

2002 No. 3162

POLICE, ENGLAND AND WALES

The Police (Amendment) (No. 3) Regulations 2002

<i>Made</i> - - - -	<i>18th December 2002</i>
<i>Laid before Parliament</i>	<i>19th December 2002</i>
<i>Coming into force</i>	<i>3rd February 2003</i>

The Secretary of State, in exercise of the powers conferred on him by section 50 of the Police Act 1996^(a), having supplied a draft of these Regulations to the Police Advisory Board for England and Wales and taking into consideration their representations in accordance with section 63(3) of the Act, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police (Amendment) (No. 3) Regulations 2002 and shall come into force on 3rd February 2003.

(2) These Regulations extend to England and Wales.

Amendments to the Police Regulations 1995

2.—(1) Regulation 12 of the Police Regulations 1995^(b) shall be amended as follows.

(2) There shall be inserted before paragraph (1)(a):

“(aa) must, if not a national of a State which is a Contracting Party^(c) to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992^(d) as adjusted by the Protocol signed at Brussels on 17th March 1993^(e), have leave to enter or remain in the United Kingdom for an indefinite period;”.

(3) There shall be substituted for paragraph (1)(d):

“(d) must, if a candidate for appointment in the rank of constable, satisfy the chief officer of police that he is sufficiently competent in written and spoken English, and sufficiently numerate, by passing such assessments in written and spoken English, and numeracy, as may be determined by the Secretary of State;”.

^(a) 1996 c.16.

^(b) S.I. 1995/215.

^(c) The current members of the European Economic Area are Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, The Netherlands, Norway, Portugal, Spain, Sweden and the United Kingdom.

^(d) OJ No. L1, 3.1.94, p.3.

^(e) OJ No. L1, 3.1.94, p.571.

3.—(1) Regulation 13B(4) of the Police Regulations 1995^(a) shall be amended as follows.

(2) For the words “regulation 13A(6) or (7)” in sub-paragraph (a) there shall be substituted “regulation 13A(5A), (5B), (6) or (7)”.

Home Office
18th December 2002

John Denham
Minister of State

^(a) Regulation 13B was inserted by S.I. 1995/547; the relevant amending instrument is S.I. 2001/3888.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Regulations 1995 (“the 1995 Regulations”).

Section 82 of the Police Reform Act 2002 (c. 30) (“the 2002 Act”) removes the restrictions on the nationality of persons who could be appointed to a police force. Section 82(4) of the 2002 Act obliged the Secretary of State to make regulations dealing with requirements in respect of a candidate for appointment’s competence in written and spoken English and immigration status.

Regulation 12 of the 1995 Regulations sets out the qualifications for appointment to a police force. These Regulations amend regulation 12 by requiring candidates for appointment to pass assessments in written and spoken English, and numeracy. The assessments are determined by the Secretary of State. Candidates who are not nationals of a member state of the European Economic Area must have indefinite leave to enter or remain in the United Kingdom.

Regulation 13B is amended to remove the requirement to advertise vacancies in senior ranks where the post is filled by the extension, under regulation 13A(5A) or (5B), of the post-holder’s appointment.

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