1972. No. 70 **[C]**

ROYAL ULSTER CONSTABULARY

Duty, Overtime and Leave

REGULATIONS, DATED 13TH MARCH 1972, 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 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. These Regulations may be cited as the Royal Ulster Constabulary (Duty, Overtime and Leave) Regulations 1972 and shall come into operation on 1st April 1972.

Revocation

2. The following Orders are hereby revoked:—

Royal Ulster Constabulary (Hours of Duty and Overtime) Order 1969(c);

Royal Ulster Constabulary (Allowances) (Amendment) (No. 2) Order 1970(d) insofar as it remains unrevoked;

Royal Ulster Constabulary (Hours of Duty and Overtime) (Amendment) Order 1971(e).

Interpretation

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

(*a*) "member" means a member of the Royal Ulster Constabulary;

(*b*) "inspector" includes chief inspector;

(*c*) "superintendent" includes chief superintendent;

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

(*e*) "special occasion" means an occasion designated as a special occasion for the purposes of these Regulations by the chief constable;

(*f*) "detective duty allowance" has the same meaning as in the Royal Ulster Constabulary Allowances Regulations 1971(f),

(*g*) "week" means that period of 7 days beginning with such day as is fixed by the chief constable;

(*h*) "weekly rate of pay" means the annual rate of pay divided by $52\frac{1}{6}$;

(*i*) "a day's pay" means a week's pay divided by 5;

(a) 1970. c. 9 (N.I.).
(b) 1969. c. 63.
(c) S.R. & O. (N.I.) 1969, No. 258.
(d) S.R. & O. (N.I.) 1970, No. 316.
(e) S.R. & O. (N.I.) 1971, No. 356.
(f) S.R. & O. (N.I.) 1971, No. 142.

(*j*) "unit" means a complete quarter of an hour;

(*k*) "month" means a calendar month;

(*l*) "leave year" means that period of 12 months beginning on such date as may from time to time be determined by the Police Authority;

(*m*) "relevant service" means any service which a member is entitled to reckon for the purposes of his scale of pay together with any service which he was previously so entitled to reckon—

(i) in the case of a member below the rank of superintendent, in any lower rank;

(ii) in any other case, in the rank of superintendent (or any equivalent rank held prior to 1st June 1970) or any higher rank;

(iii) as a member of the Ulster Special Constabulary who had the option of attaining permanent status in accordance with the Ulster Special Constabulary Pensions (Amending) Regulations 1969(**g**);

except that relevant service shall not include any such service as is specified in Regulation 35 or 36 of the Police Regulations 1971(**h**) by a member of another United Kingdom police force who transfers to the Royal Ulster Constabulary;

(*n*) "public holiday" means St. Patrick's Day, Spring Holiday, 12th July, Late Summer Holiday, Christmas Day and 26th December;

(*o*) "university scholar" means a member nominated for a course of university study by the Police Authority in pursuance of arrangements in that behalf approved by the Ministry and, in relation to such a member, the expression "course" means the course for which he has been nominated and which he has undertaken and "study" means study for the purpose of that course.

Duty to carry out lawful orders

4. Every member shall carry out all lawful orders and shall at all times punctually and promptly perform all appointed duties and attend to all matters within the scope of his office as a constable.

Normal daily period of duty

5.—(1) This Regulation shall apply to every member below the rank of superintendent who is not assigned to duties which the Ministry has specially excepted from the provisions of this Regulation.

(2) The normal daily period of duty (including the period for refreshment referred to in paragraph (3)) of a member to whom this Regulation applies shall be 8 hours and, in addition, any time occupied in reporting at the appointed place for duty before a tour of duty begins:

Provided that in the case of a woman member, where the duty is wholly or mainly patrol duty, the Police Authority may substitute 7 hours or 7½ hours for the said 8 hours.

(3) Where the normal daily period of duty is performed in one tour of duty an interval of 45 minutes shall normally be allowed for refreshment:

Provided that in the case of a woman member, where the duty is wholly or mainly patrol duty and the normal period of duty, other than the time occupied in reporting for duty, is 7½ hours or more, the said interval shall normally be an hour.

