STATUTORY RULES OF NORTHERN IRELAND

2004 No. 3

POLICE

Police Service of Northern Ireland Reserve (Part-Time) Regulations 2004

Made - - - - - *7th January 2004*

Coming into operation *8th February 2004*

To be laid before Parliament

ARRANGEMENT OF REGULATIONS

PART I

GENERAL

1. Citation, commencement and application
2. Interpretation
3. Revocation
4. Members appointed before 8th February 2004
5. Functions of the Chief Constable

PART II

GOVERNMENT

6. Restrictions on private life
7. Prohibited business interests
8. Probation
9. Discharge of probationer
10. Persistent failure to report for duty
11. Medical examinations
12. Retirement
13. Contents of personal records
14. Personal record of member leaving the PSNI Reserve
15. Fingerprints

PART III

DUTY AND PAY

16. Duty

17. Rate of pay
18. Pay day
19. Sick pay
20. Deductions from pay of social security benefits and statutory sick pay

PART IV
ALLOWANCES AND OTHER EMOLUMENTS

21. Restriction on payment of allowances
22. Restriction on payments for private employment of police
23. Advances to cover expenses when away on duty
24. Motor vehicle allowances
25. Allowance in respect of medical charges
26. General

PART V
UNIFORM AND EQUIPMENT

27. Issue of uniform and equipment

SCHEDULE Motor vehicle allowances

The Secretary of State, in exercise of the powers conferred upon him by section 26 of the Police (Northern Ireland) Act 1998(**a**), and after consulting the Northern Ireland Policing Board and the Police Association for Northern Ireland in accordance with subsection (6) of that section, hereby make the following Regulations:

PART I
GENERAL

Citation, commencement and application

1.—(1) These regulations may be cited as the Police Service of Northern Ireland Reserve (Part-Time) Regulations 2004.

(2) These regulations shall come into operation on 8th February 2004.

(3) Parts II to V of these regulations shall have effect –

(a) in relation to any member appointed on or after 8th February 2004, and

(b) in accordance with paragraph (5) or (6) of regulation 4, in relation to any such member as is described in that paragraph.

Interpretation

2.—(1) In these regulations –

"the Board" means the Northern Ireland Policing Board;

(**a**) 1998 c. 32

"the Conduct Regulations" means the regulations for the Police Service of Northern Ireland Reserve relating to conduct and discipline for the time being in force;

"injury" and "injury received in the execution of duty" have, subject to the necessary modifications, the same meanings as they have in the Royal Ulster Constabulary Pensions Regulations 1988(**a**);

"member" means a member of the Police Service of Northern Ireland Reserve and includes a member who is suspended under the Conduct Regulations;

"police force in Great Britain" means a police force within the meaning of the Police Act 1996(**b**) or the Police (Scotland) Act 1967(**c**).

(2) Nothing in these regulations shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.

Revocation

3.—(1) The following regulations are revoked –

(a) the Royal Ulster Constabulary Reserve (Part-time) (Appointment and Conditions of Service) Regulations 1996(**d**);

(b) the Royal Ulster Constabulary Reserve (Part-time) (Appointment and Conditions of Service) (Amendment) Regulations 1997(**e**).

(2) Without prejudice to sections 16 and 17 of the Interpretation Act 1978(**f**), any appointment, deduction, payment or application made, any approval, direction, consent, certificate or notice given, any record or list kept, any interval fixed or any other thing done under any of the regulations mentioned in paragraph (1) or for the purposes thereof shall not be invalidated by the revocations effected by that paragraph, but –

(a) in so far as it could have been made, given, kept, fixed or done under a provision of these regulations or for the purposes thereof, shall have effect as if it had been made, given, kept, fixed or done under, or for the purposes of, that provision, and

(b) where it was made, given, kept, fixed or done by or to the Board under a provision of the regulations mentioned in paragraph (1) or for the purposes thereof, but could have been made, given, kept, fixed or done by or to the Chief Constable under, or for the purposes of, a provision of these regulations, shall have effect as if it had been made, given, kept, fixed or done by or to the Chief Constable under, or for the purposes of, that provision.

