1985 No. 292

POLICE

Royal Ulster Constabulary (Amendment No. 2) Regulations 1985

Made	*17th October 1985*
Coming into operation	*1st December 1985*
To be laid before Parliament	

The Secretary of State, in pursuance of section 25 of the Police Act (Northern Ireland) 1970(**a**), read with section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962(**b**), and after consulting, in accordance with section 34(2) of the said Act of 1970, the Police Authority for Northern Ireland and the Police Association for Northern Ireland, 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(**c**), hereby with the concurrence of the Treasury makes the following regulations:—

Citation, operation and effect

1.—(1) These regulations may be cited as The Royal Ulster Constabulary (Amendment No. 2) Regulations 1985.

(2) These regulations shall come into operation on 1st December 1985 but shall have effect for the purposes of regulation 13 as from 1st July 1984, for the purposes of regulations 11(2) and 15 as from 1st January 1985, for the purposes of regulation 10 as from 1st April 1985 and for the purposes of regulations 14 and 16 as from 1st September 1985.

Interpretation

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

Business interests incompatible with membership of the force

3. In regulation 8 of the principal regulations after paragraph (3) there shall be inserted the following provision:—

"(3A) Upon receipt of such notice, the Police Authority shall send to the member concerned copies of any documents submitted to them by the chief constable setting out the matters on which he relies in support of his decision and shall afford the member concerned a reasonable opportunity to comment thereon.".

Normal daily period of duty

4. Regulation 19 of the principal regulations shall be amended as follows:—

(*a*) in paragraph (2), the words following "8 hours" shall be omitted;

(**a**) 1970 c. 9 (N.I.) as modified by S.I. 1973/2163 and S.I. 1981/1670
(**b**) 1962 c. 7 (N.I.)
(**c**) 1980 c. 10
(**d**) S.R. 1984 No. 62 as amended by S.R. 1984 No. 380

(*b*) for paragraph (3) there shall be substituted the following provision:—

"(3) As far as the exigencies of duty permit—

(*a*) the normal daily period of duty shall be performed on one tour of duty; and

(*b*) subject to paragraph 3A of Schedule 3, an interval of 45 minutes shall be allowed for refreshment.";

(*c*) there shall be inserted after paragraph (4) the following provisions:—

"(5) In this Part of these Regulations, the expression "day", in relation to members, means a period of 24 hours commencing at such time or times as the chief constable shall fix and the chief constable may fix different times in relation to different groups of members.

(6) In discharging his functions under paragraph (5), the chief constable shall have regard to the wishes of the central committee of the Police Federation for Northern Ireland.".

Rostering of duties

5. There shall be inserted after regulation 19 of the principal regulations the following provision:—

"*Rostering of duties*

19A.—(1) The chief constable shall cause to be published, in accordance with this regulation, annual duty rosters for members below the rank of superintendent.

(2) Each such roster shall, in the first place, be published to the members to whom it relates not later than one month before the expiry of the roster of duties in force in relation to those members immediately before 1st December 1985.

(3) Each such roster shall thereafter be published at intervals not exceeding 12 months and not later than one month before the date on which it is to come into force.

(4) Each such roster shall set out, for the 12 months following the date on which it comes into force, in relation to each member to which it relates—

(*a*) his rest days;

(*b*) those days being public holidays, on which he may be required to do duty; and

(*c*) the times at which his scheduled daily periods of duty are to begin and end.

(5) Subject to paragraph (6), a duty roster shall make provision for—

(*a*) an interval of not less than 8 hours between the ending of each of a member's daily periods of duty and the beginning of the next; and

(*b*) an interval between each of his rostered rest days not exceeding 7 days;

unless the central committee of the Police Federation for Northern Ireland agrees otherwise.

(6) Where, owing to the exigencies of duty, it is necessary to alter a duty roster, the officer responsible for making the alteration shall endeavour, so far as practicable, to avoid thereby requiring a member to do an additional daily period of duty such that the condition in paragraph (5)(*a*) would not be satisfied in relation thereto.".

Overtime

6. There shall be substituted for regulation 20 of the principal regulations the following provision:—

"*Overtime*

20.—(1) Subject to, and in accordance with, the provisions of this regulation, a member shall be compensated in respect of time for which he remains on duty after his tour of duty ends or is recalled between two hours of duty (hereafter in these regulations referred to as "overtime").

(2) Such a member shall not be compensated under this regulation for overtime for which he receives an allowance or time off under regulation 21 or 56.

(3) A member to whom regulation 19 applies shall, subject to paragraph (6), be granted an allowance in respect of each week at the rate of a twenty-fourth of a day's pay for each completed period of 15 minutes of overtime worked by him on any occasion during that week.

