1973. No. 143 **[C]**

ROYAL ULSTER CONSTABULARY

Royal Ulster Constabulary (Amendment) Regulations 1973

REGULATIONS, DATED 30TH APRIL 1973, 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 on behalf of the Secretary of State and in exercise of the powers conferred on it by section 25 of the Police Act (Northern Ireland) 1970(a) and of every other power enabling it in that behalf and after consulting the Police Authority, the Police Association and, in accordance with the Police Act 1969(b), the Police Council for the United Kingdom, hereby makes the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Royal Ulster Constabulary (Amendment) Regulations 1973.

(2) These Regulations shall come into operation on 30th April 1973 and shall have effect—

(*a*) For the purposes of Regulations 3 and 4 from 1st September 1972;

(*b*) For the purposes of Regulations 1, 2, 5 and 6 from 1st April 1973;

(*c*) For the purposes of Regulations 7 and 8 from 6th April 1973.

Interpretation

2.—(1) In these Regulations the expression "principal Regulations" means the Royal Ulster Constabulary Regulations 1973(c).

(2) Without prejudice to section 28 of the Interpretation Act (Northern Ireland) 1954(d) the Royal Ulster Constabulary (Duty, Overtime and Leave) Regulations 1972(e) shall, for the purposes of Regulations 3 and 4, be treated as if they remained in force.

Overtime provisions in respect of period 1st September 1972 to 30th January 1973 inclusive.

3.—(1) This Regulation shall apply in the case of a member below the rank of superintendent who on a date falling within the period from and including 1st September 1972 and ending on and including 30th January 1973 completed a full tour of night duty which ended at any time after 2 a.m. and before 10 a.m. was recalled to duty before 9½ hours had elapsed from the time when such tour of duty ended and was entitled under Regulation 7 of the Royal Ulster Constabulary (Duty, Overtime and Leave) Regulations 1972 to be compensated for overtime worked on that occasion, where his period of overtime for the purposes of the said Regulation 7 was less than that period would have been had sub-paragraph (3)(*e*) of the said Regulation been amended as follows, that is to say—

(a) 1970. c. 9 (N.I.).
(b) 1969. c. 63.
(c) S.R. & O. (N.I.) 1973, No. 31.
(d) 1954. c. 33.
(e) S.R. & O. (N.I.) 1972, No. 70.

(*a*) the words "disregarding any overtime reckonable by virtue of sub-paragraph (*d*)" had been inserted after the words "16 units of overtime" in the first place where they occurred, and

(*b*) the words "together with any units of overtime reckonable by virtue of sub-paragraph (*d*)" had been inserted after the words "16 units of overtime" in the second place where they occcurred,

and, in this Regulation, the deficiency is referred to as the extra period of duty.

(2) Such a member shall be granted, if and as soon after 1st April 1973 as the exigencies of duty permit, time off equal to 1½ times the period of completed quarters of an hour included in his extra period of duty in respect of each such day.

(3) Where, in respect of overtime worked on such a day, such a member was granted an allowance under the said Regulation 7 or would have been granted an allowance but for the grant of time off thereunder then, if in the opinion of the chief constable the exigencies of duty do not permit the grant of time off under the immediately preceding paragraph before 1st May 1973, the member shall be granted in lieu of time off an allowance at the rate of a twenty-fourth of a day's pay for each quarter of an hour included in his extra period of duty in respect of that day.

Public holidays and rest days: calculation of period of duty 1st September 1972 to 30th January 1973 inclusive

4.—(1) This Regulation shall apply in the case of a member below the rank of superintendent who was required to do duty on a day falling within the period from and including 1st September 1972 and ending on and including 30th January 1973, being a day which was a public holiday or would otherwise have been a rest day, where his period of duty on that day for the purposes of Regulation 8 of the Royal Ulster Constabulary (Duty, Overtime and Leave) Regulations 1972 was less than that period would have been had—

(*a*) the figure "16" been substituted for the figure "8" in both places where it occurred in paragraph (5)(*c*) of the said Regulation, and

(*b*) the figure "6" been substituted for the figure "4" in paragraph (5)(*e*) of the said Regulation;

and, in this Regulation, the deficiency is referred to as the extra period of duty

(2) Such a member shall be granted, if and as soon after 1st April 1973 as the exigencies of duty permit, time off equal to 1½ times the period of completed quarters of an hour included in his extra period of duty in respect of each such day.

(3) If in the opinion of the chief constable the exigencies of duty do not permit the grant of time off under the last preceding paragraph before 1st May 1973, such a member shall be granted in lieu of time off an allowance at the rate of 3 sixty-fourths of a day's pay for each quarter of an hour included in his extra period of duty in respect of each such day.

