
STATUTORY INSTRUMENTS

1992 No. 1278

POLICE

The Police (Amendment) (No. 2) Regulations 1992

<i>Made</i>	- - - -	<i>1st June 1992</i>
<i>Laid before Parliament</i>		<i>9th June 1992</i>
<i>Coming into force</i>	- -	<i>1st July 1992</i>

In exercise of the powers conferred on me by section 33 of the Police Act 1964⁽¹⁾, and after taking into consideration the representations made by the Police Advisory Board for England and Wales and the recommendations made by the Police Negotiating Board for the United Kingdom and after satisfying the requirements of section 46 of that Act and section 2(1) of the Police Negotiating Board Act 1980⁽²⁾ as to the furnishing of drafts of the Regulations to the said Boards, I hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Police (Amendment) (No. 2) Regulations 1992 and shall come into force on 1st July 1992.

(2) In these Regulations “the principal Regulations” means the Police Regulations 1987⁽³⁾.

Meanings assigned to certain expressions

2. Regulation 5(1) of the principal Regulations is amended by inserting after the definition of “public holiday”—

““the representative bodies” means the Police Federation for England and Wales and all bodies for the time being recognised by the Secretary of State for the purposes of section 47 of the Police Act 1964;”

Part-time appointments

3. The principal Regulations are amended by inserting after regulation 8—

(1) 1964 c. 48.

(2) 1980 c. 10.

(3) S.I.1987/851, amended by S.I. 1987/1753, 1988/727, 1821, 2162, 1989/895, 1745, 1990/401, 1127, 1573, 2619, 1991/2484, 2650, 2869, 1992/275.

“Part-time appointments

8A.—(1) Within the authorised establishment of a police force, the chief officer of police may, with the approval of the Secretary of State, from time to time appoint persons to perform part-time service in any rank specified in the approval.

(2) Before seeking any approval for the purposes of this regulation the chief officer of police shall consult local representatives of the representative bodies.

(3) An approval given for the purposes of this regulation may be varied from time to time and may be withdrawn.

(4) The variation or withdrawal of an approval does not affect any appointment previously made.

(5) Subject to paragraph (4), the number of persons performing part-time service in any rank must not at any time exceed the number specified in any approval for the time being having effect.

(6) A person serving as a full-time member of a police force may not be appointed to perform part-time service without his consent.

(7) A person may be appointed under this regulation in the rank of constable only if he has, as a full-time member of a police force, completed the period of probation in that rank that was required by regulation 16.

(8) An appointment under this regulation in any rank above that of chief inspector may only be made on terms that provide for the holder to share with one other person appointed under this regulation in the rank in question the performance of duties that would otherwise fall to be performed by a single person appointed in that rank as a full-time member of the force; if either of the persons sharing the duties ceases to hold his appointment and is not replaced, the other continues to hold the rank in which he was appointed under this regulation but is to be treated as having become a full-time member of the force.

(9) In this regulation “full-time member” means a member appointed otherwise than under this regulation.

(10) In relation to persons appointed under this regulation to perform part-time service these Regulations have effect with the modifications set out in Schedule 1A.”.

Rate of pay

4. Regulation 37(2) of the principal Regulations is amended by inserting after (d) of the proviso—
- “(e) any service performed pursuant to an appointment under regulation 8A (part-time appointments) shall be multiplied by the factor which was the appropriate factor within the meaning of regulation 5(5) or (6) as it applied to him by virtue of paragraph 1 of Schedule 1A;”.

Modification for part-time service

5. The principal Regulations are amended by inserting after Schedule 1—

“SCHEDULE 1A

Regulation 8A

MODIFICATION FOR PART-TIME SERVICE

1. In regulation 5 (meanings assigned to certain expressions) after paragraph (4) insert—
- “(5) In relation to a member of a police force below the rank of superintendent—

- (a) the determined hours are the number of hours which the chief officer of police has determined under regulation 26(2) or (4A)(a) as his normal period of duty in a relevant period,
- (b) a relevant period is a period for which a duty roster relating to him has effect for the time being under regulation 27, and
- (c) the appropriate factor is

$$\frac{A}{B}$$

where—

A is the number of the determined hours, and

B is 40 times the number of weeks in the relevant period.

