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*Status: Point in time view as at 19/09/2006.*

*Changes to legislation: There are currently no known outstanding effects for the The Police Regulations 2003. (See end of Document for details)*

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## STATUTORY INSTRUMENTS

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**2003 No. 527**

# **POLICE, ENGLAND & WALES**

## **The Police Regulations 2003**

<i>Made</i>	- - - -	<i>5th March 2003</i>
<i>Laid before Parliament</i>		<i>10th March 2003</i>
<i>Coming into force</i>	- -	<i>1st April 2003</i>

The Secretary of State, in exercise of the powers conferred on him by section 50 of the Police Act 1996 <sup>M1</sup> and section 405 of the Greater London Authority Act 1999 <sup>M2</sup>, and after taking into consideration the recommendations of the Police Negotiating Board and supplying that Board with a draft of these Regulations in accordance with section 62(1) of the Police Act 1996, and after supplying 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 Police Act 1996, hereby makes the following Regulations:

### **Marginal Citations**

- M1** 1996 c. 16; there are amendments to section 50 which are not relevant to these Regulations.  
**M2** 1999 c. 29.

## **PART 1** **E+W**

### **COMMENCEMENT AND INTERPRETATION**

#### **Citation, commencement and extent** **E+W**

1.—(1) These Regulations may be cited as the Police Regulations 2003 and shall come into force on 1st April 2003.

(2) These Regulations extend to England and Wales.

#### **References to transfers** **E+W**

2.—(1) A reference in these Regulations to a member of a police force voluntarily transferring from one force to another shall be construed as a reference to such a member leaving a force for the purpose of joining another force and joining that other force, where he left the force first mentioned

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in this regulation on or after 1st January 1963 for that purpose with, in the case of the chief officer, the consent of the police authority.

(2) Except where the context otherwise requires, a reference in these Regulations to a member of a police force being statutorily transferred from one force to another shall be construed as a reference to such a member being transferred—

- (a) by or under the Local Government Act 1933 <sup>M3</sup>, the Police Act 1946 <sup>M4</sup>, the Local Government Act 1958 <sup>M5</sup>, the London Government Act 1963 <sup>M6</sup>, the Police Act 1964 <sup>M7</sup> (including that Act as amended by the Police and Magistrates' Courts Act 1994 <sup>M8</sup>), the Local Government Act 1972 <sup>M9</sup>, the Local Government Act 1992 <sup>M10</sup> or the Police Act 1996;
- (b) in the case of a person who was a member of the River Tyne police force, under the Harbours Act 1964 <sup>M11</sup>.

(3) A reference in these Regulations to a member of a police force transferring from one force to another shall be construed as a reference to his either voluntarily so transferring or being statutorily so transferred.

#### Marginal Citations

<b>M3</b>	1933 c. 51.
<b>M4</b>	1946 c. 46.
<b>M5</b>	1958 c. 55.
<b>M6</b>	1963 c. 33.
<b>M7</b>	1964 c. 48.
<b>M8</b>	1994 c. 29. The relevant amendment is made by section 14 of the 1994 Act.
<b>M9</b>	1972 c. 70.
<b>M10</b>	1992 c. 19.
<b>M11</b>	1964 c. 40.

#### Interpretation **E+W**

3.—(1) In these Regulations—

“Act” means the Police Act 1996;

“British Transport Police Force” means the force of constables appointed under section 53 of the British Transport Commission Act 1949 <sup>M12</sup>;

“central police officer” has the same meaning as in the Police Pensions Regulations;

“chief officer” means chief officer of police;

“Conduct Regulations” means the regulations relating to conduct from time to time in force under section 50 of the Act <sup>F1</sup>...;

“maternity leave” means leave taken in accordance with a determination under regulation 33(7);

“member of a police force” includes such a member who is suspended under the Conduct Regulations;

“pensionable service” has the same meaning as in the Police Pensions Regulations;

“Police Pensions Regulations” means the regulations from time to time in force under the Police Pensions Act 1976 <sup>M13</sup>;

“Promotion Regulations” means the regulations relating to qualification and selection for promotion from time to time in force under section 50 of the Act <sup>F2</sup> ...;

“public holiday” means Christmas Day, the 26th December (if it falls on a Saturday or a Sunday), the 1st January (if it so falls), Good Friday or a bank 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 64 of the Act;

“reversionary member of a home police force” has the same meaning as in the Police Pensions Regulations;

“university scholar” means a member of a police force on a course of university study nominated by the Secretary of State or by the police authority maintaining the police force of which he is a member following arrangements approved by the Secretary of State.

(2) In these Regulations, a reference to a police force shall include a reference to the [<sup>F3F4</sup> ... Police Service of Northern Ireland] and a police force maintained under the Police (Scotland) Act 1967 <sup>M14</sup>, so, however, that nothing in these Regulations shall be construed as relating to the government, administration or conditions of service of the Police Service of Northern Ireland or such a force.

<sup>F5</sup>(2A) .....

<sup>F6</sup>(2B) .....

<sup>F7</sup>(2C) .....

(3) In these Regulations a reference to an aerodrome constabulary is a reference to such a constabulary within the meaning of the Aviation Security Act 1982 <sup>M15</sup>, and a reference to a rank in such a constabulary corresponding to a rank in a police force is a reference to a rank in that constabulary designated for the purposes hereof by the Secretary of State as the rank corresponding to the rank in question.

(4) Nothing in these Regulations shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.

**Textual Amendments**

- F1** Words in reg. 3(1) revoked (1.4.2006) by The Serious Organised Crime and Police Act 2005 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2006 (S.I. 2006/594), art. 1, **Sch. para. 34(2)(a)**
- F2** Words in reg. 3(1) revoked (1.4.2006) by The Serious Organised Crime and Police Act 2005 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2006 (S.I. 2006/594), art. 1, **Sch. para. 34(2)(b)**
- F3** Words in reg. 3(2) substituted (15.11.2003) by The Police (Amendment) Regulations 2003 (S.I. 2003/2594), regs. 1(1), **2(3)**
- F4** Words in reg. 3(2) revoked (1.4.2006) by The Serious Organised Crime and Police Act 2005 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2006 (S.I. 2006/594), art. 1, **Sch. para. 34(2)(c)**
- F5** Reg. 3(2A) revoked (1.4.2006) by The Serious Organised Crime and Police Act 2005 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2006 (S.I. 2006/594), art. 1, **Sch. para. 34(2)(d)**
- F6** Reg. 3(2B) revoked (1.4.2006) by The Serious Organised Crime and Police Act 2005 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2006 (S.I. 2006/594), art. 1, **Sch. para. 34(2)(d)**
- F7** Reg. 3(2C) revoked (1.4.2006) by The Serious Organised Crime and Police Act 2005 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2006 (S.I. 2006/594), art. 1, **Sch. para. 34(2)(d)**

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**Marginal Citations**

- M12** 1949 c. xxiv.
- M13** 1976 c. 35.
- M14** 1967 c. 77.
- M15** 1982 c. 36.

