
STATUTORY INSTRUMENTS

1995 No. 547

POLICE

The Police (Amendment) Regulations 1995

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| <i>Made</i> | - - - - | <i>3rd March 1995</i> |
| <i>Laid before Parliament</i> | | <i>10th March 1995</i> |
| <i>Coming into force:</i> | | |
| <i>except regulation 13</i> | | <i>1st April 1995</i> |
| <i>regulation 13</i> | | <i>13th April 1995</i> |

The Secretary of State, in exercise of the powers conferred upon him by section 33 of the Police Act 1964(1), and after satisfying the requirements in section 46(3) 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 those Boards, hereby makes the following Regulations:

Citation, commencement and interpretation

- 1.—(1) These Regulations may be cited as the Police (Amendment) Regulations 1995.
- (2) These Regulations, except regulation 13, shall come into force on 1st April 1995 but regulation 15(6) shall have effect from 1st September 1994.
- (3) Regulation 13 shall come into force on 13th April 1995.
- (4) In these Regulations “the principal Regulations” means the Police Regulations 1995(3).

Ranks

- 2.—(1) At the end of regulation 6(2), there shall be added “but those ranks shall include commander”.
- (2) In regulation 6(6) the words from “for all” to the end are hereby revoked.

(1) 1964 c. 48; section 33 was amended by the Police and Magistrates' Courts Act 1994 (c. 29), section 18, and those amendments (except new section 33(3)) have been brought into force by S.I.1994/2025.

(2) 1980 c. 10.

(3) S.I. 1995/215.

Part-time appointments

3. In regulation 7(1) of the principal Regulations, the words “and with the approval of the Secretary of State” and “specified in the approval” are hereby revoked.

Beats, sections, sub-divisions and divisions

4. In regulation 8 of the principal Regulations for the words “chief superintendent” there shall be substituted “superintendent”.

Appointment of chief constable

5. For regulation 13 of the principal Regulations, there shall be substituted:

“Appointment of chief constable

13.—(1) Subject to section 5A(1) of the Police Act 1964(4) and regulations 11 and 12, no person shall be appointed as chief constable of a police force unless for a period of not less than two years he holds or has held the rank of assistant chief constable or above—

- (a) in some other police force;
- (b) whilst engaged on relevant service within the meaning of section 53C(1) of the Police Act 1964(5); or
- (c) partly in one of the capacities described in paragraphs (a) and (b) above and partly in another.

(2) In its application to the metropolitan police force and the City of London police force, paragraph (1) shall have effect as if the reference to assistant chief constable was to commander.”.

Fixed term appointments for certain ranks

6. After regulation 13 of the principal Regulations, there shall be inserted the following regulations:

“Fixed term appointments for certain ranks

13A.—(1) This regulation applies to every appointment on or after 1st April 1995 of a person to the rank of—

- (a) chief constable or assistant chief constable of a police force maintained under section 2 of the Police Act 1964(6), and
- (b) commander in the metropolitan police force and the City of London police force.

(2) Where it is proposed to vary by agreement the conditions of service of a person who on 1st April 1995 holds one of the ranks specified in paragraph (1) above indefinitely so that he holds that rank instead for a fixed term—

- (a) that term shall be for a period authorised by paragraph (3) or, as the case may be, paragraph (4); and
- (b) this regulation shall apply to such a variation as it applies to an appointment and as if the variation was an appointment.

(4) Section 5A(1) was inserted by section 5 of the Police and Magistrates' Courts Act 1994 (c. 29).

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

(6) Section 2 was substituted by section 2 of the Police and Magistrates' Courts Act 1994.

(3) Subject to paragraphs (5) to (9), an appointment to the rank of chief constable shall be for a term of not less than four years and not more than seven years.

(4) Subject to paragraphs (5) to (9), an appointment to the rank of assistant chief constable or commander shall be for a term of not less than four years and not more than either—

(a) ten years, or

(b) a period expiring with the date on which the person appointed reaches minimum retirement age or, if that period is less than four years, four years,

whichever of the periods in sub-paragraphs (a) and (b) is the shorter.

(5) The term of an appointment to which this regulation applies may be for a period of less than four years with the consent of the Secretary of State.

(6) The term of an appointment to which this regulation applies may, with the consent of the Secretary of State, be extended by agreement for a single period not exceeding one year where the extension cannot be made under paragraph (7) and, in the opinion of the Secretary of State, the particular circumstances in which such an extension is sought are such as to justify it.