(6) In relation to a member of a police force above the rank of chief inspector, the appropriate factor is

$$\frac{1}{2}.$$

2. In regulation 16 (probationary service in the rank of constable)—

- (a) in paragraph (1) omit the words after “constable”;
- (b) in paragraph (2) for the words after “this regulation applies” substitute “may be required to serve on probation for such period, not exceeding 2 years and 6 months, as the chief officer of police, with the approval of the Secretary of State, determines in the circumstances of a particular case.”; and
- (c) omit paragraph (3) and paragraph (4)(c) and (d).

13. In regulation 17 (discharge of probationer)—

- (a) in paragraph (1) for the words “his period” substitute “any period”; and
- (b) after paragraph (4) insert—

“(4A) For the purposes of this regulation a month’s pay is to be calculated by multiplying one-twelfth of the annual rate ascertained from Schedule 5 by the appropriate factor.”.

4. In regulation 26 (normal daily period of duty) for paragraphs (2) to (4) substitute—

“(2) The normal period of duty in every relevant period of a member of a police force to whom this regulation applies, which is to be performed in accordance with general arrangements made by the chief officer of police after consulting the police authority and local representatives of the representative bodies, is, subject to paragraph (4A), the total number of hours determined by the chief officer with the agreement of the member at the time of his appointment.

(3) For the purposes of paragraph (2) a day of annual leave counts as a period of duty of 8 hours multiplied by the appropriate factor.

(4) The chief officer shall review a member’s normal period of duty at intervals of not more than 52 weeks, and in doing so shall have regard to the number of hours actually spent on duty during the interval preceding the review.

(4A) After a review under paragraph (4)—

- (a) any number of hours different from that determined under paragraph (2) which was determined by the chief officer and agreed to by the member becomes the member’s normal period of duty, and
- (b) if no different number was agreed to by the member, his normal period of duty is the number of hours determined under paragraph (2).

(4B) The number of hours determined under paragraph (2) or (4A)(a) must not be less than 16 times the number of weeks in the relevant period.

(4C) As far as the exigencies of duty permit, a shift shall consist of one continuous period.

(4D) Where in one day a member is on duty for a continuous period of 5 hours or more, an interval for refreshment shall, as far as the exigencies of duty permit, be allowed in accordance with the Table below.

Number of hours	Refreshment interval
Less than 6 hours	30 minutes
6 hours or more, but less than 7 hours	35 minutes
7 hours or more, but less than 8 hours	40 minutes
8 hours or more	45 minutes

(4E) Where a shift consists of two periods amounting in total to 5 hours or more and the member does not travel to and from his home between those periods, an interval for refreshment and rest shall normally be included at the beginning or end of one of them.”.

5. In regulation 27 (rostering of duties)—

(a) in paragraph (1)—

(i) omit the word “annual”, and

(ii) after sub-paragraph (b)

insert—

“and

(c) a reference to a free day is to be construed as a reference to a day which is not—

(i) a day on which a shift is, according to the duty roster, to begin or end, or

(ii) a rostered rest day, or

(iii) a public holiday.”;

(b) in paragraph (2) after the word “roster” insert “(except one relating to a member who has agreed with the chief officer on a different period) shall have effect for a period of 12 months, and”;

(c) in paragraph (3)—

(i) for the words “the 12 months following the date on which it comes into force” substitute “the period for which it has effect”,

(ii) after sub-paragraph (a)

insert—

“(aa) his free days;”, and

(iii) in sub-paragraph (c) for the words “his scheduled daily periods of duty are” substitute “each of his shifts is”;

(d) in paragraph (4)—

(i) in sub-paragraph (a) for the words “daily periods of duty” substitute “shifts”, and

(ii) in sub-paragraph (b) before the words “an interval” insert “unless he has agreed with the chief officer on a longer interval.”; and

(e) in paragraph (5) for the words “daily period of duty” substitute “shift”.