**PART 2 E+W**

**GOVERNMENT**

**Ranks E+W**

4.—(1) Subject to paragraphs [<sup>F8</sup>(2) and (3)], the ranks of a police force shall be known by the following designations—

- Chief Constable;
- Deputy Chief Constable;
- Assistant Chief Constable;
- Chief Superintendent;
- Superintendent;
- Chief Inspector;
- Inspector;
- Sergeant;
- Constable.

(2) In its application to the metropolitan police force, paragraph (1) shall have effect as if—

- (a) the references to Chief Constable, Deputy Chief Constable and Assistant Chief Constable were omitted; and
- (b) there were references to Commissioner, Deputy Commissioner, Assistant Commissioner and Deputy Assistant Commissioner of Police of the Metropolis and to Commander.

(3) In its application to the City of London police force (in respect of which a Commissioner of the City of London Police is appointed under the Acts relating to that force) paragraph (1) shall have effect as if—

- (a) the references to Chief Constable, Deputy Chief Constable and Assistant Chief Constable were omitted; and
- (b) there were references to Assistant Commissioner and Commander.

<sup>F9</sup>(4) .....

**Textual Amendments**

- F8** Words in reg. 4(1) substituted (1.4.2006) by [The Serious Organised Crime and Police Act 2005 \(Consequential and Supplementary Amendments to Secondary Legislation\) Order 2006 \(S.I. 2006/594\)](#), art. 1, [Sch. para. 34\(3\)](#)
- F9** Reg. 4(4) revoked (1.4.2006) by [The Serious Organised Crime and Police Act 2005 \(Consequential and Supplementary Amendments to Secondary Legislation\) Order 2006 \(S.I. 2006/594\)](#), art. 1, [Sch. para. 34\(2\)\(e\)](#)

**Part-time appointments** **E+W**

5.—(1) <sup>F10</sup> ... A chief officer may, after consultation with local representatives of the representative bodies, appoint persons to perform part-time service in any rank.

(2) In these Regulations a person appointed to perform part-time service includes a person appointed to share a job with another person.

(3) A person appointed to perform part-time service may not be appointed to serve as a full-time member without his consent.

(4) A person appointed to perform part-time service immediately after serving as a full-time member may give notice in writing of his intention to be re-appointed as a full-time member and shall be so appointed—

- (a) within one month of the date the notice is received by the police authority, where the authority has a suitable vacancy, or
- (b) except where sub-paragraph (a) applies, when 3 months have elapsed since the day the notice was received, or from an earlier date if reasonably practicable.

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

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

(7) In relation to persons appointed under this regulation to perform part-time service:

- (a) regulation 12 has effect as if the words “, other than such a member who transferred to the force from another police force having completed the required period of probation therein,” were omitted; and
- (b) regulation 25 has effect as if—
  - (i) in paragraph (1) for all the words after “compensated in respect of time” there were substituted “spent on duty in excess of such period as the Secretary of State may determine”; and
  - (ii) paragraph (2) were omitted.

<sup>F11</sup>(8) .....

**Textual Amendments**

**F10** Words in reg. 5(1) revoked (1.4.2006) by [The Serious Organised Crime and Police Act 2005 \(Consequential and Supplementary Amendments to Secondary Legislation\) Order 2006 \(S.I. 2006/594\)](#), art. 1, **Sch. para. 34(2)(f)**

**F11** Reg. 5(8) revoked (1.4.2006) by [The Serious Organised Crime and Police Act 2005 \(Consequential and Supplementary Amendments to Secondary Legislation\) Order 2006 \(S.I. 2006/594\)](#), art. 1, **Sch. para. 34(2)(g)**

**Restrictions on the private life of members** **E+W**

6.—(1) The restrictions on private life contained in Schedule 1 shall apply to all members of a police force.

(2) No restrictions other than those designed to secure the proper exercise of the functions of a constable shall be imposed by the police authority or the chief officer on the private life of members of a police force except—

- (a) such as may temporarily be necessary, or

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(b) such as may be approved by the Secretary of State after consultation with the Police Advisory Board for England and Wales.

(3) Any restriction temporarily imposed under paragraph (2) shall be reported forthwith to the Secretary of State.

#### **Business interests incompatible with membership of a police force** **E+W**

7.—(1) If a member of a police force or a relative included in his family proposes to have, or has, a business interest within the meaning of this regulation, the member shall forthwith give written notice of that interest to the chief officer unless that business interest was disclosed at the time of his appointment as a member of the force.

(2) On receipt of a notice given under paragraph (1), the chief officer shall determine whether or not the interest in question is compatible with the member concerned remaining a member of the force and, within 28 days of the receipt of that notice, shall notify the member in writing of his decision.

(3) Within 10 days of being notified of the chief officer's decision as aforesaid, or within such longer period as the police authority may in all the circumstances allow, the member concerned may appeal to the police authority against that decision by sending written notice of his appeal to the police authority.

(4) Upon receipt of such notice, the police authority shall forthwith require the chief officer to submit to them, within the next following 10 days, a notice setting out the reasons for his decision and copies of any documents on which he relies in support of that decision; and the police authority shall send to the member concerned copies of such notice and documents and shall afford him a reasonable opportunity, being in no case less than 14 days, to comment thereon.

(5) Where a member of a police force has appealed to the police authority under paragraph (3) the police authority shall, within 28 days of receiving his comments on the notice and any other documents submitted by the chief officer under paragraph (4), or of the expiration of the period afforded for making comments if none have by then been received, give him written notice of their determination of the appeal but, where they have upheld the decision of the chief officer and, within 10 days of being so notified or within such longer period as the police authority may in all the circumstances allow, the member makes written request to the police authority for the reference of the matter to the Secretary of State, the matter shall be so referred and, unless and until the determination of the police authority is confirmed by the Secretary of State, it shall be of no effect and in particular, no action in pursuance thereof shall be taken under paragraph (6).