Members appointed before 8th February 2004

4.—(1) In this regulation "existing member" means any member who was appointed before 8th February 2004 on a part-time basis (other than to perform part-time service under regulation 4A of the Royal Ulster Constabulary Reserve (Full-time) (Appointment and Conditions of Service) Regulations 1996)(**g**).

(2) Notwithstanding their revocation, the regulations mentioned in regulation 3(1) shall continue to apply in relation to an existing member until they cease to apply in accordance with paragraph (4)(b), (5)(a) or (6)(a).

(3) The Chief Constable shall by notice in writing to each existing member –

(a) require him to complete such training as may be specified in the notice within such period as may be so specified, or

(b) inform him that no requirement is imposed in his case under sub-paragraph (a),

---

(**a**) S.R. 1988 No. 374
(**b**) 1996 c. 16
(**c**) 1967 c. 77
(**d**) S.R. 1996 No. 565
(**e**) S.R. 1997 No. 364
(**f**) 1978 c. 30
(**g**) S.R. 1996 No. 564. Regulation 4A was inserted by S.R. 2001 No. 80

and participation in any training required under sub-paragraph (a) shall be treated as the performance of duty for the purposes of the regulations mentioned in regulation 3(1).

(4) Where an existing member fails to comply with any requirement imposed under paragraph (3)(a) –

(a) the Chief Constable may dismiss him by giving him a month's notice in writing, and

(b) the regulations mentioned in regulation 3(1) shall cease to apply in relation to him when the dismissal takes effect.

(5) Where an existing member complies with any requirement imposed under paragraph (3)(a), then, with effect from such date as may be specified in his case by the Chief Constable –

(a) the regulations mentioned in regulation 3(1) shall cease to apply in relation to him,

(b) Parts II to V of these regulations shall apply in relation to him, and

(c) where his service has been extended for a period under regulation 9(2) of the Royal Ulster Constabulary Reserve (Part-time) (Appointment and Conditions of Service) Regulations 1996, it shall not come to an end on the expiry of that period.

(6) Where notice is given to an existing member under paragraph (3)(b), then with effect from such date as may be specified in the notice –

(a) the regulations mentioned in regulation 3(1) shall cease to apply in relation to him, and

(b) Parts II to V of these regulations shall apply in relation to him.

Functions of the Chief Constable

5.—(1) Any power conferred on the Chief Constable by these regulations to make provision by –

(a) giving directions,

(b) authorising, designating, approving or specifying any person or anything,

(c) imposing restrictions, or

(d) doing anything else,

includes power to make different provision for different purposes, cases and circumstances.

(2) The Chief Constable may designate a police officer or member of the police support staff for the purposes of this regulation and, subject to paragraph (3), may delegate any function under these regulations to a person so designated.

(3) Any function of the Chief Constable under regulation 4(4)(a), 7(6), 9(1), 10(3), (6) to (9) or 11(1), (2) or (5) may be delegated only to –

(a) a police officer of a rank not lower than chief inspector, or

(b) a senior employee or such member of the police support staff of such class or description as may be specified by the Board for the purposes of this paragraph.

PART II
GOVERNMENT

Restrictions on private life

6.—(1) No restriction on the private life of members shall be imposed by the Board or the Chief Constable, other than those designed to secure the proper exercise of the functions of a member, except such as may temporarily be necessary or such as may be approved by the Secretary of State after consultation with the Police Advisory Board established under section 45 of the Police (Northern Ireland) Act 1998; and any such restriction temporarily imposed shall be reported forthwith to the Secretary of State.

(2) A member shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his duties or which is likely to give rise to the impression amongst

members of the public that it may so interfere; and in particular a member shall not take any active part in politics.

(3) A member shall not wilfully refuse or neglect to discharge any lawful debt.

Prohibited business interests

7.—(1) If a member or a relative included in his family has a prohibited business interest within the meaning of regulation 2A of the Police (Recruitment) (Northern Ireland) Regulations 2001(**a**), the Chief Constable may give notice in writing to the member that the prohibited business interest is incompatible with that person remaining a member.

(2) The Chief Constable shall not give notice under paragraph (1) before the conclusion of any such procedure as may be established by the Chief Constable for the informal resolution of cases in which it appears to him that a member or a relative included in his family may have a prohibited business interest.

