1971. No. 142 **[C]**

ROYAL ULSTER CONSTABULARY

Allowances

REGULATIONS, DATED 18TH MAY 1971, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 25 OF THE POLICE ACT (NORTHERN IRELAND) 1970.

The Ministry of Home Affairs for Northern Ireland in exercise of the powers conferred on it by Section 25 of the Police Act (Northern Ireland) 1970(**a**) and of all other powers enabling it in that behalf and after consulting the Police Authority, the Representative Bodies constituted by the Constabulary and Police (Ireland) Act 1919(**b**) and the Police Council for the United Kingdom in accordance with the Police Act 1969(**c**) hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Royal Ulster Constabulary Allowances Regulations 1971 and shall come into operation on 1st June 1971.

Revocation

2. The following Orders are hereby revoked:—

Royal Ulster Constabulary (Miscellaneous) Allowances Order 1968(**d**) except articles 1, 2, 3, 17 and 18.

Royal Ulster Constabulary Allowances (Amendment) Order 1969(**e**).

Royal Ulster Constabulary Allowances (Amendment) Order 1970(**f**).

Royal Ulster Constabulary (Allowances) (Amendment) (No. 2) Order 1970(**g**) except articles 1 and 3.

Royal Ulster Constabulary Allowances (Amendment) Order 1971(**h**).

Royal Ulster Constabulary (Rent Allowance, etc.) Order 1968(**i**).

Royal Ulster Constabulary (Rent Allowance, etc.) (Amendment) Order 1969(**j**).

Royal Ulster Constabulary (Rent Allowances, etc.) (Amendment) Order 1970(**k**).

Royal Ulster Constabulary (Separation and Subsistence) Allowance Order 1970(**l**).

Royal Ulster Constabulary (Travelling and Removal) Allowances Order 1968(**m**).

Royal Ulster Constabulary (Travelling and Removal) Allowances (Amendment) Order 1970(**n**).

(**a**) 1970. c. 9 (N.I.).
(**b**) 9 & 10 Geo. 5. c. 68.
(**c**) 1969. c. 63.
(**d**) S.R. & O. (N.I.) 1968, No. 119.
(**e**) S.R. & O. (N.I.) 1969, No. 338.
(**f**) S.R. & O. (N.I.) 1970, No. 195.
(**g**) S.R. & O. (N.I.) 1970, No. 316.
(**h**) S.R. & O. (N.I.) 1971, No. 51.
(**i**) S.R. & O. (N.I.) 1968, No. 118.
(**j**) S.R. & O. (N.I.) 1969, No. 38.
(**k**) S.R. & O. (N.I.) 1970, No. 197.
(**l**) S.R. & O. (N.I.) 1970, No. 82.
(**m**) S.R. & O. (N.I.) 1968, No. 116.
(**n**) S.R. & O. (N.I.) 1970, No. 81.

Definitions

3. In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them:—

"member" means a member of the Royal Ulster Constabulary;

"superintendent" includes chief superintendent;

"inspector" includes chief inspector;

"Discipline Regulations" means the regulations relating to discipline for the time being in force;

"Promotion Regulations" means the regulations relating to qualification and selection for promotion for the time being in force.

Restriction on payment of allowances

4.—(1) No allowances shall be paid to a member except as provided by these Regulations or by the Discipline Regulations, or approved by the Ministry, and the amounts and conditions of payment of such allowances shall be as so provided or approved.

(2) Nothing in this Regulation shall apply to the reimbursement of expenses incurred by a member in the execution of his duty, being expenses authorised either generally or specifically by the Police Authority in respect of which no allowance is payable under these Regulations.

Restriction on payments for private employment of police

5. Without prejudice to the generality of Regulation 4, a member who is engaged on duty at the request of any person who has agreed to pay the Police Authority for the member's services shall not be entitled to any payment for those services except as provided by the Regulations applicable to him.

Rent allowance

6.—(1) A member who is not provided with a house or quarters free of rent and rates shall be paid a rent allowance which shall be either a maximum limit allowance or a flat-rate allowance:

Provided that—

(*a*) a member to whom Regulation 7 applies who is provided with quarters shall be paid a rent allowance in addition;

(*b*) a woman member shall not be paid a rent allowance if she is either married to a member and living with him or is on unpaid maternity leave.

(2) A maximum limit allowance—

(*a*) shall be paid to a married man not separated from his wife;

(*b*) shall be paid to a member, not being a married man (other than a man separated from his wife) or a married woman, who—

(i) has attained the age of 30 years,

(ii) has served for 5 years as a member or as a member of another United Kingdom police force, and

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

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

(i) has a dependent relative living with him,

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

(iii) is a widower;

(*d*) may, if in special circumstances the Police Authority think fit, be paid to a woman member, not being a woman to whom sub-paragraph (*b*) applies;

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

(3) (*a*) A maximum limit allowance shall, subject to the maximum limit, be the aggregate of the amount paid in rates and—

(i) where the member owns the house he occupies, the amount which in the opinion of the Commissioner of Valuation would be paid in rent therefor if the house were let unfurnished,

(ii) where the member is living in unfurnished accommodation, the amount paid in rent therefor, or

(iii) subject to sub-paragraph (*a*)(i), where the member is living in furnished accommodation, an amount which in the opinion of the Police Authority would have been paid in rent therefor had the accommodation been unfurnished:

Provided that where part of the said house or part of the said accommodation is let to or occupied by a tenant or lodger, as the case may be, who is not a member of the Royal Ulster Constabulary or a regular policeman within the meaning of the Police Pensions Regulations 1966(**o**), the Police Authority may make a deduction from the said aggregate in respect of such part.