(6) Where a member of a police force, or a relative included in his family, has a business interest within the meaning of this regulation which the chief officer has determined, under paragraph (2), to be incompatible with his remaining a member of the force and either the member has not appealed against that decision under paragraph (3) or, subject to paragraph (5), on such appeal, the police authority has upheld that decision, then, the chief officer may, subject to the approval of the police authority, dispense with the services of that member; and before giving such approval, the police authority shall give the member concerned an opportunity to make representations and shall consider any representations so made.

#### **Business interests: supplementary** **E+W**

8.—(1) For the purposes of regulation 7, a member of a police force or, as the case may be, a relative included in his family, shall have a business interest if—

(a) the member holds any office or employment for hire or gain (otherwise than as a member of a police force) or carries on any business;

- (b) a shop is kept or a like business carried on by the member’s spouse (not being separated from him) at any premises in the area of the police force in question or by any relative included in his family at the premises at which he resides; or
- (c) the member, his spouse (not being separated from him) or any relative included in his family living with him holds, or possesses a pecuniary interest in, any such licence or permit as is mentioned in paragraph (2);

and a reference to a relative included in a member’s family shall include a reference to his spouse, parent, son, daughter, brother or sister.

(2) The licence or permit referred to in paragraph (1)(c) is a licence or permit granted in pursuance of the law relating to liquor licensing, refreshment houses or betting and gaming or regulating places of entertainment in the area of the police force in question.

(3) If a member of a police force or a relative included in his family has a business interest within the meaning of regulation 7 and, on that interest being notified or disclosed as mentioned in regulation 7(1), the chief officer has, by written notice, required the member to furnish particulars of such changes in that interest, as respects its nature, extent or otherwise, as may be mentioned in the notice then, in the event of any such change in that interest being proposed or occurring, regulation 7 shall have effect as though the changed interest were a newly proposed, or newly acquired, interest which has not been notified or disclosed as aforesaid.

(4) In its application to a chief constable, deputy chief constable or assistant chief constable, regulation 7 and this regulation shall have effect as if—

- (a) for any reference therein to the chief officer there were substituted a reference to the police authority;
- (b) for any reference in regulation 7(3), (5) or (6) to an appeal there were substituted a reference to a request for reconsideration; and
- (c) the references in regulation 7(6) to the approval of the police authority were omitted;

but a police authority shall not dispense with the services of a chief constable, deputy chief constable or assistant chief constable under regulation 7 without giving him an opportunity of making representations and shall consider any representations so made.

(5) In its application to a member of the metropolitan police force, regulation 7 and this regulation shall have effect as if for any reference to the chief officer there were substituted a reference to an assistant commissioner of police of the metropolis; except that nothing in this paragraph shall affect the power of the commissioner, subject to the approval of the police authority, to dispense with the services of a member of the metropolitan police force in pursuance of regulation 7(6).

<sup>F12</sup>(6) .....

**Textual Amendments**

**F12** Reg. 8(6) revoked (1.4.2006) by [The Serious Organised Crime and Police Act 2005 \(Consequential and Supplementary Amendments to Secondary Legislation\) Order 2006 \(S.I. 2006/594\)](#), art. 1, [Sch. para. 34\(2\)\(h\)](#)

**Business interests precluding appointment to a police force** E+W

9.—(1) Save in so far as the chief officer may allow at the request of the candidate concerned, a person shall not be eligible for appointment to a police force if he or a relative included in his family has a business interest within the meaning of regulation 7, and paragraphs (1) and (2) of regulation 8 shall apply for the purposes of the interpretation of this regulation as they apply for the purposes of regulation 7.

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(2) In its application to a candidate for appointment as chief officer, deputy chief constable or assistant chief constable, paragraph (1) shall have effect as if for any reference to the chief officer there were substituted a reference to the police authority.

### Qualifications for appointment to a police force **E+W**

10.—(1) A candidate for appointment to a police force—

- [<sup>F13</sup>(a) must, if not a national of a Member State, Norway, Iceland or Liechtenstein, have leave to enter or remain in the United Kingdom for an indefinite period;]
- (b) must produce satisfactory references as to character, and, if he has served in any police force, in the armed forces, in the civil service or as a seaman, produce satisfactory proof of his good conduct while so serving;
- (c) must have attained the age of [<sup>F14</sup>18 years];
- (d) must be certified by a registered medical practitioner approved by the police authority to be in good health, of sound constitution and fitted both physically and mentally to perform the duties on which he will be employed after appointment;
- (e) must meet the standard of eyesight determined by the Secretary of State;
- (f) must, if a candidate for appointment in the rank of constable, satisfy the chief officer 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 approved by the Secretary of State;
- (g) must, if a candidate for appointment in the rank of sergeant, or inspector, be qualified for promotion to such rank in accordance with the provisions of the Promotion Regulations;
- (h) must give such information as may be required as to his previous history or employment or any other matter relating to his appointment to the police force;
- [<sup>F15</sup>(i) must, unless he is applying to transfer to the force from another police force, on being so required by the chief officer of the force to which he is a candidate for appointment give a sample of saliva or urine to be tested in accordance with procedures determined by the Secretary of State for evidence of such controlled drugs as the Secretary of State may determine.]

(2) A candidate for appointment to a police force shall be given a notice in terms approved by the Secretary of State drawing attention to the terms and conditions of service which shall be contained therein.

(3) For the purposes of this regulation—

- (a) “armed forces” means the naval, military or air forces of the Crown including any women’s service administered by the Defence Council, and
- (b) “seaman” has the same meaning as in the Merchant Shipping Act 1995 <sup>M16</sup>.

#### Textual Amendments

- F13** Reg. 10(1)(a) substituted (7.11.2005) by [The Police \(Amendment\) Regulations 2005 \(S.I. 2005/2834\)](#), regs. 1(1), **2(2)**
- F14** Words in [reg. 10\(1\)\(c\)](#) substituted (19.9.2006) by [The Police \(Minimum Age for Appointment\) Regulations 2006 \(S.I. 2006/2278\)](#), regs. 1, **3**
- F15** Reg. 10(1)(i) inserted (7.11.2005) by [The Police \(Amendment\) Regulations 2005 \(S.I. 2005/2834\)](#), regs. 1(1), **2(3)**



### Marginal Citations

M16 1995 c. 21.

### Appointment of senior officers **E+W**

**11.**—(1) Subject to section 11(1) of the Act and regulations 9 and 10, no person shall be appointed as a chief constable of a police force unless he holds or has held such rank and for such period as the Secretary of State shall determine in respect of such appointments.