(3) Within 10 days of receiving a notice given under paragraph (1), or within such longer period as the Board may in all the circumstances allow, the member concerned may appeal to the Board against the decision of the Chief Constable as set out in the notice by sending written notice of his appeal to the Board.

(4) On receipt of a notice given under paragraph (3) the Board shall require the Chief Constable to submit to it, within the next following 10 days –

(a) a notice setting out the reasons for his decision, and

(b) copies of any documents on which he relies in support of that decision,

and the Board shall send to the member concerned copies of such notice and documents and shall afford him a reasonable opportunity, being in no case less than 14 days, to comment thereon.

(5) Where a member has appealed to the Board under paragraph (3) the Board shall give him notice of its determination of the appeal within 28 days of –

(a) receiving his comments on the notice and any other documents submitted by the Chief Constable under paragraph (4), or

(b) the expiration of the period afforded for making comments if none have by then been received.

(6) Where a member has been given notice under paragraph (1), and either –

(a) the member has not appealed against the decision set out in the notice under paragraph (3), or

(b) on such appeal, the Board has upheld that decision,

then the Chief Constable may dispense with the services of that member.

(7) A member whose services are dispensed with under this regulation shall be entitled to receive a month's notice.

(8) Any reference in this regulation to a relative included in a member's family shall include a reference to his spouse, parent, son, daughter, brother or sister.

Probation

8.—(1) Subject to paragraphs (2) and (3), a member shall be on probation for 2 years from the date of his first appointment as a member.

(2) At the discretion of the Chief Constable, service –

(a) as a police officer, or

(b) in a police force in Great Britain,

may count towards the period of probation.

(**a**) S.R. 2001 No. 140. Regulation 2A was inserted by the Police (Recruitment) (Northern Ireland) (Amendment) Regulations 2004 (S.R. 2004 No. 1). Other amendments have been made by S.R. 2002 No. 385 and S.R. 2003 No. 372

(3) If, in the opinion of the Chief Constable, the period of probation of a member was seriously interrupted by a period of absence from duty, the Chief Constable may, at his discretion, extend the period of probation for such longer period, not exceeding 12 months, as he determines in the circumstances of the particular case.

Discharge of probationer

9.—(1) Subject to the provisions of this regulation, during his period of probation in the Police Service of Northern Ireland Reserve the services of a member may be dispensed with at any time if the Chief Constable considers that he –

(a) is not fitted, physically or mentally, to perform the duties of his office, or

(b) is not likely to become an efficient or well-conducted member.

(2) A member whose services are dispensed with under this regulation shall be entitled to receive a month's notice.

(3) A member's services shall not be dispensed with in accordance with this regulation, and any notice given for the purposes thereof shall cease to have effect, if he gives written notice to the Chief Constable of his intention to retire and retires in pursuance of the said notice on or before the date on which his services would otherwise be dispensed with; and such a notice taking effect on that date shall be accepted by the Chief Constable notwithstanding that less than a month's notice is given.

Persistent failure to report for duty

10.—(1) The appropriate officer may dismiss a member whose persistent failure to report for duty is unacceptable.

(2) In this regulation "the appropriate officer" means, in relation to a member –

(a) the district commander for the police district in which the member serves, or

(b) where he is absent, such other member of the Police Service of Northern Ireland of at least the rank of inspector as may be designated by the Chief Constable.

(3) For the purposes of paragraph (1) failure to report for duty –

(a) is to be regarded as persistent if it occurs, with such frequency as may be specified by the Chief Constable, over such period or periods as may be so specified, and

(b) is not to be regarded as unacceptable if it occurs in such circumstances as may be specified by the Chief Constable.

(4) No period falling within a member's period of probation shall be taken into account for the purposes of paragraph (1).

(5) Where the appropriate officer dismisses a member under paragraph (1), he shall give the member one month's written notice.

(6) A member who is dismissed under paragraph (1) may appeal to the Chief Constable against the dismissal by sending written notice of appeal to the Chief Constable within –

(a) 10 days of receiving notice of the dismissal, or

(b) such longer period as the Chief Constable may in all the circumstances allow,

and where notice of appeal is so given, the dismissal shall not take effect until notice of the decision on the appeal is given to the member under paragraph (9).

