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STATUTORY INSTRUMENTS

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**1995 No. 215**

**The Police Regulations 1995**

**PART IV**

**PAY**

**Rate of pay**

**39.**—(1) Schedule 6 shall have effect for determining the pay of members of police forces.

(2) Subject to regulations 43, 44 and 45, section 2(1) of the Police (Overseas Service) Act 1945<sup>(1)</sup> and prior to 1st April 1995 section 43(1) of the 1964 Act and on or after that date section 53C(3) of that Act<sup>(2)</sup>, in reckoning the service of a member of a police force in any rank for the purposes of pay, account shall be taken of all his service in that rank, whether in that or another police force; and service in a higher rank, on temporary promotion thereto or otherwise, shall be treated as if it had been service in that rank:

Provided that in reckoning a member's service in any rank—

- (a) that service shall be treated as unbroken by, and including, any period of service in Her Majesty's forces which he is entitled to reckon as pensionable service;
- (b) except where the police authority in the circumstances of a particular case otherwise determine with the approval of the Secretary of State, no account shall be taken of any previous service in that rank which terminated in his reduction in rank as a punishment but any previous service in a higher rank which so terminated shall be treated as if it had been service in the rank to which the member was reduced;
- (c) no account shall be taken of any performance of the duties of that rank in respect of which a temporary salary is payable under regulation 40;
- (d) any period of unpaid leave shall be disregarded;
- (e) any service performed pursuant to an appointment under regulation 7 (part-time appointments) shall be multiplied by the factor which was the appropriate factor within the meaning of regulation 4(5) or (6) as it applied to him by virtue of paragraph 1 of Schedule 1;

and, in the case of a member of a police force of a rank higher than that of chief inspector, this paragraph shall have effect subject to any contrary agreement so far as it relates to the reckoning of previous service in that or another force, not being a force from which he was statutorily transferred to his present force.

(3) Where a member of a police force which immediately prior to 1st April 1995 was a combined police force has been a member of a police force for an area comprised in whole or in part in the combined area (hereafter in this paragraph referred to as "the former force") and—

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(1) 1945 c. 17, as read with section 11 of the Overseas Development and Co-operation Act 1980 (c. 63).  
(2) Section 53C was inserted by section 26 of the Police and Magistrates' Courts Act 1994.

- (a) he ceased to be a member of the former force and became a member of the combined force by reason only of the provisions of one or more amalgamation schemes under the 1964 Act, and
- (b) immediately before he ceased to be a member of the former force he held the rank of deputy chief constable,

then, notwithstanding anything in paragraph (1), his pay may be increased by such amount as may be approved by the Secretary of State.

(4) Nothing in this regulation shall affect the operation of any provisions of the Discipline Regulations and, in relation to a member of a police force suspended or fined thereunder the provisions of paragraphs 1 and 3 of Schedule 7 or of paragraph 4 thereof shall have effect.

(5) Paragraph (1) and Schedule 6 shall have effect in relation to a university scholar subject to the provisions of paragraph 3 of Schedule 5.

### **Temporary salary**

**40.**—(1) A member of a police force of the rank of superintendent who is required for a continuous period exceeding 7 days to perform duties normally performed by a member of the force of a higher rank than his own, otherwise (subject to paragraph (2)) than as the direct or indirect result of the absence of any member of the force on a monthly or other leave day granted under regulation 31, shall be paid in respect of that period, other than the first 7 days thereof, at a rate equal to the lowest rate of pay for that higher rank.

(2) Where any member of the force is absent for a continuous period comprising both—

- (a) monthly or other leave days granted under regulation 31, and
- (b) one or more annual leave days granted under regulation 34,

paragraph (1) shall have effect as if the entire continuous period of absence were a period of annual leave.

(3) A member of a police force below the rank of superintendent who, in any year, has been required to perform duties normally performed by a member of the force of a higher rank than his own for 14 complete days shall be paid in respect of each further complete day in that year on which he is required to perform such duties at a rate equal to the lowest rate of pay to which he would be entitled on promotion to the higher rank:

Provided that where a member is entitled to be paid under this paragraph and the higher rank is that of superintendent or above there shall be no entitlement to an allowance, or time off, under regulation 28 or 29 in respect of such duties; but where in such a case the member is required to do duty on a public holiday or rostered rest day, he shall be granted a day's leave for each such day.

(4) Where a member of a police force—

- (a) on his last scheduled working day in any year is required to perform duties normally performed by a member of the force of a higher rank than his own, and
- (b) is paid in respect of that day a temporary salary under paragraph (3), and
- (c) on his first scheduled working day of the next following year continues for the complete day to perform such duties,

he shall be paid, in respect of the day mentioned in sub-paragraph (c) and any following complete day which together therewith forms a continuous period when he is required to perform such duties, as if that day or days had formed part of the year mentioned in sub-paragraph (a):

Provided that the said day or days shall be disregarded for the purposes of the application of paragraph (3) to that member in the year mentioned in sub-paragraph (c).