[<sup>F16</sup>(2) An appointment to the rank of—

- (a) chief constable or deputy chief constable in a police force maintained under section 2 of the Act;
- (b) commissioner, deputy commissioner, assistant commissioner or deputy assistant commissioner in the metropolitan police force; or
- (c) assistant commissioner in the City of London police force,

shall be for a fixed term.

(2A) Subject to paragraph (2B), an appointment for a fixed term shall be for a maximum of five years.

(2B) An appointment for a fixed term may be extended, by agreement of the police authority and the person appointed, for a further term of a maximum of three years and for subsequent terms each of a maximum of one year, provided that any extension or subsequent extension which is due to expire more than one year after the expiry of the original fixed term shall require the consent of the Secretary of State.]

(3) Paragraph (2) is without prejudice to any provision whereby a term of appointment comes to an end on promotion, dismissal, the conclusion of disciplinary proceedings or transfer to another police force and regulation 14 (retirement).

(4) The Secretary of State shall determine the circumstances in which a vacancy in a rank specified in paragraph (2) [<sup>F17</sup>or the rank of assistant chief constable in a police force maintained under section 2 of the Act, or commander in the metropolitan police force or City of London police force] shall be advertised; if a vacancy is to be advertised, the advertisement shall contain such detail and be published in such manner as the Secretary of State may determine. The Secretary of State may determine that no appointment shall be made until after a date to be specified in the advertisement.

### Textual Amendments

**F16** Reg. 11(2)-(2B) substituted for reg. 11(2) (1.7.2006) by [The Police \(Amendment\) Regulations 2006 \(S.I. 2006/1467\)](#), regs. 1, **2(2)** (with reg. 3)

**F17** Words in reg. 11(4) inserted (1.7.2006) by [The Police \(Amendment\) Regulations 2006 \(S.I. 2006/1467\)](#), regs. 1, **2(3)** (with reg. 3)

### Probationary service in the rank of constable **E+W**

**12.**—(1) Subject to paragraphs (2) and (3), a member of a police force appointed in the rank of constable, other than such a member who transferred to the force from another police force having completed the required period of probation therein, shall be on probation for such period as the Secretary of State shall determine in respect of such appointments.

(2) In making a determination under paragraph (1), the Secretary of State may, subject to paragraph (3), confer on the chief officer discretion to determine the required period of probation in a particular case.

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(3) For the purposes of a determination under paragraph (1), the periods to be counted or disregarded in reckoning service shall be such as may be determined by the Secretary of State.

### **Discharge of probationer** **E+W**

**13.**—(1) Subject to the provisions of this regulation, during his period of probation in the force the services of a constable may be dispensed with at any time if the chief officer considers that he is not fitted, physically or mentally, to perform the duties of his office, or that he is not likely to become an efficient or well conducted constable.

(2) A constable whose services are dispensed with under this regulation shall be entitled to receive a month's notice or a month's pay in lieu thereof.

(3) A constable's services shall not be dispensed with in accordance with this regulation and any notice given for the purposes thereof shall cease to have effect if he gives written notice to the police authority of his intention to retire and retires in pursuance of the said notice on or before the date on which his services would otherwise be dispensed with; and such a notice taking effect on that date shall be accepted by the police authority notwithstanding that less than a month's notice is given.

(4) Where a constable has received a notice under this regulation that his services are to be dispensed with and he gives written notice of his intention to retire and retires under paragraph (3), he shall nevertheless be entitled to receive pay up to and until the date on which the month's notice he has received would have expired or where he has received or is due to receive a month's pay in lieu of notice he shall remain entitled to that pay notwithstanding the notice he has given under paragraph (3).

### **Retirement** **E+W**

**14.** Members of a police force may retire in such circumstances as shall be determined by the Secretary of State, and in making such a determination the Secretary of State may—

- (a) require such notice of intention to retire as may be specified in the determination, or such shorter notice as may have been accepted by the police authority, to be given to that authority,
- (b) require the consent of the chief officer to be obtained before giving such notice.

### **Contents of personal records** **E+W**

**15.**—(1) The chief officer of a police force shall cause a personal record of each member of the police force to be kept.

(2) The personal record shall contain—

- (a) a personal description of the member;
- (b) particulars of the member's place and date of birth;
- (c) particulars of his marriage (if any) and of his children (if any);
- (d) a record of his service (if any) in any branch of Her Majesty's naval, military or air forces or in the civil service;
- (e) a record of his service (if any) in any other police force and of his transfers (if any) from one police force to another;

[<sup>F18</sup>(ea) a record of his service (if any) in the Royal Parks Constabulary;]

- (f) a record of whether he passed or failed to pass any qualifying examination at which he was a candidate;
- (g) a record of his service in the police force and the date of his ceasing to be a member of the police force with the reason, cause or manner thereof.

(3) The record of service kept in accordance with paragraph (2)(g) shall include particulars of all promotions, postings, removals, injuries received, periods of illness, commendations, rewards, sanctions other than cautions imposed under regulation 31 of the Police (Conduct) Regulations 1999 <sup>M17</sup> or under regulation 17 of the Police (Efficiency) Regulations 1999 <sup>M18</sup> but, subject to paragraph (4)—

- (i) a sanction of a fine or of a reprimand shall be expunged after 3 years free from sanction other than a caution;
- (ii) any other sanction shall be expunged after 5 years free from sanction other than a caution,
- (iii) a sanction under regulation 17 of the Police (Efficiency) Regulations 1999 shall be expunged after 2 years free from any such sanction.

(4) In the case of a period free from sanction other than a caution which expired before 1st January 1989, a sanction shall be expunged under paragraph (3) only if the member so requests.

(5) Where following a review of a sanction imposed under regulation 31 of the Police (Conduct) Regulations 1999 or under regulation 17 of the Police (Efficiency) Regulations 1999 the reviewing officer substitutes for the decision of the conduct hearing or, as the case may be, inefficiency hearing a decision that the member concerned had not failed to meet the appropriate standard or, as the case may be, that the performance or attendance of the member concerned was not unsatisfactory, the sanction imposed by that hearing shall be expunged forthwith.

(6) A member of a police force shall, if he so requests, be entitled to inspect his personal record.

#### Textual Amendments

**F18** Reg. 15(2)(ea) inserted (7.11.2005) by [The Police \(Amendment\) Regulations 2005 \(S.I. 2005/2834\)](#), regs. 1(1), 3

#### Marginal Citations

**M17** S.I. 1999/730.

**M18** S.I. 1999/732.

### Transfer of personal records **E+W**

**16.** Where a member of a police force transfers to another police force his personal record shall be transferred to the chief officer of that other police force.

