1976 No. 136

POLICE

Royal Ulster Constabulary (Amendment) Regulations 1976

Made . . . . . 15*th April* 1976

Coming into operation . . . 1*st June* 1976

To be laid before Parliament

The Secretary of State(a), in pursuance of section 25 of the Police Act (Northern Ireland) 1970(b), read with section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962(c), 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, in accordance with section 4(4) of the Police Act 1969(d), the Police Council for the United Kingdom, hereby, with the concurrence of the Minister for the Civil Service(e), makes the following regulations:

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

Citation

1. These regulations may be cited as the Royal Ulster Constabulary (Amendment) Regulations 1976.

Commencement and operation

2. These regulations shall come into operation on 1st June 1976 and shall have effect:—

(*a*) for the purposes of Part II as from 1st April 1974;

(*b*) for the purposes of Part III as from (subject to regulation 5(2)) 1st April 1975;

(*c*) for the purposes of Part IV as from 1st September 1975;

(*d*) for the purposes of Part V as from 1st June 1976,

Interpretation

3. In these regulations any reference to the principal regulations is a reference to the Royal Ulster Constabulary Regulations 1973(f).

(a) Formerly the Ministry of Home Affairs for Northern Ireland: *see* S.I. 1973/2163
(b) 1970 c. 9 (N.I.)
(c) 1962 c. 7 (N.I.)
(d) 1969 c. 63
(e) Formerly the Ministry of Finance for Northern Ireland: *see* S.I. 1973/2163
(f) S.R. & O. (N.I.) 1973 No. 31 (I, p. 108) as amended by S.R. 1975 Nos. 182 and 320

PART II

PROVISION HAVING EFFECT FROM 1ST APRIL 1974

Rent allowance

4. Regulation 38 of the principal regulations (rent allowance) shall have effect in respect of the period beginning with 1st April 1974 and ending immediately before 1st April 1975 as if the reference in paragraph (3)(*a*) thereof to the amount paid in rates by a member were a reference to the aggregate of the amount so paid and the amount of any rate rebate granted to him under the rate rebate scheme within the meaning of Article 28A of the Rates (Northern Ireland) Order 1972(**g**) which is set out in section 3 of the Financial Provisions Measure (Northern Ireland) 1974(**h**).

PART III

PROVISIONS HAVING EFFECT FROM 1ST APRIL 1975

Rent allowance

5.—(1) For regulation 38 of the principal regulations (rent allowance) there shall be substituted the regulation set out in the Appendix.

(2) Where the rent allowance payable to a member in respect of a period ending before 1st June 1976 would, but for this paragraph, be reduced or cease to be payable in consequence of the amendment made by paragraph (1) then, in respect of that period, the said regulation 38 shall have effect in the case of that member and his spouse as if—

(*a*) the said amendment had not been made, and

(*b*) in regulation 4 for the date "1st April 1975" there were substituted the date "1st June 1976".

Supplementary rent allowance

6. In regulation 39(1)(*a*) of the principal regulations (supplementary rent allowance)—

(*a*) the words "other than a woman member" shall be omitted;

(*b*) after the words "a widower" there shall be inserted the words "or widow";

(*c*) for the words "a married man" there shall be substituted the words "is married".

University scholars

7. In paragraph 4(2)(*d*) of Schedule 3 to the principal regulations (university scholars) for the words "where he is a widower with a child or children or a married man" there shall be substituted the words "where the scholar is a widower or widow with a child or children or is married".

PART IV

PROVISIONS HAVING EFFECT FROM 1ST SEPTEMBER 1975

University scholars

8. In paragraph 4(2)(*d*) of the said Schedule 3 (as amended by regulation 7, above) for the rate "£3.35 a week", in both places where it occurs, there shall be substituted the rate "£3.87 a week".

(g) S.I. 1972/1633 (N.I. 16) (h) 1974 c. 2 (N.I.)

PART V

PROVISIONS HAVING EFFECT FROM 1ST JUNE 1976

Qualifications for appointment to the force

9. For regulation 9(1)(*b*) of the principal regulations (qualifications for appointment to the force) there shall be substituted the following provision:—

"(*b*) must have attained the age of 18 years and, unless he has previous service as a member or as a member of a police force in Great Britain or by reason of other experience or his personal qualities is specially suitable for appointment, must not have attained the age of 30 years or, if he has previous whole-time service in the armed forces or previous service as a seaman, 40 years;".

Meetings of Superintendents Association treated as police duty

10. In regulation 19(*b*)(i) of the principal regulations (meetings of Superintendents Association treated as police duty) for the word "Four" there shall be substituted the word "Six".

Merlyn Rees
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
31st March 1976

The concurrence of the Minister for the Civil Service is given under his Official Seal on 15th April 1976.

(L.S.)

W. E. Wightman
Authorised by the Minister for the Civil Service

APPENDIX

Regulation substituted for regulation 38 of the principal regulations with effect from 1st April 1975

Rent allowance

38.—(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 39 applies who is so 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 on unpaid maternity leave.

(2) Subject to paragraph (3), a maximum limit 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 maternity 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,

(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 flat-rate allowance shall be paid.

(3) A maximum limit allowance shall not be payable—

(*a*) to a member who lives in accommodation in respect of which he makes no payment (by way of rent, rates or otherwise), or

(*b*) to a member who shares with another member or a full-time member of the Royal Ulster Constabulary Reserve accommodation of which they are joint owners or tenants so, however, that this sub-paragraph shall not preclude the payment of a maximum limit allowance by virtue of sub-paragraph (ii) of paragraph (2)(*a*).

(4)(*a*) A maximum limit allowance payable to a member shall not be less than a half of, nor more than, the maximum limit for his rank but, subject as aforesaid shall be the aggregate of the amount paid in rates and the amount of any rate rebate granted to him together with—

(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 or a full-time member of the Royal Ulster Constabulary Reserve, the Police Authority may make a deduction from the said aggregate in respect of such part.

(*b*) The maximum limit shall be fixed by the Police Authority with the approval of the Secretary of State for each rank.

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

(6) 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 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 spouse or former spouse.

(7) 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 and rates, 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 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 (4)(*a*) were unchanged since immediately before his spouse commenced to live apart from him;

(*b*) the expression "his present allowance" means the rent allowance which is being paid to the member 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 any rate within the meaning of Article 2(2) of the Rates (Northern Ireland) Order 1972;

(*d*) the expression "rate rebate" means a rate rebate granted under the rate rebate scheme within the meaning of Article 28A of the said Order of 1972;

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

EXPLANATORY NOTE

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

These regulations amend the Royal Ulster Constabulary Regulations 1973.

Parts II, III and IV of the present regulations make fresh provisions as respects rent allowances. The principal changes are two-fold. First, in so far as rates are taken into account in the calculation of a rent allowance, any reduction in rates on account of the payment of a rate rebate is, with effect from 1st April 1974, to be disregarded. Secondly, with effect from 1st April 1975, a member's entitlement to a rent allowance is no longer affected by his or her sex.

In Part V which has effect from 1st June 1976 provision is made (regulation 9) for the age of 30 years to be applied as the normal maximum age for recruitment to the force irrespective of sex (in lieu of the current 35 years in the case of a woman) and (regulation 10) for an increase from 4 to 6 in the number of one-day meetings annually of the executive committee of the Superintendents' Association which may be attended as occasions of police duty (regulation 10).

Parts II, III and IV are authorised to have retrospective effect by Section 18 of the Administrative and Financial Provisions Act (Northern Ireland) 1962.