(5) For the purposes of this regulation “year” means a period of 12 months beginning on 1st April.

(6) For the purposes of this regulation, “day” means, in relation to a member of a police force below the rank of superintendent, his normal daily period of duty.

### **London weighting**

**41.** The annual pay of a member of the City of London or metropolitan police force shall be increased by £1,365, but any allowance under these Regulations calculated by reference to a member’s pay, shall be calculated as if this regulation had not been made.

### **Reckoning of service in the Royal Ulster Constabulary**

**42.—**(1) Where a member of a police force joined or rejoined that force having left the Royal Ulster Constabulary, on or after 17th December 1969, for that purpose or on exercising the right of reversion conferred prior to 1st April 1995 by section 2(1) of the Police Act 1969<sup>(3)</sup> and on or after that date by section 53C of the 1964 Act<sup>(4)</sup> then, for the purposes of regulation 39, his service in any rank in the Royal Ulster Constabulary shall be treated as if it were service in the corresponding rank in the police force he joined or rejoined as aforesaid:

Provided that in the case of a member of a police force of a rank higher than that of chief inspector this paragraph shall have effect subject to any contrary agreement.

(2) A member of a police force of the rank of constable shall be entitled to reckon, for the purposes of pay for that rank, any period of service in the Royal Ulster Constabulary not reckonable under paragraph (1).

(3) In this regulation, any reference to a rank corresponding to a rank in a police force is a reference to a rank in the Royal Ulster Constabulary designated by the Secretary of State for the purposes hereof as the rank corresponding to the rank in question.

### **Reckoning by constables of service in certain constabularies**

**43.—**(1) A member of a police force of the rank of constable shall be entitled to reckon for the purposes of pay for that rank any period of service in a constabulary mentioned in paragraph (2).

(2) The constabularies referred to in paragraph (1) are—

- (a) the Ministry of Defence Police, that is to say the force established by section 1 of the Ministry of Defence of Police Act 1987<sup>(5)</sup> or, before the coming into force of that Act, comprising constables appointed under section 3 of the Special Constables Act 1923<sup>(6)</sup> on the nomination of the Defence Council or, before 1st April 1964, of the Admiralty, Army Council or Air Council;
- (b) the Port of London Authority’s police force, that is to say the force of constables appointed under section 154 of the Port of London Act 1968<sup>(7)</sup>.

### **Reckoning of service in an airport constabulary**

**44.** Where a member of an aerodrome constabulary has been transferred to a police force by an order under section 30 of the Aviation Security Act 1982<sup>(8)</sup> then, for the purposes of regulation 39, his service in any rank in that constabulary shall be treated as if it were service in the corresponding rank in a police force.

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(3) 1969 c. 63.

(4) Section 53C was inserted by section 26 of the Police and Magistrates' Courts Act 1994.

(5) 1987 c. 4.

(6) 1923 c. 11.

(7) 1968 c. xxxii.

(8) 1982 c. 36.

### Reckoning by constables of overseas police service

**45.**—(1) A member of a police force of the rank of constable shall be entitled to reckon for the purposes of pay for that rank the following periods of service, that is to say, any period of—

- (a) certified overseas police service such as is mentioned in paragraph (2);
- (b) certified service in the British South Africa Police such as is mentioned in paragraph (3);
- (c) such service in a police force in the Channel Islands or the Isle of Man as is mentioned in paragraph (4),

notwithstanding that such service is not service in the rank of constable in a police force in Great Britain.

(2) The reference in paragraph (1) to certified overseas police service is a reference to—

- (a) continuous service as a member of a police force in any territory or country outside the United Kingdom, being a colony, protectorate or protected state within the meaning of the British Nationality Act 1948<sup>(9)</sup>, a dependent territory within the meaning of the British Nationality Act 1981<sup>(10)</sup> or, where appropriate, the territory or country wherein the colony, protectorate or protected state or dependent territory was incorporated after the inception of the service, subject to it having been certified by or on behalf of the Secretary of State that—
  - (i) the service was, at its inception, pensionable, and
  - (ii) in his opinion the person concerned ceased so to serve for reasons connected with constitutional developments in the territory or country in question, or
- (b) continuous service for 6 years or more as a member of a police force outside the United Kingdom, subject to it having been certified by or on behalf of the Secretary of State that—
  - (i) the person concerned so served under a contract of service,
  - (ii) immediately before he ceased so to serve, the person concerned was, for the purposes of section 12 of the Overseas Development and Co-operation Act 1980<sup>(11)</sup>, a person designated in accordance with such an agreement as is therein mentioned, and
  - (iii) in his opinion the person concerned ceased so to serve for reasons connected with constitutional developments in the territory or country in question,

except that the said reference in paragraph (1) does not include a reference to service as a reversionary member of a home police force.