(**g**) S.R. & O. (N.I.) 1969, No. 64. (**h**) S.I. 1971/156.

Meetings of Police Association treated as police duty

6. The attendance of a member at one of the following meetings of the Police Association shall be treated as an occasion of police duty:

(*a*) In the case of the Police Federation for Northern Ireland—

(i) a quarterly meeting of a regional board or the Annual Conference of members of the regional boards;

(ii) an ordinary or annual meeting of the central committee;

(iii) subject to the approval of the chief constable, an ad hoc meeting or committee or sub-committee meeting of a regional board or the central committee; and

(iv) subject to the approval of the Ministry, a meeting other than such a meeting as is mentioned in sub-paragraph (i), (ii) or (iii).

(*b*) In the case of the Superintendents' Association—

(i) four one-day meetings annually of the executive committee, so however that additional meetings may be held with the permission of the chief constable if he is satisfied that such meetings are necessary in the public interest and that the business for which they are called can not reasonably be deferred until the next ordinary meeting of the committee;

(ii) subject to the approval of the Ministry, a meeting other than such a meeting as is mentioned in sub-paragraph (i).

Overtime

7.—(1) Subject to the provisions of this Regulation, where a member to whom Regulation 5 applies, other than a member who is paid a detective-duty allowance, remains on duty for a period of not less than one half-hour after his tour of duty ends or is recalled to duty between two tours of duty, he shall be granted, if and as soon as the exigencies of duty in the opinion of the chief constable permit, in respect of each unit of time during which he so remains on duty after his tour of duty ends or after being so recalled (hereinafter in these Regulations referred to as "overtime") an equal period of time off and in addition for each 3 units of overtime an additional quarter of an hour of time off.

(2) If in respect of the overtime during any month time off is not granted within such time (not exceeding 3 months from the beginning of the month in which the overtime occurred) as the chief constable may fix, the member, if he is below the rank of inspector, shall be granted for each unit of overtime worked during that month for which time off has not been granted an allowance of a twenty-fourth of a day's pay at the rate of pay appropriate to his rank on that day calculated as on the last day of the month in which the overtime occurred, so, however, that in making any payment by way of such allowance a fraction of a penny shall be treated as a whole penny except that a fraction less than a half-penny shall be ignored; and after the time so fixed any right to time off in respect of that month of members to whom Regulation 5 applies shall cease.

(3) 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) the time during which he is in charge of or shares the 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; provided 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;

(iii) any other time that may be allowed by the chief constable;

(*b*) where the tour or tours of duty 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;

(*c*) no account shall be taken of any overtime for which the member receives—

(i) an allowance payable under Regulation 24 of the Royal Ulster Constabulary Allowances Regulations 1971, or

(ii) a commuted overtime allowance approved by the Ministry under Regulation 4(1) of the Royal Ulster Constabulary Allowances Regulations 1971, so, however, that this sub-paragraph shall not apply in respect of duty performed on rest days, public holidays or special occasions;

(*d*) where a member is recalled to duty, the period of overtime shall include the time occupied by the member in going from and returning to his home not exceeding such reasonable limit as may be fixed by the chief constable;

(*e*) where a member has completed a full tour of night duty which ends at any time after 2.00 a.m. and before 10.00 a.m. and is recalled to duty before 9½ hours have elapsed from the time when such tour of duty ended, he shall be deemed, if the period of overtime worked on that occasion amounts to less than 16 units of overtime, to have worked in respect of that period a period of overtime equal to 16 units of overtime.

(4) In respect of any overtime worked on any special occasion by an inspector, other than an inspector who is paid a detective-duty allowance, paragraph (2) shall apply as it applies to overtime worked by members below the rank of inspector.

(5) Where on any special occasion a member below the rank of superintendent who is paid a detective-duty allowance is required to do duty in connection with that special occasion, then, if he remains on such duty beyond the normal daily period of duty, he shall be entitled in respect of such overtime to time off in accordance with paragraph (1) or an allowance in lieu thereof in accordance with paragraph (2).

Public holidays and rest days for lower ranks

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

(2) Such 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) Such a member who is required to do duty on a public holiday or on a day which would otherwise have been a rest day shall be granted, if and as soon as the exigencies of duty permit, an equal period of time off and in addition for each complete half-hour of duty on each such day an additional quarter hour off.