### Personal record of member leaving force **E+W**

**17.—(1)** Where a member of a police force ceases to be a member of that police force the member shall, unless he transfers to another police force, be given a certificate showing his rank and setting out the period of his service in that police force and in any other police force.

(2) The chief officer may append to the certificate any recommendation which he feels justified in giving, such as that—

- his conduct was exemplary;
- his conduct was very good;
- his conduct was good.

(3) Where a member of a police force ceases to be a member of that police force, otherwise than by transferring to another police force, his personal record shall be kept for such time as the chief officer may think fit and shall then be destroyed.

*Status: Point in time view as at 19/09/2006.*

*Changes to legislation: There are currently no known outstanding effects for the The Police Regulations 2003. (See end of Document for details)*

## **Fingerprints** **E+W**

**18.**—(1) Every member of a police force shall in accordance with the directions of the chief officer have his fingerprints taken.

(2) Fingerprints of members of a police force taken in accordance with paragraph (1) shall be kept separate from the fingerprints of persons whose fingerprints have been taken otherwise than in accordance with that paragraph.

(3) The fingerprints of a member of a police force taken in accordance with paragraph (1) and all copies and records thereof shall be destroyed on his ceasing to be a member of that force, except that, where by reason of a statutory transfer he becomes a member of another force, his fingerprints and all copies and records thereof shall be transferred to the chief officer of that other police force.

## **Samples** **E+W**

**19.**—(1) Every member of a police force, except those members appointed following their transfer from another police force, shall on appointment and in accordance with the directions of the chief officer have a sample taken.

(2) Samples or the information derived from samples of members of a police force taken in accordance with this regulation shall be kept separate from the samples or the information derived from samples taken in accordance with section 63 of the Police and Criminal Evidence Act 1984 <sup>M19</sup>.

(3) The samples or information derived from samples of a member of a police force taken in accordance with this regulation, and all copies and records thereof shall be destroyed on his ceasing to be a member of that police force except by reason of a transfer to another force.

(4) In this regulation “sample” means—

- (a) a sample of hair, other than pubic hair, complete with roots;
- (b) saliva; or
- (c) a swab taken from the mouth.

### **Marginal Citations**

**M19** 1984 c. 60.

## **[<sup>F19</sup>Testing for substance misuse** **E+W**

**19A.**—(1) The chief officer of a police force may require any member of the force who—

- (a) gives the chief officer reasonable cause to suspect that he has used a controlled drug;
- (b) is on a period of probation under regulation 12;
- (c) has been identified by the chief officer as being vulnerable because of a specific responsibility for dealing with drugs; or
- (d) is of a description specified in a determination of the Secretary of State;

to give a sample of saliva or urine to be tested for evidence of controlled drugs in accordance with procedures determined by the Secretary of State.

(2) The chief officer of a police force may require a member of the force who falls within paragraph (1)(d) to give a sample of breath to be tested for evidence of alcohol in accordance with procedures determined by the Secretary of State.

(3) A member of a police force who—

- (a) on giving a sample under paragraph (1) is found to have taken a controlled drug specified in a determination of the Secretary of State; or
- (b) falls within paragraph (1)(d) and who, on giving a sample under paragraph (2), is found to have more than 13 microgrammes of alcohol in 100 millilitres of breath

shall face such consequences as are specified in that determination.]

#### Textual Amendments

**F19** Reg. 19A inserted (7.11.2005) by The Police (Amendment) Regulations 2005 (S.I. 2005/2834), regs. 1(1), 4

## PART 3 **E+W**

### DUTY

#### Duty to carry out lawful orders **E+W**

**20.** Every member of a police force shall carry out all lawful orders and shall at all times punctually and promptly perform all appointed duties and attend to all matters within the scope of his office as a constable.

#### Limitations on duties to be assigned to members statutorily transferred **E+W**

**21.—**(1) Where a member of a police force has previously served in a police force for an area comprised in whole or in part in the area for which his present force is maintained and he ceased to be a member of his [<sup>F20</sup>former force and became a member of his] present force by reason only of one or more such statutory transfers as are mentioned in paragraph (2) then, subject to paragraph (3), he shall not be assigned to duties which, in the opinion of the Secretary of State, make it necessary for him to move his home to a place which is outside the area for which his former force was maintained.

(2) In paragraph (1) the reference to a statutory transfer is a reference to a statutory transfer being—

- (a) prior to 1st April 1995, a transfer in accordance with the provisions of an amalgamation scheme under the Police Act 1964;
- (b) on or after 1st April 1995, a transfer in accordance with an order made under section 21 or 21A of the Police Act 1964 or section 32 of the Act;
- (c) a transfer taking effect on 1st April 1974,

except that where the former force was the police force for a borough the said reference is to any statutory transfer.

(3) Paragraph (1) shall not apply to a person by reason of his previous service in a particular police force if—

- (a) since he became a member of that police force he has been a chief officer;
- (b) after he was statutorily transferred from that police force he has given written notice to the chief officer of the police force of which he was at the time a member that the protection accorded by paragraph (1) should cease to apply to him, or
- (c) that force was a county or combined police force and after he was statutorily transferred therefrom but before 1st February 1968 he was assigned to such duties as are mentioned in paragraph (1),

*Status: Point in time view as at 19/09/2006.*

*Changes to legislation: There are currently no known outstanding effects for the The Police Regulations 2003. (See end of Document for details)*

without prejudice, however, to the application of paragraph (1) to him by reason of service in another police force after his statutory transfer from the force first mentioned in this paragraph and before his statutory transfer to his present force.

(4) Paragraph (1) shall apply in the case of a member of a police force who ceased to be such and became a serviceman, a reversionary member of a home police force or a central police officer—

- (a) where on ceasing to be such, he resumed service in or, as the case may be, exercised his right of reversion to, his former force, as if he had not ceased to be a member of that force, or
- (b) where on ceasing to be such, he resumed service in or, as the case may be, exercised his right of reversion to some other force to which members of his former force had been transferred as mentioned in paragraph (2), as if he had been so transferred from his former force to that other force.

(5) In this regulation, “present force” and “former force” mean, respectively, the force first mentioned and that secondly mentioned in paragraph (1).

