separated from) a person who either—

(i) is not a member or a full-time member of the Royal Ulster Constabulary Reserve, or

(ii) is such a member but is on unpaid leave;

(*b*) shall be paid to an unmarried member, or a member separated from his spouse, who—

(i) has attained the age of 30 years,

(ii) has served for 5 years as a member or as a member of a police force in Great Britain, and

(iii) occupies as owner or tenant the accommodation in which he is living;

(*c*) may, if the Police Authority think fit, be paid to a member, not being a member to whom sub-paragraph (*a*) or (*b*) applies, who—

(i) has a dependent relative living with him, or

(ii) is separated from, or has divorced or been divorced by, his spouse, or

(iii) is a widower or widow;

and in all other cases a half-rate allowance shall be paid.

(3) A standard-rate allowance shall not be payable—

(*a*) to a member who occupies otherwise than as owner accommodation in respect of which he makes no payment (by way of rent, rates or mortgage interest), or

(*b*) to a member who resides in accommodation which he shares with another member or a full-time member of the Royal Ulster Constabulary Reserve so, however, that this sub-paragraph shall not preclude the payment of a standard-rate allowance where that other member is on unpaid leave.

(4) A standard-rate allowance payable to a member shall be the standard rate for his rank determined in accordance with paragraphs (5), (6), (7), (8) and (9).

(5) The standard-rate housing allowance for a member holding a rank of constable, sergeant or inspector shall be such sum as represents $\frac{A - B}{C}$, where—

(*a*) A equals the total annual amount payable by way of rent allowance, calculated as at 31st March 1990, in respect of members in receipt of such allowance on that date,

(*b*) B equals such part of the amount mentioned in sub-paragraph (*a*) as would be attributable to amounts payable in rates by those members, and

(*c*) C equals the number of members, adjusted in accordance with paragraph (6), who were in receipt of rent allowance on 31st March 1990.

(6) The number of members in receipt of rent allowance on 31st March 1990 shall be adjusted as follows:

(*a*) a member of the rank of constable, sergeant or inspector in receipt on that date of a flat-rate rent allowance shall be reckoned as half a member;

(*b*) a member of the rank of constable, sergeant or inspector then in receipt of a maximum limit rent allowance shall be reckoned as one member;

(*c*) a member holding the rank of superintendent then in receipt of a flat-rate rent allowance shall be reckoned as 0.58 of a member and such a member then in receipt of a maximum limit rent allowance shall be reckoned as 1.16 members;

(*d*) a member holding the rank of assistant chief constable, senior assistant chief constable or deputy chief constable then in receipt of a flat-rate allowance shall be reckoned as 0.675 of a member and such a member then in receipt of a maximum limit rent allowance shall be reckoned as 1.35 members; and

(*e*) a member holding the rank of chief constable then in receipt of a flat-rate rent allowance shall be reckoned as 0.78 of a member and such a member then in receipt of a maximum limit rent allowance shall be reckoned as 1.56 members.

(7) The standard-rate housing allowance for a member holding the rank of superintendent shall be the sum of the standard rate determined in accordance with paragraphs (5) and (6) and 16 per cent of that rate.

(8) The standard-rate housing allowance for a member holding the rank of assistant chief constable, senior assistant chief constable or deputy chief constable shall be the sum of the standard rate determined in accordance with paragraphs (5) and (6) and 35 per cent of that rate.

(9) The standard-rate housing allowance for a member holding the rank of chief constable shall be in the sum of the standard rate determined in accordance with paragraphs (5) and (6) and 56 per cent of that rate.

(10) A half-rate allowance shall be equal to half the amount determined as the standard-rate allowance for members of the same rank.

(11) Except where the member's spouse or former spouse is a member or a full-time member of the Royal Ulster Constabulary Reserve or a member of a police force in Great Britain, a married member who is separated from his spouse or a member who has divorced, or been divorced by, his spouse may, if he regularly makes periodic payments to or for the benefit of his spouse or former spouse, be granted—

(*a*) where he is in receipt of a housing allowance under paragraph (1) or, as the case may be, a transitional rent allowance under regulation 40B, an addition to that allowance, or

(*b*) where he is provided with a house or quarters free of rent, a housing allowance,

equal to whichever is the lesser of the two following amounts, namely, the amount by which his former allowance exceeds his present allowance or the amount paid by him to or for the benefit of his spouse or former spouse.

(12) In this regulation—

(*a*) the expression "his former allowance" means—

(i) in relation to a member who, immediately before his spouse commenced to live apart from him, was being provided with a house or quarters free of rent, a sum fixed as the value for the time being of that house or those quarters;

(ii) in relation to any other member, the maximum limit rent allowance or housing allowance or, as the case may be, the transitional rent allowance which was payable to him immediately before his spouse commenced to live apart from him;

(*b*) the expression "his present allowance" means, as the case may be, the housing allowance which is being paid to the member under paragraph (1), the transitional rent allowance paid to him under regulation 40B, reduced in accordance with paragraph (5) of that regulation or a sum fixed as the value for the time being of the house or quarters with which he is provided;

(*c*) the expressions "rent allowance" and "rates" have the same meanings as they had in regulation 40 of the principal regulations as originally enacted;

(*d*) a reference to the provision of a house or quarters free of rent is a reference to such provision by the Police Authority.

Housing allowance: supplementary

40A. Standard-rate and half-rate housing allowances determined in accordance with regulation 40 in relation to the Royal Ulster Constabulary shall be adjusted on 1st April 1990 and thereafter on each biennial of such date; and each such adjustment shall correspond to any movement in the retail prices index since the rent allowance or housing allowance, as the case may be, was last fixed.

Transitional rent allowance

40B.—(1) This paragraph applies to a member to whom a rent allowance was payable on 31st March 1990 where the sum of the annual rent allowance (and, where appropriate, supplementary rent allowance) then payable to him and his compensatory grant in respect of the financial year ending on 5th April 1990 is 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 for the year beginning on 1st April 1990.

(2) Subject to the provisions of this regulation, a member to whom paragraph (1) applies shall be entitled, for any part of the relevant period when he would be eligible to receive a housing allowance, to be paid, instead of a housing allowance, an allowance ("transitional rent