(*b*) The maximum limit in respect of any period after 31st March 1970 shall be fixed by the Police Authority with the approval of the Ministry for each rank.

(4) A flat-rate allowance shall be an allowance equal to half the amount fixed as the maximum limit for members of the same rank.

(5) A member who is either a married man separated from his wife or a man who has divorced, or been divorced by, his wife and who regularly makes periodic payments to her or for her benefit may be granted—

(*a*) where he is in receipt of a rent allowance under paragraph (1), an addition to that rent allowance, or

(*b*) where he is provided with a house or quarters free of rent and rates, a rent 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 wife or former wife.

(6) In this Regulation—

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

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

(ii) in relation to any other man, the maximum limit allowance which would for the time being be payable to him if he were still entitled to such an allowance and the aggregate referred to in paragraph (3)(*a*) were unchanged since immediately before his wife commenced to live apart from him;

(**o**) S.I. 1966, No. 1582.

(*b*) the expression "his present allowance" means the rent allowance which is being paid to a man under paragraph (1) or, as the case may be, a sum fixed as the value for the time being of the house or quarters with which he is provided;

(*c*) the expression "rates" means—

(i) any local rate as defined in Section 17(8) of the Local Government Act (Northern Ireland) 1934(**p**),

(ii) any water rate for domestic purposes levied by the Belfast City and District Water Commissioners or any such other water rate raised by way of separate charge, and

(iii) any charge for a supply of water for domestic purposes in Newcastle Urban District.

Supplementary rent allowance

7.—(1) This Regulation shall apply to—

(*a*) a member, other than a woman member, who—

(i) is a widower with a child or children or a married man,

(ii) is not living with his family, and

(iii) satisfies the chief constable that the only reason why he is not so living is that he is unable to find suitable accommodation for his family at a reasonable cost within a reasonable distance of his place of duty;

(*b*) a member, other than such a member as is mentioned in sub-paragraph (*a*), who is temporarily assigned to duties which, in the opinion of the chief constable, require him to live otherwise than in his former accommodation,

except that this Regulation shall not apply to such a member as is mentioned in sub-paragraph (*b*) for a continuous period exceeding 30 months unless the Police Authority in the circumstances of the case so determine, or in respect of any period for which he has not retained, or has let or sub-let, his former accommodation.

(2) Notwithstanding the provisions of Regulation 6, the rent allowance to be paid to a member to whom this Regulation applies shall be that which would be payable under the said Regulation 6—

(*a*) in the case of such a member as is mentioned in paragraph (1)(*a*), if he were a member of the force of the police area in which his family are for the time being living and he were living with his family;

(*b*) in the case of such a member as is mentioned in paragraph (1)(*b*), if he had not been assigned to such duties as are there mentioned and had continued to occupy his former accommodation.

(3) A member to whom this Regulation applies shall be paid a supplementary rent allowance at the following rate:—

(*a*) if he is provided with quarters free of rent and rates, £2·350 a week;

(*b*) if he is not so provided, £3·350 a week.

(4) A supplementary rent allowance payable under paragraph (3) may be reduced or withdrawn by the Police Authority in respect of any period consisting of one or more complete weeks throughout which the member in question is absent from his usual or temporary normal place of duty and is either—

(**p**) 24 & 25 Geo. 5. c. 22 (N.I.).

(*a*) on leave of absence; or

(*b*) provided with board and lodging free of charge or an allowance in lieu.

Compensatory grant

8.—(1) In each financial year, a member who has during the preceding financial year paid income tax in respect of a rent allowance or any compensatory grant paid or made to him in respect of his service in the force shall be paid a compensatory grant.

(2) The amount of the compensatory grant shall be equal to the amount by which the income tax in fact deducted during the preceding year, according to the tax tables prepared or prescribed by the Commissioners of Inland Revenue, from the member's emoluments in respect of his service in the force is increased by virtue of the inclusion in such emoluments of a rent allowance or any compensatory grant.

(3) The compensatory grant may, except in the circumstances described in paragraph (4), be paid by such instalments throughout the year in which it is payable as the Police Authority may determine.

(4) Where a member leaves the force or dies whilst serving in the force he or his personal representative, as the case may be, shall be paid the whole of the compensatory grant due to the member during that year and, in addition, shall be paid a further compensatory grant equal to the amount by which the income tax in fact deducted between the beginning of the year and the date on which he leaves the force or dies, according to the tax tables prepared or prescribed by the Commissioners of Inland Revenue, from the member's emoluments in respect of his service in the force during that period is increased by virtue of the inclusion in such emoluments of a rent allowance or any compensatory grant mentioned in this Regulation paid or made to him.

(5) For the purposes of this Regulation—

(*a*) the expression "year" or "financial year" means a year commencing on 6th April and ending on the following 5th April; and

(*b*) where a member has served more than once in the force, references in this Regulation to service in the force shall be construed as references to his service therein since his last appointment thereto.

Discharge of tax liability in respect of police house or quarters

9. Where a member is provided with a house or quarters free of rent and rates and his liability to pay income tax is increased—

(*a*) in consequence thereof, by virtue of Section 47 of the Finance Act 1963(**q**); or

(*b*) in consequence of any payment required to be made by this Regulation,

that liability, to the extent that it is so increased, shall be discharged by the Police Authority.

Removal allowance

10.—(1) Where a member moves his home otherwise than on voluntary transfer, and the removal is, in the opinion of the chief constable, due to the exigencies of police duty or is made at the request of the chief constable and is, in his opinion, in the interests of the efficiency of the force, the Police Authority—

(**q**) 1963, c. 25.