(7) The Chief Constable shall, on receipt of a notice of appeal under paragraph (6), require the appropriate officer to submit to him, within the next following 10 days –

(a) a notice setting out the grounds for his decision to dismiss the member, and

(b) copies of any documents on which he relies in support of that decision.

(8) Where the Chief Constable receives a notice or copies of any documents under paragraph (7), he shall send copies of them to the member, and shall afford the member a reasonable opportunity, being in no case less than 14 days, to comment thereon.

(9) Where a member has appealed under paragraph (6) the Chief Constable shall give him notice of his decision on the appeal within 28 days of –

(a) receiving his comments on the notice and any other documents sent to the member under paragraph (8), or

(b) the expiration of the period afforded for making comments if none have by then been received.

Medical examinations

11.—(1) Where, following an examination by an approved medical practitioner, the Chief Constable considers that a member is not fit, physically or mentally, to be a reserve constable, the Chief Constable may dismiss the member.

(2) The Chief Constable may dismiss a member who refuses, without reasonable excuse, to undergo a medical examination by an approved medical practitioner.

(3) Any reference in paragraph (1) or (2) to an approved medical practitioner is to a medical practitioner appointed or approved by the Chief Constable.

(4) Paragraphs (1) and (2) shall not apply in relation to any member who has not yet completed his period of probation.

(5) Where the Chief Constable dismisses a member under paragraph (1) or (2), he shall give the member one month's written notice.

Retirement

12.—(1) Retirement shall be compulsory on attaining the age of 65 years.

(2) The Chief Constable may require a member to retire on such date as he may specify on the grounds that he is disabled to such an extent that he is unable to perform the ordinary duties of a member and the disablement is likely to be permanent.

(3) Without prejudice to paragraphs (1) and (2) or the Conduct Regulations, but subject to paragraph (4), a member may retire only if he has given a month's written notice of his intention to retire or such shorter notice as may have been accepted by the Chief Constable.

(4) A member who is suspended under the Conduct Regulations may not, without the consent of the Chief Constable, give notice for the purposes of paragraph (3) or retire in pursuance of a notice previously given.

Contents of personal records

13.—(1) The Chief Constable shall cause a personal record of each member to be kept.

(2) The personal record shall contain –

(a) a personal description of the member;

(b) particulars of his place and date of birth;

(c) particulars of his marriage (if any) and of his children (if any);

(d) a record of his service (if any) in any branch of Her Majesty's naval, military or air forces or in the civil service;

(e) a record of his service (if any) in any other police force (including service in the Police Service of Northern Ireland or as a police trainee) and of his transfers (if any) from one police force to another;

(f) a record of his service in the Police Service of Northern Ireland Reserve including particulars of all postings, removals, injuries received, periods of illness, commendations, rewards, punishments other than cautions and the date of his ceasing to be a member with the reason, cause or manner thereof:

(g) a record of his service (if any) as a police reserve trainee.

(3) Particulars of a punishment shall be expunged from the personal record of a member –

(a) in the case of a fine or reprimand, after 3 years free from punishment other than a caution,

(b) in the case of any other punishment, after 5 years free from punishment other than a caution,

but in the case of a period free from punishment other than a caution which expired before 1st July 1989, only if the member so requests.

(4) A member shall, if he so requests, be entitled to inspect his personal record.

Personal record of member leaving the PSNI Reserve

14.—(1) Where a member ceases to be a member he shall, on request, be given a certificate setting out the period of his service as a reserve constable and any period of service as a police reserve trainee.

(2) Where a member ceases to be a member his personal record shall be kept for such time as the Chief Constable may think fit and shall then be destroyed.

Fingerprints

15.—(1) Every member shall, in accordance with the directions of the Chief Constable, have his fingerprints taken.

(2) Fingerprints of members taken in accordance with paragraph (1) shall be kept separate from the fingerprints of persons whose fingerprints have been taken otherwise than in accordance with that paragraph.

(3) The fingerprints of a member taken in accordance with paragraph (1) and all copies and records thereof shall be destroyed on his ceasing to be a member.