(4) 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 within such time (not exceeding 3 months from the beginning of the month in which the public holiday or rest day occurred) as he may fix, the 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 of duty on each such day at the rate of pay appropriate to his rank on that day calculated as on the last day of the month in which the public holiday or rest day occurred, so, however, that in making any payment by way of such allowance a fraction of a penny shall be treated as a whole penny except that a fraction less than a half-penny shall be ignored.

(5) For the purposes of this Regulation—

(*a*) a member who is paid a detective-duty allowance or an allowance referred to in Regulation 7(3)(*c*)(ii) in respect of duty on a public holiday or on a day which would otherwise have been a rest day shall be deemed to be required to do duty on such day only if he has been specifically ordered to do duty;

(*b*) a reference to a day which would otherwise have been a rest day is to be construed as a reference to a day which according to the roster of rest days was to have been a rest day for the member concerned, and for the purpose of determining what would have been such a day any alteration in the roster made less than 8 days before that day shall be ignored except where the alteration is made at the request of the member concerned;

(*c*) a period of less than 8 completed quarters of an hour of duty on a public holiday or on a day which would otherwise have been a rest day shall be treated as though it were a period of 8 completed quarters of an hour of duty;

(*d*) where a member is recalled to duty after completing a tour of duty, his period of duty shall include the time occupied by him in going from and returning to his home on and after his recall, not exceeding such reasonable limit as may be fixed by the chief constable, and

(*e*) where a member is required to do duty on a public holiday or on a day which would otherwise have been a rest day (otherwise than where he is recalled to duty after completing a tour of duty), his period of duty shall include the time occupied by him in going to and returning from his place of duty, not exceeding such reasonable limit as may be fixed by the chief constable, save that any period of time so occupied which together with the member's period of duty amounts to more than 4 hours shall be disregarded.

Public holidays and monthly leave days for higher ranks

9.—(1) This Regulation shall apply to every member of, or above, the rank of superintendent.

(2) Such a member shall, so far as the exigencies of duty permit, be allowed a day's leave on each public holiday and be granted in each month—

(*a*) in the case of a superintendent, 4 monthly leave days;

(*b*) in any other case, $1\frac{1}{2}$ monthly leave days.

(3) Such a member who is required to do duty on a public holiday shall be granted a day's leave in lieu of each such day unless the exigencies of duty do not permit such grant within 3 months.

(4) Where the exigencies of duty have precluded the grant to a superintendent, in any month, of 4 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

10.—(1) Every member shall, so far as the exigencies of duty permit, be granted annual leave in accordance with Schedule 1.

(2) The annual leave of a member shall be additional to the days upon which he is not required to perform police duties in accordance with—

(*a*) Regulation 8, in the case of a member below the rank of superintendent, or

(*b*) Regulation 9, in the case of a member of, or above, the rank of superintendent;

and a member below the rank of superintendent shall, so far as the exigencies of duty permit, be allowed to take his annual leave in one period continuous with such days as aforesaid falling within the period in which he desires to take annual leave.

Sick leave

11.—(1) A member shall not be entitled to be absent from duty on account of injury or illness unless a registered medical practitioner has certified him to be unfit for duty:

Provided that—

(*a*) with the consent of the chief constable, a member may be so absent, without such certificate of unfitness, for a period not exceeding 3 days on any occasion, excluding any day on which he would not have been required to perform police duty were he not absent;

(*b*) if, notwithstanding such certificate of unfitness for duty, a registered medical practitioner appointed or approved by the Police Authority has examined the member and certified him to be fit for duty he shall no longer be entitled to be absent from duty.

(2) This Regulation shall apply to a member who is in quarantine as it applies to a member who is ill and any reference to fitness or unfitness for duty shall be construed accordingly.

Maternity leave

12.—(1) During the maternity period a married woman member shall not be entitled to any sick leave in respect of any injury, illness or incapacity for duty which is solely or mainly due to pregnancy or childbirth or their after effects but shall be entitled to take maternity leave for the whole or any part or parts of the period.