6. For regulation 28 (overtime) substitute—

“28.—(1) This regulation applies to a member of a police force to whom regulation 26 applies.

(2) A member who has been on duty for more than 40 hours in any period of 7 days beginning with such day as is fixed for the purposes of this regulation by the chief officer of police (a “relevant week”) is entitled in respect of any day during that period in which he has been on duty for more than 8 hours (a “long-duty day”) to an allowance at the rate of one-twelfth of an hour’s pay for each completed 15 minutes in excess of 8 hours.

(3) A member may, before the end of a pay period (that is to say, a period comprising one of the intervals between payments under regulation 46), elect to be granted time off, instead of an allowance under paragraph (2), in respect of any long-duty day that occurred during a relevant week ending within the pay period.

(4) Subject to the exigencies of duty, where a member has elected as mentioned in paragraph (3) the chief officer of police shall, within 3 months after the end of the relevant week, grant him time off equal to the total of—

- (a) the time in excess of 8 hours spent on duty in the day, or as the case may be in each of the days, in respect of which the election was made, and
- (b) 15 minutes in respect of each completed 45 minutes of that time.

(5) Any time counting for the purposes of regulation 37(1) (pay) as time spent on duty, except—

- (a) time for which an allowance is received under paragraph (7) or under regulation 29 or 67, and
- (b) any period of less than 30 minutes worked during the first 30 minutes after the end of a rostered shift, except a period of 15 minutes which the member was told at the beginning of the shift would be required,

counts as time spent on duty for the purposes of paragraph (2).

(6) For the purposes of paragraph (2) a period of duty—

- (a) which resulted from a member’s being recalled and returning to duty between two rostered shifts, and
- (b) the length of which, after deducting any travelling time counting as a period of duty by virtue of regulation 31, was less than 4 hours,

counts as a period of duty lasting for the aggregate of 4 hours and any period counting by virtue of regulation 31.

(7) Where the time at which a member is required to commence a rostered shift is brought forward—

- (a) without giving him notice 8 hours or more before the new commencement time, and
- (b) so that he is required to commence that shift on the day on which his previous shift ended,

he is entitled to an allowance at the rate of one-twelfth of an hour’s pay for each completed 15 minutes of the time for which he is on duty before the rostered commencement time.

(8) A member who has become entitled to an allowance under paragraph (7) may, before the end of the pay period during which the day on which he was required to commence the shift occurred, elect to be granted time off instead of the allowance.

(9) Subject to the exigencies of duty, where a member has elected as mentioned in paragraph (8) the chief officer of police shall, within 3 months after the date of the election, grant him time off equal to one and one-third times the number of completed quarters of an hour for which he was on duty before the rostered commencement time.

(10) Where—

- (a) on any day on which he has a rostered shift a member has been on duty for a period exceeding the length of that shift, and
- (b) he is not entitled in respect of that day to any allowance under paragraph (2) or (7),

he may, not later than 4 days after the end of the relevant week in which the day in question occurred, elect to be granted time off in respect of the excess over the length of the shift (“the excess period”).

(11) For the purposes of paragraphs (2) and (10) a continuous period of duty which began before and ended after the beginning of a day shall—

(a) if the day on which it ended was not—

- (i) a public holiday,
- (ii) a rostered rest day, or
- (iii) a free day,

in respect of which he became entitled to an allowance under regulation 29, be treated as having fallen wholly within, and

(b) in any other case, be treated as having consisted only of so much of the period as fell within,

the day on which the period began.

(12) Subject to the exigencies of duty, where a member has elected as mentioned in paragraph (10) the chief officer of police shall, within 3 months after the date of the election, grant him time off equal to the excess period.

(13) For the purpose of regulation 37(1) (pay) any extra period of duty in respect of which time off is granted under paragraph (4) or (9) counts as one and one-third times the number of completed quarters of an hour comprised in the extra period of duty, and a period falling within paragraph (6)(a) and (b) counts as one of 4 hours.”.