#### Textual Amendments

**F20** Words in [reg. 21\(1\)](#) inserted (15.11.2003) by [The Police \(Amendment\) Regulations 2003 \(S.I. 2003/2594\)](#), regs. 1(1), [6\(2\)](#)

## Duty **E+W**

**22.**—(1) The Secretary of State shall determine—

- (a) the normal periods of duty of a member of a police force;
- (b) the periods allowed for refreshment;
- (c) the variable shift arrangements which may be brought into operation by a chief officer;
- (d) the manner and timing of the publication of duty rosters and the matters to be contained therein; and
- (e) the circumstances in which travelling time may be treated as duty.

(2) In making a determination under paragraph (1)(a) the Secretary of State may confer on the chief officer discretion to fix the time at which a period commences for the purposes of the determination and may determine the conditions subject to which that discretion is to be exercised.

(3) In making a determination under paragraph (1)(e) the Secretary of State may—

- (a) confer on the chief officer discretion to fix a limit on the travelling time which is to be treated as duty;
- (b) confer on the police authority discretion to fix a limit on the amount of the expenses which may be reimbursed in respect of such travelling time.

(4) In this regulation “travelling time” means time spent by a member of a police force in travelling to and from his home—

- (a) where he is required to perform his normal daily period of duty in more than one tour of duty, between two tours; or
- (b) where he is recalled to duty between two tours of duty, in consequence of his recall.

## Meetings of Police Federation treated as police duty **E+W**

**23.**—(1) The attendance of a member of a police force at one of the following meetings of the Police Federation, that is to say, a quarterly meeting of a branch board, an ordinary meeting of a

central committee, a meeting of the conferences arrangements committee, the annual meeting of the joint central committee with the joint central committee of the Scottish Police Federation and the central committee of the Police Federation for Northern Ireland, the annual meeting of a central conference or a women's regional conference shall be treated as an occasion of police duty.

(2) Subject to the approval of the chief officer, the attendance of a member of a police force at an additional meeting of a branch board of the Police Federation or at a meeting of a committee of a branch board shall be treated as an occasion of police duty.

(3) Subject to the approval of the Secretary of State, the attendance of a member of a police force at a meeting of the Police Federation, other than such a meeting as is mentioned in paragraph (1) or (2), shall be treated as an occasion of police duty.

## PART 4 E+W

### PAY

#### Pay E+W

**24.**—(1) Subject to the following provisions of this Part, the pay of members of police forces shall be determined by the Secretary of State, and in making such a determination the Secretary of State may—

- (a) confer such functions in relation to the pay of members of a police force above the rank of chief superintendent on the police authority;
- (b) where the pay of a member of a police force of the rank of chief inspector or below is payable subject to such conditions as may be specified in the determination, confer on a member of that police force senior in rank to that member, or on a person employed by the police authority under section 15 of the Act, such functions in relation to those conditions,

as he thinks fit.

(2) Subject to regulations 42, 43 and 44 and section 97(3) of the Act, 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.

(3) For the purposes of this regulation 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 27;
- (d) any period of unpaid leave shall be disregarded;
- (e) any part-time service shall be taken into account as though it were full-time service;
- (f) in the case of a female member who has taken one or more periods of maternity leave—
  - (i) where that leave has been for eighteen weeks or more, account shall be taken of the first eighteen weeks whilst on maternity leave;

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*Changes to legislation: There are currently no known outstanding effects for the The Police Regulations 2003. (See end of Document for details)*

(ii) where that leave has been for less than eighteen weeks, account shall be taken of any period spent on maternity leave;

and where that member has, at the beginning of the eleventh week before the expected date of birth of the member's child, as given in accordance with a determination under regulation 33(7), served continuously as a member of a police force for a period of not less than a year, account shall be taken of any period (not being a period of which account has been taken under paragraph (i) or (ii)) spent on maternity leave during the period of 29 weeks beginning with the week in which the child is born;

(g) account shall be taken of any period of parental leave taken in accordance with a determination under regulation 33(8)(b);

and, in the case of a member of a police force of a rank higher than that of chief inspector, paragraph (2) 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.

(4) Nothing in this regulation shall affect the operation of any provisions of the Conduct Regulations and, in relation to a member of a police force suspended or fined thereunder the provisions of paragraphs 1 and 3 of Schedule 2 or of paragraph 4 thereof shall have effect.

(5) A determination under paragraph (1) shall have effect in relation to a university scholar subject to the provisions of any determination for the time being in force under regulation 32.

## **Overtime** **E+W**

**25.**—(1) Subject to the provisions of this regulation, the Secretary of State shall determine the circumstances and manner in which a member of a police force shall be compensated in respect of time—

- (a) for which he remains on duty after his tour of duty ends, or
- (b) for which he is recalled between two tours of duty, or
- (c) which forms part of a tour of duty which he is required to begin earlier than the rostered time without due notice and on a day when he has already completed his normal daily period of duty;

and such time is referred to in these Regulations as “overtime”.

(2) For the purposes of this regulation—

“due notice” means notice given at least 8 hours before the revised starting time of the rostered tour of duty in question;

“normal daily period of duty” shall be construed in accordance with regulation 22;

“recall” does not include a warning to be in readiness for duty if required; and

“tour of duty”, in relation to a member of a police force for whom variable shift arrangements are in operation under regulation 22(1)(c), means rostered shift.

(3) In making a determination under paragraph (1), the Secretary of State may confer on the chief officer discretion—

- (a) to fix the day on which a period commences for the purposes of the determination;
- (b) to fix the period within which time off in compensation for overtime is to be granted;
- (c) to allow time in addition to that specified in the determination to be taken into account in computing any period of overtime.



### **Public holidays and rest days** E+W

26.—(1) The Secretary of State shall determine the circumstances and manner in which a member of a police force shall be granted leave or otherwise compensated in respect of time spent on duty on—

- (a) public holidays, or
- (b) rostered rest days;

and in this regulation “rostered rest day”, in relation to a member of a police force who is required to do duty on that day, means a day which according to the duty roster was, immediately before he was so required to do duty, to have been a rest day for the member.

(2) In making a determination under paragraph (1) the Secretary of State may confer on the chief officer discretion—

- (a) to fix the time at which, or the day on which, a period commences for the purposes of the determination;
- (b) to fix the period within which time off in compensation for time spent on duty as mentioned in that paragraph is to be granted;
- (c) to fix a limit on the time occupied by a member of a police force in travelling to and from his place of duty which is to be included in a period of duty for the purposes of the determination.

