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STATUTORY INSTRUMENTS

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**1994 No. 1308**

**POLICE**

**The Police (Amendment) Regulations 1994**

*Made* - - - - *15th May 1994*  
*Laid before Parliament* *18th May 1994*  
*Coming into force* - - *8th June 1994*

In exercise of the powers conferred on me by section 33 of the Police Act 1964<sup>(1)</sup>, and after furnishing the Police Negotiating Board for the United Kingdom with a draft of the Regulations in accordance with section 2(1) of the Police Negotiating Board Act 1980<sup>(2)</sup>, I hereby make the following Regulations:

**Citation, commencement and interpretation.**

1.—(1) These Regulations may be cited as the Police (Amendment) Regulations 1994 and shall come into force on 8th June 1994, but regulation 3 shall have effect as from 1st July 1993, regulation 4 shall have effect as from 1st July 1992, and regulation 5 shall have effect as from 1st April 1993.

(2) In these Regulations “the principal Regulations” means the Police Regulations 1987<sup>(3)</sup>.

**Paternity leave**

2. The principal Regulations are amended by inserting after regulation 35—

**“Paternity leave**

**35A.**—(1) So far as the exigencies of duty permit, a male member of a police force shall be granted 2 days' paternity leave during the relevant part of a woman's maternity period.

(2) A woman's maternity period is one beginning with the later of—

- (a) the date on which she is certified by a registered medical practitioner to be pregnant, and
- (b) the date 6 months before the one estimated by that practitioner as being the probable date of birth, and ending 9 months after the birth of the child.

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(1) 1964 c. 48.

(2) 1980 c. 10.

(3) S.I.1987/851; relevant amendments were made by S.I. 1991/2869, 1992/275, 1278, 1993/1198.

- (3) The relevant part of a woman’s maternity period is any part during which—
- (a) the member is married to and not separated from her, or
  - (b) they are not married to each other but are living together as husband and wife.”.

### **London weighting**

3. Regulation 39 of the principal Regulations is amended by substituting for the figure “£1,344” the figure “£1,365”.

### **Compensatory allowance**

4. The principal Regulations are amended by substituting for regulation 52B—

#### **“Compensatory allowance**

**52B.**—(1) This regulation applies where two persons of whom—

- (a) one (“the full-time member”) is a full-time member of a police force within the meaning of regulation 8A, and
- (b) the other (“the part-time member”) has been appointed under regulation 8A to perform part-time service, are, and were at the time of the part-time member’s appointment, married to and not separated from each other.

(2) Where this regulation applies the full-time member is entitled to a compensatory allowance of the appropriate amount.

(3) The appropriate amount is

$$(A + B) - (C + D)$$

where—

A is the notional amount for the time being of any allowances that were payable under regulations 49 to 51 to the full-time member before the part-time member’s appointment under regulation 8A,

B is the notional amount for the time being of any allowances that were then so payable to the part-time member,

C is the amount for the time being of any allowances that are so payable to the full-time member, and

D is the amount for the time being of any allowances that are so payable to the part-time member.

(4) For the purposes of paragraph (3) the notional amount for the time being of an allowance is the amount that would for the time being be payable if the appointment under regulation 8A had not been made.”.

### **Removal allowance**

5. Regulation 53 of the principal Regulations is amended—

- (a) in paragraph (1)(d)—
  - (i) by substituting for the words from “his payments” to “rent payable” the words “payments made by him to meet relevant liabilities”, and
  - (ii) by deleting the words from “up to an amount” to “before the move”; and
- (b) by inserting after paragraph (2)—

- “(2A) For the purposes of paragraph (1)(d) relevant liabilities are—
- (a) liabilities in respect of mortgage interest or rent payable in connection with his former home; and
  - (b) in respect of any days in respect of which he is liable to pay council tax in respect of his former home, the amount by which that tax and any council tax he is liable to pay in respect of his new home exceeds the council tax that he would have been liable to pay in respect of his former home if he had not moved from it.”.

#### **Paternity leave during part-time service**

6. Schedule 1A to the principal Regulations is amended by inserting after paragraph 12—

“12A. In regulation 35A (paternity leave) after paragraph (3) insert—

“(4) In the case of a member below the rank of superintendent, each day of paternity leave granted counts for the purposes of regulation 37(1) (pay) as a period of duty of 8 hours multiplied by the appropriate factor.”.”.

#### **Transitional provision.**

- 7.—(1) In a case in which—
- (a) a child was born, or
  - (b) if regulation 2 above had had effect from 12th January 1993 a woman’s maternity period would have begun, after 11th January 1993 but before 8th June 1994, regulation 35A of the principal Regulations shall be treated as applying but with the modifications specified in paragraphs (2) and (3) below.
- (2) If the maternity period would not have ended before 8th June 1994, it is to be treated as beginning with that date.
- (3) In any other case, the maternity period is to be treated as ending 6 weeks after 8th June 1994.

Home Office

15th May 1994

*Michael Howard*  
One of Her Majesty’s Principal Secretaries of  
State

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations further amend the Police Regulations 1987 (“the principal Regulations”).

Regulation 2 inserts into the principal Regulations a new regulation 35A which makes provision for the grant of paternity leave, and regulation 6 provides that in the case of part-time officers such leave is to count for pay purposes in the same way as annual leave. The Police Negotiating Board recommended that paternity leave should be granted to the fathers of children born after 11th January 1993; regulation 7 makes transitional provision enabling leave to be granted, after the commencement of these Regulations, in relation to births that occurred, and pregnancies certified, after 11th January 1993 but before commencement.

Regulation 3 increases the rate of London weighting with effect from 1st July 1993. Retrospection for pay and allowances is authorised by section 30(4) of the Police Act 1964.

Regulation 52B of the principal Regulations provided that where two full-time police officers were married to each other and one was appointed to serve part-time the other should receive a compensatory allowance to take account of the part-time officer’s reduced housing or related allowances. The regulation substituted by regulation 4 of these Regulations extends the compensatory allowance to cases in which the part-time appointment was of a spouse who was not then serving as a full-time officer. The substitution has effect as from 1st July 1992, the date on which the original regulation 52B took effect. Retrospection is authorised as mentioned above.

Regulation 5 amends regulation 53 of the principal Regulations (removal allowance) so as to provide that where council tax is payable by an officer on both his former home and his new home the police authority are to reimburse the excess of the combined tax payments over the tax that would have been payable on the former home if he had continued to occupy it. The amendments have effect as from 1st April 1993: retrospection is authorised as mentioned above.