7. In regulation 29 (public holidays and rest days)—

(a) after paragraph (3) insert—

“(3A) A member who—

- (a) is required to do duty on a free day, and
 - (b) receives not less than 29 days' notice of the requirement,
- shall be granted another free day in lieu, which shall be notified to him within 4 days of notification of the requirement.

(3B) This paragraph applies where—

- (a) a member is required to do duty on a free day, and
- (b) he receives less than 29 days' notice of the requirement, and

- (c) the duty is of such a nature that it would not in the circumstances have been reasonably practicable for it to be done by any other member.
 - (3C) Where paragraph (3B) applies—
 - (a) if the member was on duty for more than 8 hours on the free day and for more than 40 hours (in addition to any hours on a rostered rest day or a public holiday for which an allowance fell to be granted under paragraph (3)(a) or (b) or (4)(a) or (b)) during the week in which the free day occurred, he is entitled to an allowance at the rate of one-twelfth of an hour's pay for each completed period of 15 minutes of duty done on the free day, and
 - (b) in any other case, he is entitled to time off equal to the total length of those periods.
 - (3D) Where—
 - (a) a member is required to do duty on a free day, and
 - (b) he receives less than 29 days' notice of the requirement, but paragraph (3B) does not apply, the member is entitled to an allowance at the appropriate rate.”;
 - (b) after paragraph (5) insert—
 - “(5A) A member who is required to do duty on a free day may within 28 days of that day elect to receive—
 - (a) in lieu of an allowance under paragraph (3C)(a), time off equal to one and one-third times, and
 - (b) in lieu of an allowance under paragraph (3D), time off equal to one and a half times,the period of completed quarters of an hour of duty done on the free day.”;
 - (c) in paragraph (6)—
 - (i) after the words “rostered rest day” insert “or on a free day”,
 - (ii) after the words “paragraph (5)” insert “or (5A)”,
 - (iii) after the words “as the case may be,” insert “paragraph (3C) or (3D) or”;
 - (d) in paragraph (7)—
 - (i) for sub-paragraph (b) substitute—
 - “(b) “the appropriate rate” is, for each completed 15 minutes of duty done—
 - (i) on a public holiday,
 $\frac{A}{4}$, and
 - (ii) on a rostered rest day or a free day,
 $\frac{A}{8}$
- where A is the member's hourly rate of pay calculated in accordance with regulation 37(1);”
- (ii) omit sub-paragraph (c), and
 - (iii) in sub-paragraphs (f) and (g) after the words “rostered rest day”, insert “or a free day”;

- (e) in paragraph (8) after the words “rostered rest day”, wherever occurring, insert “or a free day”; and
 - (f) after paragraph (8) insert —
 - “(9) For the purposes of regulation 37(1) (pay)—
 - (a) a day’s leave allowed under paragraph (2) and a day off granted under paragraph (4)(a) or under paragraph (8) in respect of a public holiday each count as a period of duty of 8 hours multiplied by the appropriate factor, and
 - (b) so much of any time off granted under paragraph (5A) or (6) as exceeds the time spent on duty on the public holiday, rest day or free day counts as time spent on duty.”.
- 8.** In regulation 30 (public holidays and monthly leave days for higher ranks)—
- (a) in paragraph (2) after the words “each month” insert “the amount of leave arrived at by multiplying by the appropriate factor”; and
 - (b) in paragraph (4)—
 - (i) for the words “8 monthly leave days” substitute “the amount of leave arrived at by multiplying 8 days by the appropriate factor”, and
 - (ii) for the words after “granted” substitute “the balance as additional monthly leave”.
- 9.** In regulation 31 (travelling time treated as duty)—
- (a) for paragraph (1) substitute—
 - “(1) This regulation applies to a member of a police force where—
 - (a) a shift consists of two separate periods, or
 - (b) he is recalled to duty between two shifts,
 and he travels to and from his home between those periods or, as the case may be, in consequence of his recall (in this regulation referred to as “relevant travelling”).”;and
 - (b) in paragraph (2) for the words from “overtime” to “thereof” substitute “duty for the purposes of regulation 28, regulation 29 (except paragraph (7)(f) or regulation 37(1))”.
- 10.** In regulation 33 (annual leave)—
- (a) in paragraph (1) after the words “Schedule 3” insert “, except that in the case of a member above the rank of chief inspector any period of leave calculated in accordance with Schedule 3 is to be multiplied by the appropriate factor”; and
 - (b) after paragraph (1) insert—
 - “(1A) In the case of a member below the rank of superintendent, each day of annual leave granted counts for the purposes of regulation 37(1) (pay) as a period of duty of 8 hours multiplied by the appropriate factor.”.
- 11.** In regulation 34 (sick leave) after paragraph (2) insert—
- “(3) While a member below the rank of superintendent is entitled under this regulation to be absent from duty, any rostered shift counts for the purposes of regulation 37(1) (pay) as a period of duty of the same duration.”.
- 12.** In regulation 35 (maternity leave) after paragraph (3) insert—
- “(4) During the first 3 months of any maternity leave granted under this regulation to a woman member below the rank of superintendent (“the paid leave period”) she shall be treated for the purposes of regulation 37(1) (pay) as having been on duty for