(7) The term of an appointment to which this regulation applies may be extended by agreement for a period or periods up to the time when the person appointed—

(a) has completed 30 years' pensionable service for the purposes of the Police Pensions Regulations 1987(7), or

(b) has completed 25 years' pensionable service for those purposes and has attained the age of 50,

whichever is the earlier.

(8) Subject to paragraph (10) where the term of appointment of a person who—

(a) has been appointed under this regulation, and

(b) is subsequently engaged on relevant service within the meaning of section 53C(1) of the Police Act 1964,

would otherwise expire whilst he is so engaged, that term shall expire one day after the end of the period of relevant service.

(9) This regulation is without prejudice to any provision whereby a term of appointment comes to an end on promotion, dismissal or transfer to another police force and to regulation 16(1) and (2) (retirement) and the provisions referred to in regulation 16(3).

(10) Paragraph (8) shall not apply where the exception specified in section 53C(3) of the Police Act 1964 applies.

(11) A person does not cease to be eligible for an appointment to which this regulation applies by reason only of the fact that he has completed an appointment for a term determined in accordance with this regulation.

(12) In this regulation “minimum retirement age” means—

(a) in the case of a person who, on attaining the age of 55, will be entitled to reckon not less than 25 years' pensionable service for the purposes of the Police Pensions Regulations 1987, that age; or

(b) in the case of a person who, on attaining that age, will not be entitled to reckon 25 years' pensionable service for the purposes of those Regulations, the age at

which he will be so entitled or the age at which he will be required to retire under regulation A18(1) of those Regulations, whichever is the earlier.

(13) For the purposes of determining an entitlement under paragraph (12), an election under regulation G4 of the Police Pensions Regulations 1987⁽⁸⁾ (election not to pay pension contributions) shall be disregarded.

(14) Paragraph (12) shall have effect as if regulation A18(1) of the Police Pensions Regulations 1987 provided that the compulsory retirement age of a commander in the City of London police force was 65 years.

Requirement to advertise vacancies in certain ranks

13B.—(1) Subject to paragraph (4), where on or after 1st April 1995, a vacancy exists in one of the ranks specified in regulation 13A(1)(a) and (b), a notice of the vacancy which complies with paragraph (2) shall be published by the relevant authority.

(2) The notice referred to in paragraph (1) must—

- (a) invite applications to fill the vacancy;
- (b) be published in—
 - (i) not less than one newspaper, or
 - (ii) not less than one journal which deals with police matters, circulating throughout England and Wales; and
- (c) specify the date, which shall not be less than three weeks after the date of the publication of the notice, by which applications must be made.

(3) Subject to paragraph (4), no appointment shall be made to fill a vacancy in one of the ranks specified in regulation 13A(1)(a) and (b) until after the date specified in accordance with paragraph (2)(c) in a notice in respect of that vacancy.

(4) Paragraphs (1) and (3) shall not apply where—

- (a) the term of appointment of the person who currently holds the rank in which the vacancy would otherwise occur is extended under regulation 13A(6) or (7), or
- (b) that person is appointed for a further term and the conditions set out in paragraph (5) below are satisfied.

(5) The conditions referred to in paragraph (4) are that—

- (a) the person who currently holds the rank in which the vacancy would otherwise occur does so by virtue of an appointment under regulation 13A;
- (b) the relevant appointment of that person was for a term which was less than the maximum term authorised in respect of that person by paragraph (3) or, as the case may be, (4) of regulation 13A; and
- (c) the term for which it is proposed to appoint that person (and for which that person is subsequently appointed) is such that, when taken together with—
 - (i) the term for which he was appointed by the relevant appointment, and
 - (ii) the term for which he was appointed by any subsequent appointment,
 the terms in total do not exceed the maximum term of appointment to which he could have been appointed at the time of the relevant appointment under paragraph (3) or, as the case may be, (4) of regulation 13A.

(6) In paragraph (5) “relevant appointment” means—

⁽⁸⁾ Regulation G4 was inserted by S.I. 1990/805.