(3) The reference in paragraph (1) to certified service in the British South Africa Police is a reference to continuous service as a member thereof, for a period which included 11th November 1965, up to such time, on or after that date, as the person concerned ceased to perform duties therein, subject to his having ceased to perform those duties before 2nd March 1970 and subject to it having been certified by or on behalf of the Secretary of State that he approves the application of this regulation in the case of the person concerned.

(4) The reference in paragraph (1) to service in a police force in the Channel Islands or the Isle of Man is a reference to service in—

- (a) the Island police force maintained under the Police Force (Guernsey) Law 1986;
- (b) the States of Jersey police force maintained under the Jersey Laws entitled the Police Force (Jersey) Law 1974, or
- (c) the Isle of Man Constabulary maintained under the Police Act 1993 (an Act of Tynwald).

(5) A certificate given by or on behalf of—

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<sup>(9)</sup> 1948 c. 56.

<sup>(10)</sup> 1981 c. 61.

<sup>(11)</sup> 1980 c. 63.

- (a) the Secretary for Technical Co-operation before 27th November 1964, or
- (b) the Minister of Overseas Development on or after that date but before 12th November 1970,

shall be treated for the purposes of paragraph (2) as if it had been given by or on behalf of the Secretary of State.

### **Pay during sick leave**

**46.**—(1) Subject to paragraphs (2) and (3), if on any relevant day a member of a police force has, during the period of 12 months ending with that day been on sick leave for 183 days, he ceases for the time being to be entitled to full pay, and becomes entitled to half pay, while on sick leave.

(2) Subject to paragraph (3), if on any relevant day a member of a police force has been on sick leave for the whole of the period of 12 months ending with that day, he ceases for the time being to be entitled to any pay while on sick leave.

(3) The chief officer of police may in a particular case determine that for a specified period—

- (a) a member who is entitled to half pay while on sick leave is to receive full pay, or
- (b) a member who is not entitled to any pay while on sick leave is to receive either full pay or half pay,

and may from time to time determine to extend the period.

(4) For the purposes of this regulation a relevant day is a day after 30th August 1995 on which a member is on sick leave, and in this regulation—

- (a) references to a member's being on sick leave are references to his being absent from duty while entitled to be so, or with the consent of the police authority, under regulation 35,
- (b) references to full pay are references to pay at the rate ascertained from regulation 39(1) and, where applicable, regulation 41, and
- (c) references to half pay are references to pay at half the rate of the member's full pay.

### **Deductions from pay of social security benefits and statutory sick pay**

**47.**—(1) There shall be deducted from the pay of a member of a police force—

- (a) the amount of any sickness benefit, invalidity pension or invalidity allowance to which he is entitled under the Social Security Contributions and Benefits Act 1992<sup>(12)</sup>, and
- (b) any statutory sick pay to which he is entitled under the Social Security Contributions and Benefits Act 1992,

and for the purposes of sub-paragraph (a) above any increase for adult and child dependants shall be treated as forming part of the benefit or allowance to which it relates.

(2) For the purposes of this regulation, a policewoman who as a married woman or widow has elected to pay contributions under section 19 of the Social Security Contributions and Benefits Act 1992 at the reduced rate, shall be deemed to be entitled to any social security benefits mentioned in paragraph (1) to which she would have been entitled had she not elected to contribute at the reduced rate.

### **Calculation of monthly, weekly and daily pay**

**48.**—(1) A month's pay shall be calculated, for all purposes, at a monthly rate of pay determined by dividing by 12 the annual rate.

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(12) 1992 c. 4.

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*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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(2) A week's pay shall be calculated, for all purposes, at a weekly rate of pay determined by dividing by 52# the annual rate.

(3) A day's pay shall be calculated, except for the purposes of regulations 28 and 29, at a daily rate determined by dividing by 7 the weekly rate, determined as aforesaid.

**Pay day**

**49.**—(1) Members of a police force shall be paid at such intervals as the police authority may fix and the police authority may fix different intervals for different classes of members.

(2) In fixing the interval for any class the police authority shall have regard to the wishes of the members of that class.

(3) The police authority may, if they think fit, pay to a member such part of his pay as they may determine in advance of the day on which it would otherwise be due to be paid in accordance with this regulation.