$$A \times \frac{B}{C}$$

hours, where—

A is the number of her determined hours,

B is the length in days of the paid period, and

C is the length in days of the relevant period.”.

13. In regulation 37 (rate of pay)—

(a) for paragraph (1) substitute—

“(1) A member of a police force below the rank of superintendent shall be paid for time spent on duty at an hourly rate calculated by multiplying the annual rate ascertained from Schedule 5 by

$$\frac{6}{12520} ; \text{ and}”$$

(b) after paragraph (1) insert—

“(1A) A member above the rank of chief inspector shall be paid at an annual rate calculated by multiplying that ascertained from Schedule 5 by the appropriate factor.”.

14. In regulation 38 (temporary salary)—

(a) in paragraph (1)—

(i) after the words “performed by a” insert “full-time”, and

(ii) after the words “rate of pay for” insert “a person appointed as a full-time member in”;

(b) in paragraph (3)—

(i) after the words “performed by a” insert “full-time”, and

(ii) after the words “to the higher rank” insert “as a full-time member”; and

(c) in paragraph (5) for the words after “superintendent” substitute “the period that would constitute his normal daily period of duty if he were a full-time member, and “full-time member” means a member of the force appointed otherwise than under regulation 8A.”.

15. In regulation 39 (London weighting)—

(a) for the words “annual pay” substitute “hourly rate of pay”; and

(b) for the words “increased by” insert

“the amount obtained by multiplying by

$$\frac{6}{12520} \text{ the sum of.}”$$

16. After regulation 48 insert—

“Reduction of allowances

48A. All allowances calculated in accordance with regulations 49(1) to (10) and 49A to 51 and the allowance specified in regulation 52A are to be multiplied by the appropriate factor.”

17. In regulation 49 (housing allowance) after paragraph (11) insert—

“(11A) The second of the two amounts mentioned in paragraph (11) is to be multiplied by the appropriate factor, and if immediately before his spouse commenced to live apart from him he was serving pursuant to an appointment made otherwise than under regulation 8A—

(a) in calculating the first of those two amounts his former allowance is to be multiplied by that factor, and

(b) the allowance payable under paragraph (11) is to be multiplied by that factor.”.

18. In regulation 50 (supplementary rent allowance), in paragraph (3)(b) after the word “member” insert “, appointed otherwise than under regulation 8A, ”.

19. In regulation 53 (removal allowance) after paragraph (5) insert—

“(5A) Every sum of money specified in paragraphs (6) to (8) is to be multiplied by the appropriate factor.”.

20. In regulation 55 (women’s stocking allowance) after the word “determined” insert “(regard being had to the appropriate factor)”.

21. In regulation 56 (plain clothes allowance) in paragraph (1)—

(a) for the words “for a continuous period of not less than a week” substitute “on 7 or more consecutive days”; and

(b) after the word “determined” insert “(regard being had to the appropriate factor)”.