### **Temporary salary and temporary promotion** E+W

27. The Secretary of State shall determine—

- (a) the circumstances in which a member of a police force is entitled to receive a temporary salary and the rate of that salary; and
- (b) the circumstances in which a member of a police force is entitled to be temporarily promoted and the rate of his salary while so promoted.

### **Sick pay** E+W

28. The Secretary of State shall determine the entitlement of members of police forces to pay during periods of sick leave taken in accordance with a determination under regulation 33(5), and in making such a determination the Secretary of State may confer on the chief officer discretion to allow a member of a police force to receive more pay than that specified in the determination.

### **Maternity pay** E+W

29. The Secretary of State shall determine the entitlement of female members of police forces to pay during periods of maternity leave.

### **Fixing of pay day and calculation of monthly, weekly and daily pay** E+W

30.—(1) The intervals at which members of a police force are to be paid shall be fixed by the police authority in accordance with such rules as the Secretary of State may determine.

(2) The Secretary of State shall determine the manner of calculating monthly, weekly and daily pay.

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

31.—(1) There shall be deducted from the pay of a member of a police force who is in receipt of full pay—

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*Changes to legislation: There are currently no known outstanding effects for the The Police Regulations 2003. (See end of Document for details)*

- (a) the amount of any short-term or long-term incapacity benefit to which he is entitled under the Social Security (Incapacity for Work) Act 1994 <sup>M20</sup>;
- (b) any statutory sick pay to which he is entitled under the Social Security Contributions and Benefits Act 1992 <sup>M21</sup>,

and for the purposes of sub-paragraph (a) 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 female member of a police force 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.

(3) In this regulation, “full pay” means pay at the rate ascertained from regulation 24 and the determination made thereunder.

#### Marginal Citations

**M20** 1994 c. 18.

**M21** 1992 c. 4.

#### University scholars **E+W**

**32.** The Secretary of State shall determine how Part 3 and this Part of these Regulations and any determination made thereunder shall have effect in relation to a university scholar, and in making such a determination the Secretary of State may confer on the police authority discretion to determine whether or not the conditions subject to which a university scholar is entitled to any payment under this Part are met.

## PART 5 **E+W**

### LEAVE

#### Leave **E+W**

**33.**—(1) Every member of a police force shall, so far as the exigencies of duty permit, be granted in each leave year such annual leave as may be determined by the Secretary of State; and in this regulation “leave year” means that period of 12 months beginning on such date as may from time to time be determined by the police authority.

(2) In making a determination under paragraph (1) the Secretary of State may confer on the chief officer discretion—

- (a) to grant such additional days of annual leave in any leave year in such circumstances and subject to such conditions as the Secretary of State may determine, and
- (b) subject to such conditions as the Secretary of State may determine, to allow days of annual leave granted under this regulation to be taken as a single period, or as single days, or in periods of more than one day or as half days.

(3) In a determination under paragraph (1) the Secretary of State shall make provision for the compensation of a member of a police force for being recalled to duty during a period of annual leave granted under this regulation.

(4) Annual leave granted under this regulation shall be additional to the days on which the member is not required to perform police duties in accordance with a determination under regulation 26.

(5) A member of a police force shall not be entitled to be absent from duty on account of injury or illness otherwise than in such circumstances as shall be determined by the Secretary of State, and in making such a determination the Secretary of State may confer on the police authority power to appoint, or approve the appointment of, a medical practitioner for the purposes of any function to be carried out under the determination.

(6) A female member of a police force who is pregnant shall, in such circumstances as shall be determined by the Secretary of State, have the right not to be unreasonably refused special leave from duty to enable her to keep an appointment for the purpose of receiving antenatal care.

(7) A female member of a police force qualifies for maternity leave in such circumstances as shall be determined by the Secretary of State.

(8) A member of a police force shall, so far as the exigencies of duty permit, be granted such—

- (a) maternity support leave;
- (b) parental leave; and
- (c) adoption leave,

in such circumstances, as the Secretary of State shall determine; and in this paragraph “maternity support leave” means leave to enable support to be given to an expectant mother at or around the time of birth.

(9) A member of a police force shall, so far as the exigencies of duty permit, be entitled to be permitted to take a reasonable amount of time off during periods of duty in order to take such action, and for such purposes, in respect of a dependant of that member, and subject to such conditions, as shall be determined by the Secretary of State; and for this purpose the Secretary of State may determine the meaning of “dependant” in relation to members of a police force.

(10) The Secretary of State may determine that any period of leave or time off taken in accordance with a determination under paragraph (1), (6), (8) or (9) shall be treated as a period of duty.

(11) Paragraph (5) and any determination thereunder shall apply to a member who is in quarantine as it applies to a member who is ill subject, in the case of such a determination, to such modifications as may be determined by the Secretary of State.

## **PART 6** **E+W**

### **ALLOWANCES AND EXPENSES**

#### **Allowances** **E+W**

**34.**—(1) Subject to regulation 38, the Secretary of State shall determine the entitlement of members of a police force to any allowance, and in making such a determination the Secretary of State may confer on—

- (a) the police authority;
- (b) the chief officer,

such functions—

- (i) in relation to the calculation of an allowance,
- (ii) where the payment of an allowance is subject to such conditions as may be specified in the determination, in relation to those conditions,

as he thinks fit.

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*Status: Point in time view as at 19/09/2006.*

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(2) No allowances shall be paid to a member of a police force except as provided by or under these Regulations or approved by the Secretary of State, and the amounts and conditions of payment of such allowances shall be as so provided or approved.

(3) Nothing in this regulation shall apply to the reimbursement of expenses incurred by a member of a police force in the execution of his duty, being expenses authorised either generally or specifically by the police authority in respect of which no allowance is payable under these Regulations and no determination has been made under regulation 35.

#### **Expenses** **E+W**

**35.**—(1) The Secretary of State shall determine the entitlement of members of a police force to reimbursement of any expenses incurred by such a member in or in connection with the execution of his duty.

(2) Where, in making a determination under paragraph (1), the Secretary of State specifies conditions subject to which expenses are to be reimbursed, he may in that determination confer on—

- (a) the police authority;
- (b) the chief officer,

such functions in relation to those conditions as he thinks fit.

#### **Continuance of allowances when member ill** **E+W**

**36.** If a member of a police force who is regularly in receipt of an allowance to meet an expense which ceases during his or her absence from duty is placed upon the sick list or is on maternity leave, the allowance shall be payable during his or her absence from duty up to a period of a month, but thereafter, during the remainder of his or her absence from duty, payment may be suspended at the discretion of the chief officer.

