

**1985 No. 885****POLICE****The Police (Amendment) (No. 2) Regulations 1985**

<i>Made - - - -</i>	10th June 1985
<i>Laid before Parliament</i>	18th June 1985
<i>Coming into Operation</i>	11th July 1985

In exercise of the powers conferred upon me by section 33 of the Police Act 1964(a), and after taking into account the recommendations made by the Police Negotiating Board for the United Kingdom and furnishing the said Board with a draft of the Regulations in accordance with section 2(1) of the Police Negotiating Board Act 1980(b), I hereby make the following Regulations:—

*Citation*

1. These Regulations may be cited as the Police (Amendment) (No. 2) Regulations 1985.

*Commencement*

2. These Regulations shall come into operation on 11th July 1985 and shall have effect for the purposes of Regulation 9 as from 1st July 1984 and for the purposes of Regulations 10(2) and 12 as from 1st January 1985.

*Interpretation*

3. In these Regulations any reference to the principal Regulations is a reference to the Police Regulations 1979(c).

*Normal daily period of duty*

4. Regulation 25 of the principal Regulations (normal daily period of duty) shall be amended as follows:—

- (a) in paragraph (2), the words following “8 hours” shall be omitted;
- (b) for paragraph (3) there shall be substituted the following provision:—
  - “(3) As far as the exigencies of duty permit—
    - (a) the normal daily period of duty shall be performed in one tour of duty; and

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(a) 1964 c. 48. (b) 1980 c. 10.  
 (c) S.I. 1979/1470; the relevant amending instruments are S.I. 1980/405, 1981/1371, 1982/1486, 1983/1812.

(b) subject to paragraph 3A of Schedule 3, an interval of 45 minutes shall be allowed for refreshment.”;

(c) there shall be inserted after paragraph (4) the following provisions:—

“(5) In this Part of these Regulations, the expression “day”, in relation to members of a police force, means a period of 24 hours commencing at such time or times as the chief officer shall fix and the chief officer may fix different times in relation to different groups of members.

(6) In discharging his functions under paragraph (5), the chief officer shall have regard to the wishes of the joint branch board.”.

#### *Rostering of duties*

5. There shall be inserted after Regulation 25 of the principal Regulations the following provision:—

#### *“Rostering of duties*

25A.—(1) A chief officer shall cause to be published, in accordance with this Regulation, annual duty rosters for members of his force below the rank of superintendent.

(2) Each such roster shall, in the first place, be published to the members to whom it relates not later than one month before the expiry of the roster of duties in force in relation to those members immediately before 11th July 1985.

(3) Each such roster shall thereafter be published at intervals not exceeding 12 months and not later than one month before the date on which it is to come into force.

(4) Each such roster shall set out, for the 12 months following the date on which it comes into force, in relation to each member of the force to which it relates—

- (a) his rest days;
- (b) those days, being public holidays, on which he may be required to do duty; and
- (c) the times at which his scheduled daily periods of duty are to begin and end.

(5) Subject to paragraph (6), a duty roster shall make provision for—

- (a) an interval of not less than 8 hours between the ending of each of a member’s daily periods of duty and the beginning of the next; and
- (b) an interval between each of his rostered rest days not exceeding 7 days;

unless the joint branch board agrees otherwise.

(6) Where, owing to the exigencies of duty, it is necessary to alter a duty roster, the officer responsible for making the alteration shall endeavour, so far as practicable, to avoid thereby requiring a member to do an additional

daily period of duty such that the condition in paragraph (5)(a) would not be satisfied in relation thereto.”.

*Overtime*

6. There shall be substituted for Regulation 26 of the principal Regulations the following provision:—

*“Overtime*

26.—(1) Subject to, and in accordance with, the provisions of this Regulation a member of a police force shall be compensated in respect of time for which he remains on duty after his tour of duty ends or is recalled between two tours of duty (hereafter in these Regulations referred to as “overtime”).

(2) Such a member shall not be compensated under this Regulation for overtime for which he receives an allowance or time off under Regulation 27, 64 or 67.

(3) A member of a police force to whom Regulation 25 applies shall, subject to paragraph (6), be granted an allowance in respect of each week at the rate of a twenty-fourth of a day’s pay for each completed period of 15 minutes of overtime worked by him on any occasion during that week.

(4) Where such a member, before the expiry of any pay period, elects in respect of specified overtime worked by him during the weeks ending within that period, to be granted in lieu of an allowance time off subject to and in accordance with paragraph (5), and in accordance therewith receives time off in respect of any overtime, no allowance in respect thereof shall be payable under paragraph (3).

(5) Subject to the exigencies of duty, where by virtue of an election under the foregoing paragraphs time off falls to be granted to a member in respect of any overtime worked by him in any week then, within such time (not exceeding 3 months) after that week as the chief officer of police may fix, he shall grant to the member time off equal, subject to paragraph (6), to the period of that overtime worked by him during that week and, in addition, for each completed 45 minutes of such overtime, an additional 15 minutes off.