(4) Where such a member, before the expiry of any pay period, elects in respect of specified overtime worked by him during the weeks ending within that period, to be granted in lieu of an allowance time off subject to and in accordance with paragraph (5), and in accordance therewith receives time off in respect of any overtime, no allowance in respect thereof shall be payable under paragraph (3).

(5) Subject to the exigencies of duty, where by virtue of an election under the foregoing paragraphs, time off falls to be granted to a member in respect of any overtime worked by him in any week, then, within such time (not exceeding 3 months) after that week as the chief constable may fix, he shall grant to the member time off equal, subject to paragraph (6), to the period of that overtime worked by him during that week and, in addition, for each completed 45 minutes of such overtime, an additional 15 minutes off.

(6) For the purposes of paragraphs (3) and (5), no account shall be taken of any period of less than 30 minutes of overtime worked on any occasion, other than a period of 15 minutes of overtime in respect of which the member was informed at the commencement of his tour that he would be required to remain on duty after his tour ended.

(7) In computing any period of overtime for the purposes of this regulation—

(*a*) where the member is engaged in casual escort duty, account shall be taken only of—

(i) time during which he is in charge of the person under escort,

(ii) such other time as is necessarily spent in travelling to or from the place where the member is to take charge of, or hand over, the person under escort, as the case may be, and

(iii) any other time that may be allowed by the chief constable, so however that, if the member is so engaged overnight and has proper sleeping accommodation, whether in a train or otherwise, the chief constable may exclude such period not exceeding 8 hours, during which the member is not in charge of the person under escort as he considers appropriate in the circumstances;

(*b*) where the tour or tours does not or do not amount in the aggregate to more than the normal daily period of duty, no account shall be taken of any overtime except so much as together with the tour or tours of duty exceeds the normal daily period of duty; and

(*c*) where a member is recalled to duty between two rostered tours of duty and is entitled to reckon less than 4 hours of overtime, disregarding any overtime reckonable by virtue of regulation 23 (travelling time treated as duty), he shall be deemed on that occasion to have worked for such period that he is entitled to reckon 4 hours of overtime, together with any overtime reckonable by virtue of regulation 23.

(8) For the purposes of this regulation the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"a day's pay" means the member's pay for the week in question divided by 5;

"member recalled to duty" does not include a member who is only warned to be in readiness for duty if required;

"pay period" means the period for which, in pursuance of regulation 37, a member is paid;

"week" means the period of 7 days beginning with such day as is fixed by the chief constable.".

Public holidays and rest days for lower ranks

7. There shall be substituted for regulation 21 of the principal regulations the following provision:—

"*Public holidays and rest days for lower ranks*

21.—(1) This regulation shall apply to every member below the rank of superintendent.

(2) Subject to the following provisions of this regulation, a member shall, so far as the exigencies of duty permit, be allowed a day's leave on each public holiday and be granted rest days at the rate of 2 rest days in respect of each week.

(3) A member shall, if required to do duty on a day which is a rostered rest day, be granted—

(*a*) where he receives less than 8 days' notice of the requirement, an allowance at the appropriate rate and, in addition, another rest day in lieu thereof, which shall be notified to him within 4 days of notification of the requirement;

(*b*) where he receives at least 8 days' but less than 29 days' notice of the requirement, an allowance at the appropriate rate;

(*c*) in any other case, another rest day in lieu thereof, which shall be notified to him within 4 days of notification of the requirement.

(4) A member shall, if required to do duty on a day which is a public holiday, be granted—

(*a*) where he receives less than 8 days' notice of the requirement—

(i) an allowance at the appropriate rate and, in addition,

(ii) another day off in lieu thereof, which shall be notified to him within 4 days of notification of the requirement, and which shall be treated for the purposes of this regulation as a public holiday;

(*b*) in any other case, an allowance at the appropriate rate.

(5) A member who is required to do duty on a day which is a public holiday or a rostered rest day may, within 28 days of the day in question, elect to receive, in lieu of an allowance as mentioned in paragraph (3)(*a*) or (*b*) or paragraph (4)(*a*) or (*b*), time off equal—

(*a*) in the case of a day which is a public holiday, to double, and

(*b*) in the case of a rostered rest day, to one and a half times,

the period of completed quarters of an hour of duty on the day in question.

(6) Where such a member who is required to do duty on a day which is a holiday or a rostered rest day has elected to receive time off as mentioned in paragraph (5), the chief constable shall, subject to the exigencies of duty, grant such time off within such time (not exceeding 3 months) as he may fix; and subject to such time off being taken, no allowance in respect of the day in question shall be payable under paragraph (3)(*a*) or (*b*) or, as the case may be, paragraph (4)(*a*) or (*b*).

(7) Subject to paragraph (8), for the purposes of this regulation—