22. In regulation 57 (detective duty and detective expenses allowances)—

(a) in paragraph (1) for the words “for a period of not less than a week” substitute “on 7 or more consecutive days”;

(b) after paragraph (1) insert—

“(1A) The rates specified in paragraphs (2), (2A) and (3) as the rates of allowances under this regulation are to be multiplied by the appropriate factor.”; and

(c) omit paragraph (4).

23. In regulation 58 (subsistence, refreshment and lodging allowance) at the end of paragraph (3) insert

“and in relation to a member below the rank of superintendent references in this regulation to his normal daily period of duty are to be construed as references to—

(i) a period of duty lasting 8 hours, or

(ii) periods of duty performed in one day amounting in total to 8 hours.”

24. In regulation 65 (London allowance) for the words “the rate of” substitute “the rate obtained by the appropriate factor”.

25. In regulation 71 (allowance under Police Regulation 1971) for the words after “he shall” substitute

“, while he remains a member of that force, be entitled to an allowance at an annual rate calculated by multiplying by the appropriate factor

(a) in the case of an inspector, £50, and

(b) in the case of a sergeant or constable, £72.”

26. In regulation 72 (provision of house or quarters) for the words “shall be provided” substitute “and who was occupying such a house or quarters when appointed under regulation 8A may, if the chief officer of police determines that it would be conducive to meeting the operational needs of the force, be provided”.

27. In Schedule 4 (university scholars) in paragraph 3(2) for the words “the rate of” substitute “the rate obtained by multiplying by the appropriate factor”, and omit the words after “a year”.

28. In Schedule 6 (effect of disciplinary action on pay and allowances) in paragraph 4—

(a) after the words “13 weeks” insert “multiplied by the reciprocal of the appropriate factor”; and

(b) after the words “weekly pay” insert “multiplied by the appropriate factor”.

29. In Schedule 8 (motor vehicle allowances) after paragraph 2(2) insert—

“(2A) The fixed element calculated in accordance with sub-paragraph (2) shall be multiplied by the appropriate factor.”

Home Office
1st June 1992

Kenneth Clarke
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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Police Regulations 1987 (“the principal Regulations”) so as to make provision for part-time service.

Regulation 3 inserts into the principal Regulations a new regulation 8A which authorises chief officers of police, with the approval of the Secretary of State, to make part-time appointments, and applies the principal Regulations to part-time appointees with the modifications set out in a new Schedule 1A.

Regulation 4 scales down part-time service for pay and leave purposes.

The new Schedule 1A inserted by regulation 5 makes a number of detailed modifications to the principal Regulations in their application to part-time appointed. The main ones are as follows.

Part-time constables (who must have completed full-time probation before appointment) may be required to serve a further period of probation (paragraphs 2 and 3).

Part-time duty in ranks below superintendent is to be performed in accordance with general arrangements made by the chief officer of police after consulting the police authority and local staff association representatives, an individual’s normal period of duty during a duty roster period being a number of hours determined with his agreement by the chief officer (paragraph 4). That number divided by the hours that would be required of a full-time officer constitutes the “appropriate factor” (paragraph 1) to be used in calculating various entitlements; for ranks above chief inspector the factor is one half, since in their case a part-time appointment involves the sharing of duties with one other officer (see new regulation 8A(8)). Examples of the use of the factor occur in paragraphs 7 and 8 (public holidays, rest days and monthly leave days); 10 (annual leave); 13(b) (senior ranks’ pay); 16 and 17 (housing and similar allowances); and 19 to 22, 24, 25 and 27 to 29 (various other allowances).

Paragraph 5 provides for a more flexible system of duty rosters and introduces “free days” in addition to rest days; paragraphs 6, 7, 9, 11 and 12 make modified provision for, respectively, overtime payments, payments for working on public holidays and rest and free days, travelling time, sick leave and maternity leave; paragraphs 13(a) and 15 convert lower ranks’ annual pay, and London weighting, to hourly equivalents.