PART III
DUTY AND PAY

Duty

16.—(1) A member may only exercise the powers and privileges of a constable when on duty.

(2) A member shall carry out all lawful orders.

(3) A member shall, at all times, punctually and promptly, perform all appointed duties and attend to all matters within the scope of his office as a reserve constable.

(4) A member shall be required to perform –

(a) in each financial year after the first financial year, 144 hours of duty, and

(b) in the first financial year the appropriate proportion of 144 hours calculated on a pro rata basis in respect of the period –

(i) in the case of a member appointed on or after 8th February 2004, from the date of his appointment as a member and ending with the first 31st March after that date, or

(ii) in the case of a member to whom these regulations apply with effect from a date specified under regulation 4(5), from the date so specified and ending with the first 31st March after that date,

at such times as the Chief Constable may require and in accordance with any directions which he may issue.

(5) In the case of a member to whom these regulations apply with effect from a date specified under regulation 4(5), the Chief Constable may, for the purposes of this regulation, treat training parades attended, or patrol duty performed, before that date as duty performed on or after that date.

(6) The Chief Constable may at any time direct members to perform periods of duty in excess of those that may be required under paragraph (4).

(7) In this regulation –

(a) "financial year" means the twelve months ending with 31st March; and

(b) "first financial year" means the period –

(i) in the case of a member appointed on or after 8th February 2004, from the date of his appointment as a member and ending with the 31st March after that date, or

(ii) in the case of a member to whom these regulations apply with effect from a date specified under regulation 4(5), from the date so specified and ending with the first 31st March after that date.

Rate of pay

17.—(1) The pay of members shall be determined by the Secretary of State.

(2) A determination under paragraph (1) may be made with retrospective effect to any date specified in the determination, but nothing in this paragraph shall be construed as authorising the pay payable to any person to be reduced retrospectively.

(3) A determination under paragraph (1) may make different provision for different cases and circumstances.

Pay day

18.—(1) Members shall be paid at such intervals as the Chief Constable may fix.

(2) In fixing intervals under paragraph (1) the Chief Constable shall have regard to the wishes of members.

(3) The Chief Constable may, if he thinks fit, pay to a member such part of his pay as he may determine in advance of the day on which it would otherwise be due to be paid in accordance with this regulation.

Sick pay

19.—(1) Where a member loses remuneration in his private employment in consequence of an injury received in the execution of his duty as a member, he shall be entitled to an allowance by way of sick pay as hereinafter provided.

(2) Except where the Secretary of State, at the request of the Chief Constable, determines otherwise in specific cases, the sick pay shall be payable for so long as the member continues to lose remuneration or for a period of 26 weeks, whichever is the less; and, subject to regulation 20, the rate thereof shall be whichever is the lower of the following rates, that is to say –

(a) the rate of such loss of remuneration, or

(b) the rate of pay to which he would have been entitled if he had been a member of the Police Service of Northern Ireland holding the rank of constable and his service as a reserve constable had been service as such a member.

Deductions from pay of social security benefits and statutory sick pay

20.—(1) There shall be deducted from the pay of a member –

(a) the amount of any short-term or long-term incapacity benefit to which he is entitled under the Social Security (Incapacity for Work) (Northern Ireland) Order 1994(**a**), and

(b) any statutory sick pay to which he is entitled under the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**b**),

and for the purposes of sub-paragraph (a) any increase for adult and child dependants shall be treated as forming part of the benefit or allowance to which it relates.

(2) For the purposes of this regulation, a woman member who, as a married woman or widow, has elected to pay contributions under section 19 of the Social Security Contributions

---

(**a**) S.I. 1994/1898 (N.I. 12)
(**b**) 1992 c. 7

and Benefits (Northern Ireland) Act 1992 at the reduced rate shall be deemed to be entitled to any social security benefits mentioned in paragraph (1) to which she would have been entitled had she not elected to contribute at the reduced rate.

PART IV
ALLOWANCES AND OTHER EMOLUMENTS

Restriction on payment of allowances

21.—(1) No allowances shall be paid to a member except as provided by these regulations or approved by the Secretary of State, 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 Board or the Chief Constable in respect of which no allowance is payable under these regulations.