(2) The maternity leave granted in respect of any particular maternity period shall be paid maternity leave as respects 3 months thereof, and unpaid maternity leave as respects the remainder:

Provided that a member shall not be entitled to more than 3 months' paid maternity leave during any period of 12 months or, in the case of a constable, to any paid maternity leave before the end of her period of probation in the force.

(3) In this Regulation the maternity period means, in relation to a married woman member who is certified by a registered medical practitioner approved by the Police Authority to be pregnant, the period beginning 6 months before the date which is estimated by the said medical practitioner as being the probable date of birth and ending 9 months after the birth of the child.

University scholars

13. These Regulations shall have effect in relation to a university scholar subject to the provisions of Regulation 14.

14.—(1) Regulations 5, 7 and 8 shall not apply to a university scholar for the duration of his course except for such period or periods, if any, as he is engaged otherwise than in study.

(2) For the purposes of this Regulation a full-time course leading to a degree awarded by the Council for National Academic Awards shall be treated as a course of university study notwithstanding that the course is provided otherwise than at a university.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 13th day of March 1972.

(L.S.)

M. K. Harris,
Assistant Secretary.

The Ministry of Finance hereby concurs in the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 13th day of March 1972.

(L.S.)

C. F. Darling,
Assistant Secretary,
Ministry of Finance.

SCHEDULE 1 Regulation 10

Annual Leave

1. Subject to Regulation 10 and the provisions of this Schedule, every member shall be granted in each leave year the period of annual leave set out opposite the rank he holds in the following Table:—

(*a*) where he has completed less than 10 years' relevant service, in the second column thereof;

(*b*) where he has completed 10 but has not completed 17 years' relevant service, in the third column thereof;

(*c*) where he has completed 17 or more years' relevant service, in the fourth column thereof.

TABLE

Rank	Annual leave		
	Under 10 years' relevant service	10 or more years' relevant service	17 or more years' relevant service
Constable	18 days	21 days	23 days
Sergeant	20 days	23 days	23 days
Inspector	23 days	26 days	26 days
Chief Inspector . . .	26 days	29 days	29 days
Superintendent . . .	42 days	48 days	48 days
Any rank higher than that of Superintendent . . .	Not less than 42 days	Not less than 48 days	Not less than 48 days

Provided that, in respect of a constable who is in post on 31st March 1972 and is entitled to reckon less than 10 years' relevant service on that date, the period of annual leave shall be 20 days until he has completed 10 years' relevant service.

2. In the leave year in which a member is appointed to, is promoted in, or retires from the force or completes 10 years' or, being of the rank of constable, completes 17 years' relevant service, his annual leave shall be calculated at the rate of a twelfth of the period of annual leave appropriate, under paragraph 1, to the rank held by him for each complete month of service in that rank in the leave year in question, a fraction of a day being reckoned as a day:

Provided that where a member is promoted or completes 10 years' or 17 years' relevant service while completing a month's service in the leave year in question, he shall be treated for the purposes of this paragraph as if he had been promoted or, as the case may be, had completed 10 years' or 17 years' relevant service at the beginning of that month's service.

3. Notwithstanding anything in paragraphs 1 and 2, where the chief constable is satisfied that the exigencies of duty have prevented the grant in any leave year to a member below the rank of superintendent of the full period of annual leave specified in his case in those paragraphs, then the chief constable may, in his discretion and subject to the exigencies of duty, grant to the member, during the first two months of the following leave year, up to six days of the period not granted as additional days of annual leave:

Provided that in respect of a leave year which the Ministry considers to have been abnormal, the Ministry may allow a greater number of days to be carried forward into the following leave year.

EXPLANATORY NOTE

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

These Regulations prescribe the normal daily period of duty for members of the Royal Ulster Constabulary (Regulation 5) and provide for compensation, either by way of additional pay or time off, when the normal period of duty is exceeded (Regulation 7). Regulation 6 provides for the attendance of members at meetings of the Police Association to be treated as occasions of police duty. Regulations 8, 9 and 10 prescribe public holidays, rest days and annual leave and Regulations 11 and 12 sick and maternity leave. Regulation 14 restricts the application of the Regulations to university scholars to the period when they are not engaged in study.