Monthly leave days for higher ranks

5.—(1) For paragraph (2)(*a*) of Regulation 23 of the principal Regulations (public holidays and monthly leave days for higher ranks) there shall be substituted the following paragraph:—

"(*a*) in the case of a superintendent, 8 monthly leave days;".

(2) For paragraph (4) of the said Regulation 23 there shall be substituted the following paragraph:—

"(4) Where the exigencies of duty have precluded the grant to a superintendent, in any month, of 8 monthly leave days, then, during the next following month he shall, so far as the exigencies of duty permit, be granted the number of days not granted as additional monthly leave days.".

Annual leave

6.—(1) Paragraph 1 of Schedule 2 to the principal Regulations (annual leave) shall be re-numbered "1.—(1)".

(2) In the Table in paragraph 1(1) of the said Schedule 2 for the entry relating to the rank of superintendent there shall be substituted the entry in the following Table:—

Rank	*Annual Leave*		
	Under 10 years' relevant service	*10 or more years' relevant service*	*17 or more years' relevant service*
Superintendent	30 days	30 days	30 days

(3) After paragraph 1(1) of the said Schedule 2 there shall be inserted the following sub-paragraph:—

"(2) This paragraph shall have effect in relation to a member holding the rank of superintendent who, on 1st April 1973—

(*a*) held that rank, and

(*b*) had completed 10 or more years' relevant service,

as if each of the periods of leave set out in the above Table were increased by 6 days.".

Compensatory grant

7.—(1) For paragraph (1) of Regulation 40 of the principal Regulations (compensatory grant) there shall be substituted the following paragraph:—

"(1) In each financial year a member who, during the preceding financial year, has paid income tax for any year or surtax for any year ending before 6th April 1973 attributable to the inclusion of a rent allowance or compensatory grant in his emoluments in respect of service as a member shall be paid a compensatory grant.".

(2) For paragraph (5)(*b*) of the said Regulation 40 there shall be substituted the following paragraph:—

"(*b*) the expression "income tax" means, for a year ending before 6th April 1973, income tax other than surtax but, for a year beginning on or after that date, includes all income tax whether payable at the basic rate or a higher rate;".

Discharge of tax liability

8.—(1) For paragraph (1) of Regulation 42 of the principal Regulations (discharge of tax liability in respect of police house or quarters) there shall be substituted the following paragraph:—

"(1) Where a member is provided with a house or quarters free of rent and rates and his liability to pay income tax for any year or surtax for any year ending before 6th April 1973 is increased—

(*a*) in consequence thereof, by virtue of section 185 of the Income and Corporation Taxes Act 1970(f) or otherwise, or

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

that liability shall be discharged by the Police Authority in accordance with, and to the extent hereinafter provided in, this Regulation.".

(2) For paragraph (3) of the said Regulation 42 there shall be substituted the following paragraph:—

"(3) Where any surtax becomes due and payable for any year ending before 6th April 1973 by a member, the liability therefor shall be discharged by the Police Authority to the extent that he satisfies them that the amount thereof is increased—

(*a*) in consequence of his having been provided with a house or quarters free of rent and rates during his service as a member or, where he transferred to the force from some other police force, during his service as a member of that other force, or

(*b*) in consequence of any payment under this Regulation by the Police Authority or, where he transferred as aforesaid, by the police authority maintaining the police force from which he transferred, not being a payment under paragraph (4).".

(3) For paragraph (5)(*a*) of the said Regulation 42 there shall be substituted the following provision:—

"(*a*) the expression "income tax" means, for a year ending before 6th April 1973, income tax other than surtax but, for a year beginning on or after that date, includes all income tax whether payable at the basic rate or a higher rate."

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 30th day of April 1973.

(L.S.) *E. N. Barry,*
Assistant Secretary.

The Ministry of Finance on behalf of the Secretary of State hereby concurs in these Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 3rd day of May 1973.

(L.S.) *C. F. Darling,*
Assistant Secretary,
Ministry of Finance.

(f) 1970. c. 10.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

Regulations 3 and 4 make transitory provision as respects compensation for duty performed by way of overtime or on a public holiday or day which would otherwise have been a rest day. They relate to such duty performed during the period beginning with 1st September 1972 and ending immediately before 31st January 1973 (the date on which the provisions of the Royal Ulster Constabulary Regulations 1973 took effect).

Regulations 5 and 6 relate to the leave of superintendents. Their number of monthly leave days is increased from 6 to 8 but (subject to transitional provisions) their annual leave is reduced from 42 days (or 48 days after 10 years' service) to 30 days.

Regulations 7 and 8 contain amendments of provisions of Regulations 40 and 42 of the Regulations of 1973 (compensatory grant and discharge of tax liability in respect of police house or quarters). The amendments take account of the introduction of a unified tax system on 6th April 1973. The existing features of Regulations 40 and 42 have been preserved and the amendments are primarily for the purpose of clarification.