

2002 No. 3180

POLICE, ENGLAND & WALES

The Special Constables (Amendment) 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>Regulation 2(2)</i>	<i>3rd February 2003</i>
<i>Remainder</i>	<i>10th January 2003</i>

In exercise of the powers conferred on him by sections 50(7) and 51 of the Police Act 1996(a), the Secretary of State hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Special Constables (Amendment) Regulations 2002.

(2) Regulation 2(2) shall come into force on 3rd February 2003 and all other provisions shall come into force on 10th January 2003.

(3) These Regulations extend to England and Wales.

Amendments to the Special Constables Regulations 1965

2.—(1) The Special Constables Regulations 1965(b) are hereby amended as follows.

(2) For regulation 1 substitute—

“Qualifications for appointment

1. A candidate for appointment as a special constable—

(a) 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;

(b) must 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 chief officer of police;

(a) 1996 c.16; section 51 was amended by section 128(1) of the Police Act 1997 (c.50). By virtue of section 51(4), section 50(7) applies to regulations made under section 51.

(b) S.I. 1965/536. Following consolidation of section 34 of the Police Act 1964 (c.48), the Regulations have effect as if made under section 51 of the Police Act 1996.

(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.

- (c) must have attained the age of 18½ years;
- (d) must be of good character;
- (e) must be in good health.”.

(3) For regulation 5A(a) substitute—

“Special Constables’ Allowance

5A.—(1) A police authority may, following a recommendation of the chief officer of police and with the approval of the Secretary of State, undertake to make payments (referred to in this regulation as a Special Constables’ Allowance) at a rate set by the police authority to all or any number of special constables appointed for their area.

(2) An approval given for the purposes of this regulation may be withdrawn with effect from the date three months after notice of that approval has been given to the police authority.

(3) The withdrawal of an approval does not affect rights acquired and obligations incurred, whether prospectively or otherwise, in respect of any period before the date from which the withdrawal takes effect.

(4) Different rates of Special Constables’ Allowance may be paid under this regulation to different special constables appointed within a police area.”.

(4) Omit Schedule 2(b).

Revocation

3. The Special Constables (Amendment) Regulations 1992(c) are hereby revoked.

Home Office
18th December 2002

John Denham
Minister of State

(a) Regulation 5A was inserted by S.I. 1992/1526.
(b) Schedule 2 was inserted by S.I. 1992/1526.
(c) S.I. 1992/1526.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Special Constables Regulations 1965 (“the 1965 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 as a special constable. 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 1 of the 1965 Regulations sets out the qualifications for appointment as a special constable. Regulation 2(2) of these Regulations substitutes a new regulation 1 by requiring candidates for appointment to pass assessments in written and spoken English, and numeracy. The assessments are determined by the chief officer of police. 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. The minimum age for appointment as a special constable is raised from 18 years to 18½ years to be consistent with the minimum age for appointment as a regular constable.

Regulation 2(3) allows for a Special Constables’ Allowance, which can be determined by the police authority following a recommendation from the chief officer of police and with the Secretary of State’s approval, to be paid to special constables appointed for the authority’s area. This replaces the bounty scheme for special constables established by the Special Constables (Amendment) Regulations 1992, which are revoked by regulation 3.

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