- (a) an appointment made under regulation 13A after the procedures required by paragraphs (1) and (3) of this regulation have been complied with; or
 - (b) a variation in the conditions of service in accordance with regulation 13A(2).
- (7) In this regulation “the relevant authority” means—
- (a) in the case of the ranks specified in regulation 13A(1)(a), the police authority for the force in question;
 - (b) in the case of the ranks specified in regulation 13A(1)(b), the Commissioner of Police of the Metropolis or, as the case may be, the Commissioner of the City of London police.”

Probationary service in the rank of constable

7. In paragraphs (2) and (3) of regulation 14 of the principal Regulations, the words “, with the approval of the Secretary of State,” are hereby revoked.

Retirement

8. For regulation 16(2) of the principal Regulations there shall be substituted:

“(2) Paragraph (1) shall apply to the Commissioner and an Assistant Commissioner of Police of the Metropolis as it applies to a member of a police force and in the case of a chief officer of police, Assistant Commissioner of Police of the Metropolis, commander in the City of London or metropolitan police force or assistant chief constable, paragraph (1) shall have effect as if—

- (a) for “one month's” there is substituted “three months”; and
- (b) for “chief officer of police” there is substituted “police authority”.”.

Variable shift arrangements

9. In regulation 26(2) of the principal Regulations the words “, if he has obtained the consent of the Secretary of State to his doing so,” are hereby revoked.

Overtime

10.—(1) Regulation 28 of the principal Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1) after the word “force” there shall be inserted “below the rank of inspector”.

(3) In paragraph (3) for the words from the beginning to “subject to paragraph (6),” there shall be substituted “Subject to paragraphs (4) and (6), a member of a police force below the rank of inspector shall”.

(4) In paragraph (8) after the definition of “member recalled to duty” there shall be inserted—
““normal daily period of duty” shall be construed in accordance with regulation 24;”.

Public holidays and rest days for ranks below inspector

11. In regulation 29(9)(e) of the principal Regulations the words “in paragraph (2)” are hereby revoked.

Rate of pay

12. Paragraph (3) of regulation 39 is hereby revoked.

Deductions from pay of social security benefits and statutory sick pay

13. In regulation 47(1)(a) of the principal Regulations for the words from “sickness benefit” to “1992(a)” there shall be substituted “short-term or long-term incapacity benefit to which he is entitled under the Social Security (Incapacity for Work) Act 1994(9)”.

Modification for part-time service

14.—(1) In the modifications made by paragraph 2(b) of Schedule 1 to the principal Regulations the words “, with approval of the Secretary of State,” are hereby revoked.

(2) In regulation 28(1), as substituted by paragraph 6 of that Schedule, for the words “to whom regulation 24 applies” there shall be substituted “below the rank of inspector”.

Determination of pay

15.—(1) Schedule 6 to the principal Regulations shall be amended in accordance with paragraphs (2) to (9).

(2) In paragraph 1(2) (pay points for superintendents and chief superintendents), the words “and chief superintendents” are hereby revoked.

(3) In paragraph 1(3) (pay categories for superintendents and chief superintendents)—

- (a) the words “and chief superintendents” are hereby revoked;
- (b) for pay categories F to I there shall be substituted:

“F The member is a superintendent—

- (a) whose pay category would otherwise be C, D or E, but who has been assigned by the chief officer of police to this category, or
- (b) who was a chief superintendent on 31st August 1994, but since his promotion to that rank has not completed one year’s service (including subsequent service as a superintendent), or
- (c) who was appointed in the rank of superintendent after 31st August 1994 and has completed one year’s service in it at pay category E, or
- (d) who has completed one or more year’s service in this pay category and who does not qualify for pay category G, H or I.

G The member is a superintendent—

- (a) whose pay category would otherwise be C, D, E or F, but who has been assigned by the chief officer of police to this category, or
- (b) who was chief superintendent on 31st August 1994 and, since his promotion to that rank, has completed one year’s service (including subsequent service as a superintendent), or
- (c) who has been assigned to pay category F by virtue of a decision under paragraph (a) of the description of that category and who has completed one year’s service at that pay category, or
- (d) who has completed one or more year’s service in this pay category and who does not qualify for pay category H or I.

H The member is a superintendent—

- (a) whose pay category would otherwise be C, D, E, F or G, but who has been assigned by the chief officer of police to this category, or

- (b) who was a chief superintendent on 31st August 1994 and, since his promotion to that rank, has completed two years' service (including subsequent service as a superintendent), or
- (c) who has been assigned to pay category G by virtue of a decision under paragraph (a) of the description of that category and who has completed one year's service at that pay category, or
- (d) who has completed one or more year's service in this pay category and who does not qualify for pay category I.