(6) For the purposes of paragraphs (3) and (5), no account shall be taken of any period of less than 30 minutes of overtime worked on any occasion other than a period of 15 minutes of overtime in respect of which the member was informed at the commencement of his tour that he would be required to remain on duty after his tour ended.

(7) 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) time during which he is in 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, as the case may be, and

- (iii) any other time that may be allowed by the chief officer of police, so however that, if the member is so engaged overnight and has proper sleeping accommodation, whether in a train or otherwise, the chief officer of police may exclude such period not exceeding eight hours, during which the member is not in charge of the person under escort as he considers appropriate in the circumstances;
- (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; and
- (c) where a member is recalled to duty between two rostered tours of duty and is entitled to reckon less than 4 hours of overtime, disregarding any overtime reckonable by virtue of Regulation 29 (travelling time treated as duty), he shall be deemed on that occasion to have worked for such period that he is entitled to reckon 4 hours of overtime in addition to any overtime reckonable by virtue of Regulation 29.

(8) For the purposes of this Regulation the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“a day’s pay” means the member’s pay for the week in question divided by 5;

“member recalled to duty” does not include a member who is only warned to be in readiness for duty if required;

“pay period” means the period for which, in pursuance of Regulation 44, a member is paid;

“week” means the period of 7 days beginning with such day as is fixed by the chief officer of police.”.

*Public holidays and rest days for lower ranks*

7. There shall be substituted for Regulation 27 of the principal Regulations the following provision:—

*“Public holidays and rest days for lower ranks*

27.—(1) This Regulation shall apply to every member of a police force below the rank of superintendent.

(2) Subject to the following provisions of this Regulation, 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 two rest days in respect of each week.

(3) A member shall, if required to do duty on a day which is a rostered rest day, be granted—

- (a) where he receives less than 8 days’ notice of the requirement, an allowance at the appropriate rate and, in addition, another rest day in lieu thereof, which shall be notified to him within 4 days of notification of the requirement;

- (b) where he receives at least 8 but less than 29 days' notice of the requirement, an allowance at the appropriate rate;
- (c) in any other case, another rest day in lieu thereof, which shall be notified to him within 4 days of notification of the requirement.

(4) A member shall, if required to do duty on a day which is a public holiday, be granted—

- (a) where he receives less than 8 days' notice of the requirement—
  - (i) an allowance at the appropriate rate and, in addition,
  - (ii) another day off in lieu thereof, which shall be notified to him within 4 days of notification of the requirement, and which shall be treated for the purposes of this Regulation as a public holiday;
- (b) in any other case, an allowance at the appropriate rate.

(5) A member who is required to do duty on a day which is a public holiday or a rostered rest day may, within 28 days of the day in question, elect to receive, in lieu of an allowance as mentioned in paragraph (3)(a) or (b) or paragraph (4)(a) or (b), time off equal—

- (a) in the case of a day which is a public holiday, to double, and
- (b) in the case of a rostered rest day, to one and a half times,

the period of completed quarters of an hour of duty on the day in question.

(6) Where such a member who is required to do duty on a day which is a holiday or a rostered rest day has elected to receive time off as mentioned in paragraph (5), the chief officer of police shall, subject to the exigencies of duty, grant such time off within such time (not exceeding 3 months) as he may fix; and subject to such time off being taken, no allowance in respect of the day in question shall be payable under paragraph (3)(a) or (b) or, as the case may be, paragraph (4)(a) or (b).

(7) Subject to paragraph (8), for the purposes of this Regulation—

- (a) a member of a police force who is paid a dog handler's allowance shall not be treated as required to do duty by reason only of his being required to care for the dog;
- (b) "a day's pay" means a week's pay at the rate at which the member was paid on the day in question divided by five;
- (c) "the appropriate rate" means a sixteenth of a day's pay for each completed 15 minutes of duty done on a public holiday, and three sixty-fourths of a day's pay for each such period of duty done on a rostered rest day;
- (d) a reference to a day which is a public holiday is to be construed, in relation to the member concerned, as a reference to a day within the meaning of Regulation 25(5) commencing at any time on the calendar date of the public holiday in question;

- (e) a reference to a rostered rest day is to be construed as a reference to a day which, according to the roster of duties under Regulation 25A was, immediately before the requirement to do duty on that day, to have been a rest day for the member concerned;
- (f) in paragraph (2) the expression “week” means a period of 7 days beginning with such day as is fixed by the chief officer of police;
- (g) a period of less than 4 completed hours of duty on a day which is a public holiday or on a rostered rest day shall be treated as though it were a period of 4 completed hours of duty; and
- (h) where a member is required to do duty on a day which is a public holiday or on a rostered rest day, his period of duty shall include (save for the purposes of sub-paragraph (g)) 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 officer of police, save that, for the purposes of this sub-paragraph, there shall be disregarded any period of time so occupied—
  - (i) which together with the member’s period of duty exceeds 6 hours, or
  - (ii) which is treated as a period of duty under Regulation 29.