Restriction on payments for private employment of police

22. Without prejudice to the generality of regulation 21, a member who is engaged on duty at the request of any person who has agreed to pay the Chief Constable for the member's services shall not be entitled to any payment for those services except as provided by the regulations applicable to him.

Advances to cover expenses when away on duty

23. Where a member is required to do duty away from his usual place of duty he shall be given, if he so requests, an advance to cover, as far as practicable, any expenses which he will probably incur.

Motor vehicle allowances

24.—(1) Where the Chief Constable is of the opinion that the duties normally performed by a member are of such a nature that it is –

(a) essential, or

(b) desirable,

that the member in question should, at all material times, have a motor vehicle at his disposal, he may authorise that member to use (subject to his directions) a motor vehicle owned by the member for the purposes of duties performed by him and, subject as hereinafter provided, in respect of such use the member shall be paid a motor vehicle allowance.

(2) A motor vehicle allowance shall not be payable in respect of the authorised use of a motor vehicle unless there was in force, in relation thereto, a policy of insurance in terms approved by the Chief Constable, in relation to the use in question, for the purposes hereof.

(3) A motor vehicle allowance shall not be payable in respect of the authorised use of a motor car of a cylinder capacity exceeding 500 c.c. unless the member concerned was willing to carry passengers for the purposes of the duties performed by him or, in the case of passengers being members or members of any police force, by those members.

(4) A motor vehicle allowance in respect of the authorised use of a motor car of a cylinder capacity exceeding 500 c.c. shall, subject as aforesaid, be payable –

(a) where the Chief Constable is of the opinion mentioned in paragraph (1)(a), at the essential user's rate;

(b) where the Chief Constable is of the opinion mentioned in paragraph (1)(b), at the casual user's rate,

as provided in the Schedule.

(5) A motor vehicle allowance in respect of the authorised use of –

(a) a motor car of a cylinder capacity not exceeding 500 c.c., or

(b) a motor bicycle,

shall, subject as aforesaid, be payable on such conditions and at such rate as is approved by the Secretary of State.

(6) Paragraph 1 of the Schedule shall have effect for the purposes of the interpretation of this regulation.

Allowance in respect of medical charges

25.—(1) A member, if the charges are incurred by reason of an injury received without his default in the execution of his duty as a member, shall be reimbursed the normal standard charges incurred in his case under Articles 5, 61, 62, 63 and 98 of the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) (which Articles relate to charges for certain drugs, medicines appliances and dental treatment).

(2) Where charges such as are mentioned in paragraph (1) are incurred by a member by reason of an injury received by him during a period of service as a police reserve trainee, the member-

(a) shall be reimbursed the charges if they are incurred as mentioned in paragraph (1) of regulation 7 of the Police Reserve Trainee Regulations (Northern Ireland) 2004(**b**), and

(b) may be reimbursed the charges if they are incurred as mentioned in paragraph (2) of that regulation.

General

26. A member claiming any allowance under this Part shall comply with such directions as may be given by the Board or the Chief Constable from time to time as to the time and manner of claiming and certification.

PART V
UNIFORM AND EQUIPMENT

Issue of uniform and equipment

27.—(1) The Secretary of State shall determine the circumstances in which and the conditions subject to which uniform and equipment is to be issued by the Chief Constable to a member, and in making such a determination the Secretary of State may confer on the Chief Constable discretion to specify the type of uniform and equipment to be issued.

(2) A determination under paragraph (1) may make different provision for different cases and circumstances.

Northern Ireland Office
7th January 2004

Paul Murphy
One of Her Majesty's Principal Secretaries of State

(**a**) S.I. 1972/1265 (N.I. 14) as modified by S.I. 1978/1907 (N.I. 26)
(**b**) S.R. 2004 No. 2

SCHEDULE

Regulation 24

MOTOR VEHICLE ALLOWANCES

1. For the purposes of regulation 24 and of this Schedule the following expressions have the meanings hereby respectively assigned to them –

"authorised use" means the use, authorised under regulation 24, of a motor vehicle owned by the member concerned for the purposes of his duties as a member, and "period of authorised use" means the period during which such use is authorised;