I The member is a superintendent—

- (a) whose pay category would otherwise be H but who has been assigned by the chief officer of police to this category, or
- (b) who was a chief superintendent on 31st August 1994 and, since his promotion to that rank, has completed three or more years' service (including subsequent service as a superintendent), or
- (c) who has been assigned to pay category H by virtue of a decision under paragraph (a) of the description of that category and who has completed one year's service at that pay category, or
- (d) who has completed one or more year's service in this pay category.”.

(4) In paragraph 1(5) (pay categories for inspectors and chief inspectors) before the words “paragraph 1(8)”, in every place where they occur, there shall be inserted “the revoked”.

(5) In paragraph 1(5) (pay categories for inspectors and chief inspectors) at the end of pay category G, there shall be added—

“or

- (d) who has completed one or more year's service in this pay category and who does not qualify for pay category H or I.”.

(6) In paragraph 1(5) (pay categories for inspectors and chief inspectors), for pay categories H and I there shall be substituted—

“**H** The member is a chief inspector who held that rank on 31st August 1994 and—

- (a) who has completed three years' service in that rank, or
- (b) to whom on that date the revoked paragraph 1(8) applied and who has completed two, but not three, years' service in that rank.

I The member is a chief inspector who held that rank on 31st August 1994 and—

- (a) who has completed four or more years' service in that rank, or
- (b) to whom on that date the revoked paragraph 1(8) applied and who has completed three, but not four, years' service in that rank.”.

(7) In paragraph 1(10) before the words “paragraph 1(8)”, in the first place where they occur, there shall be inserted “the revoked”.

(8) In paragraph 2(1) (transitional provision for certain chief superintendents) for the words from “immediately” to “£8,703”, there shall be substituted—

“a member of a police force—

- (a) holds the rank of superintendent, and
- (b) immediately before 1st September 1978 held the rank of chief superintendent with an annual pay greater than £8,703.”.

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

(9) For paragraph 2(3) and (4) (transitional provision for certain superintendents and chief superintendents) there shall be substituted—

“(3) Where a member of the City of London or metropolitan police force—

(a) holds the rank of superintendent, and

(b) has held that rank or that of chief superintendent in one or other of those forces at all times since 1st September 1985,

his annual pay determined in accordance with paragraph 1 shall be increased by £474.”.

Home Office
3rd March 1995

David Maclean
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which apply in England and Wales) amend the Police Regulations 1995 (“the principal Regulations”).

Regulation 5 of these Regulations replaces the qualifications set out in the principal Regulations for appointment as chief constable. These include a reference to service as a commander in the metropolitan police force and regulation 2(1) amends regulation 6 of the principal Regulations to require the ranks in that force to include that of commander.

Regulation 6 of these Regulations inserts two regulations into the principal Regulations. New regulation 13A requires appointments on or after 1st April 1995 to the rank of chief constable and assistant chief constable in provincial forces and commander in the metropolitan and City of London police forces to be for a fixed term determined in accordance with that regulation. It also makes provision requiring those who hold those ranks on 1st April 1995 on an indefinite basis and who transfer to a fixed term appointment to do so in accordance with that regulation. New regulation 13B requires any vacancy in such a rank occurring on or after 1st April 1995 to be advertised in accordance with regulation 13B(2) except in the circumstances set out in regulation 13B(4) and (5).

Regulations 3, 7, 9 and 14(1) remove various requirements in the principal Regulations for the approval or consent of the Secretary of State.

Regulations 2(2) and 4 and some of regulation 15 make amendments to the principal Regulations consequent on the abolition of the rank of chief superintendent as from 1st April 1995 by regulation 6(5) of those Regulations. Regulation 12 revokes a provision in the principal Regulations which becomes redundant on the coming into force on 1st April 1995 of the abolition of the rank of deputy chief constable.

Regulations 8, 10, 11 and 14(2) and the remainder of regulation 15 make minor drafting changes or changes consequent on amendments made by regulations revoked by the principal Regulations. By virtue of regulation 1(2), regulation 15(6) has effect from 1st September 1994. Retrospection is authorised by section 33(4) of the Police Act 1964.

Regulation 13 makes a change consequent on the changes made by the Social Security (Incapacity for Work) Act 1994.