(8) Where it is at his own request that a member works on a day which is a public holiday or a rostered rest day he shall not be treated for the purposes of this Regulation as having been required to do duty on that day but shall be granted another day off in lieu thereof, which shall be treated as a public holiday or a rostered rest day as the case may be.”.

#### *Travelling time treated as duty*

8. In paragraph (2) of Regulation 29 of the principal Regulations (travelling time treated as duty) there shall be substituted for the words “(6)(e)” the words “(7)(g)”.

#### *London weighting*

9. In Regulation 36 of the principal Regulations and in paragraph 3(2) of Schedule 4 thereto for the words “£801” in each place where they occur there shall be substituted the words “£837”.

#### *Typewriter allowance*

10.—(1) For paragraph (1) of Regulation 60 of the principal Regulations there shall be substituted the following provision:—

“(1) Where, immediately before 11th July 1985, a member of a police force was in receipt of a typewriter allowance in accordance with Schedule 10 in respect of the use of a typewriter owned by him which he is authorised by the chief officer of police to use for the purposes of duties normally and from time to time performed by him, he shall, in respect of such use, continue to be paid such an allowance, and the police authority shall continue to supply him with typewriter ribbons free of charge.”.

(2) In paragraph 2 of Schedule 10 to the principal Regulations for the words “£10 a year” there shall be substituted the words “£20 a year”.

*Annual leave*

11. Paragraph 3(2) of Schedule 3 to the principal Regulations shall be omitted and there shall be inserted after the said paragraph 3 the following provision:—

“3A.—(1) Subject to paragraph (2), days of annual leave granted under this Schedule may be taken, in the discretion of the chief officer of police and subject to the exigencies of duty, as a single period, or as single days, or in periods of more than one day or as half days.

(2) In the case of a member below the rank of superintendent, not more than 3 days of annual leave shall be taken as half days, and where annual leave is so taken, the member—

(a) shall do duty on that day for 4 hours, and

(b) shall not be entitled to be allowed an interval for refreshment such as is mentioned in Regulation 25(3).”

*Bicycle allowance*

12. In paragraph 1 of Schedule 9 to the principal Regulations for the words “£40 a year” there shall be substituted the words “£50 a year”.

Home Office.  
10th June 1985.

*Leon Brittan,*  
One of Her Majesty's Principal  
Secretaries of State.

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**EXPLANATORY NOTE**

*(This Note is not part of the Regulations.)*

These Regulations amend the Police Regulations 1979, with effect, as provided in Regulation 2, in the case of Regulation 9, as from 1st July 1984 and, in the case of Regulations 10 and 12, as from 1st January 1985 (retrospection is authorised by section 33(4) of the Police Act 1964).

Regulation 4 amends the provision made by Regulation 25 of the 1979 Regulations for defining and regulating the normal daily period of duty of a member of a police force. Time occupied in reporting at the appointed place for duty is no longer included in the definition. Where annual leave is taken as a half day (by virtue of the amendment to Schedule 3 to the 1979 Regulations by Regulation 11 of these Regulations) there will be no entitlement to an interval for refreshment under Regulation 25(3). The chief officer is required to determine the force day, in consultation with the joint branch board of the Police Federation. Regulation 5 provides for the publication by chief officers of annual duty rosters.

Regulations 6 and 7 make new, simplified provision for allowances and time off in respect of overtime and cases where members are required to work on a public holiday or a rostered rest day (substituted Regulations 26 and 27 respectively). All periods of casual overtime of 30 minutes or more will henceforth be compensated at the rate of time and a third (substituted Regulation 26(3)). An officer will be entitled to a minimum of four hours' compensation at overtime rates when he is recalled to duty between two rostered tours of duty (substituted Regulation 26(7)(e)). Where an officer is required to work on a rostered rest day and 8 days' or more notice is given of the requirement, the present practices are replaced by uniform rules depending on whether 29 days' notice is given (substituted Regulation 27(3)(b) and (c)). Compensation is improved where an officer is given less than 8 days' notice of a requirement to work on a public holiday (substituted Regulation 27(4)). Provision for electing to receive time off in lieu of an allowance is simplified (substituted Regulation 27(5)).

Regulation 9 increases London weighting. Regulation 10 increases the typewriter allowance (which will henceforth apply only in cases where it was being paid immediately before 11th July 1985). Regulation 11 regulates the manner in which annual leave may be taken. Regulation 12 increases the bicycle allowance.

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