"cylinder capacity" means the cylinder capacity of the engine of a vehicle calculated in accordance with regulations under paragraph 2(4) of Schedule 1 to the Vehicle Excise and Registration Act 1994(**a**);

"motor bicycle" means a mechanically propelled bicycle (including a motor scooter, a bicycle with an attachment for propelling it by mechanical power and a mechanically propelled bicycle used for drawing a sidecar);

"motor car" means a mechanically propelled vehicle other than a motor bicycle and, accordingly, includes a mechanically propelled tricycle;

"year" means a period of twelve months beginning on such date as may be determined by the Chief Constable;

and a reference to a motor vehicle owned by a member is a reference to such a vehicle kept and used by him.

2.—(1) Subject as hereinafter provided, the amount of a motor vehicle allowance payable at the essential user's rate shall, in any year, comprise a fixed element and a mileage element, calculated as provided in sub-paragraphs (2) and (3).

(2) The fixed element shall be calculated by reference to the number of completed months comprised in the period of authorised use for the year in question, at such annual rate as is specified by the Secretary of State by reference to the cylinder capacity of the motor car in question.

(3) The mileage element shall be calculated, in relation to authorised use, at such rate as is specified by the Secretary of State by reference to the cylinder capacity of the motor car in question, and for that purpose he may so specify –

(a) a basic rate, in relation to authorised use not exceeding such mileage as is specified by him ("the basic mileage"), and

(b) a reduced rate, in relation to authorised use in excess of the basic mileage.

(4) Where, in any year, a motor vehicle allowance is payable at the essential user's rate, it shall be payable in such instalments, in advance or in arrear, as the Chief Constable may determine; but when the amount of the allowance for that year is finally calculated, any overpayment shall be recoverable.

(5) Where, in any year, a motor vehicle allowance is payable at the essential user's rate to a member and –

(a) the member is on sick leave or maternity leave, or

(b) the motor car in question is out of order,

for a continuous period of four or more weeks in that year, the allowance shall be reduced by such amount as the Chief Constable determines as being appropriate in all the circumstances.

(6) Where, in any year, a motor vehicle allowance is payable at the essential user's rate but the period of authorised use is a fraction only of that year, sub-paragraph (3) shall have effect as if for the reference to the basic mileage there were substituted a reference to the corresponding fraction of that mileage; and, for the purposes of this paragraph, the monthly rate of the fixed element of such an allowance so payable shall be taken to be a twelfth of the annual rate.

3. The amount of a motor vehicle allowance payable at the casual user's rate shall, in any year, be an amount calculated, in relation to the mileage of authorised use in that year, at such rate as is specified by the Secretary of State by reference to that mileage and the cylinder capacity of the motor car in question, except that where the amount of the allowance would be less if it were calculated at the essential user's rate, it shall be of an amount calculated in accordance with paragraph 2.

(**a**) 1994 c. 22

4. The amount of a motor vehicle allowance payable to a member shall not exceed that which would be payable if the vehicle in question were of such a cylinder capacity, not being less than 1,000 c.c., as the Chief Constable has determined appropriate for use for the purposes of the duties normally performed by the member concerned.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations consolidate, with amendments, the Royal Ulster Constabulary Reserve (Part-time) (Appointment and Conditions of Service) Regulations 1996.

The regulations are divided into five separate parts, each of which covers a different aspect of the conditions of service of a part-time member of the Police Service of Northern Ireland Reserve.

Part I makes the necessary revocations and transitional provisions. It makes provision for the application of the regulations in relation to members appointed on or after 8th February 2004. It also makes provision for members appointed before that date to be required to undergo further training.

Part II describes the restrictions which may be applied to members of the Police Service of Northern Ireland Reserve, and makes provision for probation, dismissal, retirement, personal records and fingerprints.

Part III defines the duties that a member is normally expected to carry out, and makes provision about pay.

Part IV lists the various allowances and other emoluments to which a member may be entitled provided the relevant criteria are satisfied.

Part V makes provision for the issue of uniform and equipment to members.

Printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. N1340. C3. 1/04. Gp. 130. 14567.

© Crown Copyright 2004

£3·00

Published by The Stationery Office Limited

ISBN 0-337-95369-4

9 780337 953699