#### **Allowances in respect of periods of suspension** **E+W**

**37.** This Part of these Regulations shall have effect in relation to a member of a police force suspended under the Conduct Regulations, subject to the provisions of paragraphs 2 and 3 of Schedule 2.

#### **Replacement allowance** **E+W**

**38.** Schedule 3 shall have effect.

#### **Restriction on payments for private employment of police** **E+W**

**39.** Without prejudice to the generality of regulation 34(2), a member of a police force who is engaged on duty at the request of any person who has agreed to pay the police authority for the member's services shall not be entitled to any payment for those services except as provided by or under these Regulations; and any payments made in pursuance of that agreement shall be made by that person to the police authority.

## PART 7 E+W

### RECKONING OF SERVICE

#### Reckoning of service in the Police Service of Northern Ireland E+W

**40.**—(1) Where a member of a police force joined or rejoined that force having left the Police Service of Northern Ireland, 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>M22</sup> and on or after that date by section 53C of the Police Act 1964<sup>M23</sup> or section 97 of the Act then, for the purposes of regulation 24, his service in any rank in the Police Service of Northern Ireland 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 Police Service of Northern Ireland 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 Police Service of Northern Ireland designated by the Secretary of State for the purposes hereof as the rank corresponding to the rank in question.

#### Marginal Citations

**M22** 1969 c. 63.

**M23** Section 53C was inserted by section 26 of the Police and Magistrates' Courts Act 1994.

#### Reckoning of service in the British Transport Police Force E+W

**41.**—(1) Where a member of a police force joined or rejoined that force having left the British Transport Police Force, on or after 1st September 1994 then, for the purposes of regulation 24, his service in any rank in the British Transport Police Force 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 British Transport Police Force 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 British Transport Police Force designated by the Secretary of State for the purposes hereof as the rank corresponding to the rank in question.

#### [<sup>F21</sup>Reckoning of service in the Royal Parks Constabulary E+W

**41A.**—(1) Where a member of a police force joined or rejoined that force after having left the Royal Parks Constabulary, on or after 1st July 2004 then, for the purposes of regulations 24 and 33, his service in any rank in the Royal Parks Constabulary shall be treated as if it were service in the corresponding rank in the police force he joined or rejoined as aforesaid:

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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 Parks 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 Parks Constabulary designated by the Secretary of State for the purposes hereof as the rank corresponding to the rank in question.]

#### Textual Amendments

**F21** Reg. 41A inserted (7.11.2005) by [The Police \(Amendment\) Regulations 2005 \(S.I. 2005/2834\)](#), regs. 1(1), 5

#### Reckoning by constables of service in certain constabularies **E+W**

**42.**—(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 Police Act 1987 <sup>M24</sup> or, before the coming into force of that Act, comprising constables appointed under section 3 of the Special Constables Act 1923 <sup>M25</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 Tilbury Constabulary or, before the coming into force of the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 <sup>M26</sup>, 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>M27</sup>.

#### Marginal Citations

**M24** 1987 c. 4.

**M25** 1923 c. 11.

**M26** S.I. 1992/284.

**M27** 1968 c. xxxii.

#### Reckoning of service in an airport constabulary **E+W**

**43.** 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>M28</sup> then, for the purposes of regulation 24, his service in any rank in that constabulary shall be treated as if it were service in the corresponding rank in a police force.

#### Marginal Citations

**M28** 1982 c. 36.

## Reckoning by constables of overseas police service **E+W**

44.—(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>M29</sup> a dependent territory within the meaning of the British Nationality Act 1981 <sup>M30</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>M31</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 the Minister of Overseas Development 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.

*Status: Point in time view as at 19/09/2006.*

*Changes to legislation: There are currently no known outstanding effects for the The Police Regulations 2003. (See end of Document for details)*

#### Marginal Citations

**M29** 1948 c. 56.

**M30** 1981 c. 61.

**M31** 1980 c. 63.

## PART 8 E+W

### UNIFORM AND EQUIPMENT

#### Issue of uniform and equipment E+W

**45.** The Secretary of State shall determine the circumstances in which and the conditions subject to which uniform and equipment is to be issued by the police authority to a member of a police force of the rank of constable or sergeant, and in making such a determination the Secretary of State may confer on the police authority discretion—

- (a) to specify the type of uniform and equipment to be issued;
- (b) to issue uniform and equipment to members of the police force in ranks other than constable or sergeant.

## PART 9 E+W

### DETERMINATIONS

#### Determinations E+W

**46.**—(1) Before making a determination under any provision of these Regulations relating to the matters mentioned in section 61(1) of the Act, the Secretary of State shall take into consideration any recommendation made by the Police Negotiating Board and shall supply the Board with a draft of the determination; and subsection (2) of section 62 of the Act shall apply in relation to a recommendation to be made for the purposes of this paragraph as it applies in relation to a recommendation to be made for the purposes of subsection (1) of that section.

(2) Before making a determination under any provision of these Regulations relating to any other matter, the Secretary of State shall supply the Police Advisory Board for England and Wales with a draft of the determination, and take into consideration any representations made by that Board.

(3) A determination under any provision of these Regulations for regulating pay and allowances may be made with retrospective effect to any date specified in the determination, but nothing in this paragraph shall be construed as authorising the pay or allowances payable to any person to be reduced retrospectively.

(4) A determination under any provision of these Regulations may make different provision for different cases and circumstances.



## **PART 10** **E+W**

### REVOCATIONS AND SAVINGS

#### **Revocations and savings** **E+W**

- 47.—(1) The Regulations specified in Part 1 of Schedule 4 are revoked to the extent specified.
- (2) The revocations have effect subject to the savings in Part 2 of Schedule 4.

Home Office

*John Denham*  
Minister of State

*Status: Point in time view as at 19/09/2006.*

*Changes to legislation: There are currently no known outstanding effects for the The Police Regulations 2003. (See end of Document for details)*

## SCHEDULE 1 E+W

Regulation 6

### RESTRICTIONS ON THE PRIVATE LIFE OF MEMBERS OF POLICE FORCES

<sup>F22</sup>1.—(1) A member of a police force shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his duties or which is likely to give rise to the impression amongst members of the public that it may so interfere.

(2) A member of a police force shall in particular—

- (a) not take any active part in politics;
- (b) not belong to any organisation specified or described in a determination of the Secretary of State.]

#### Textual Amendments

**F22** Sch. 1 para. 1 substituted (1.1.2005) by [The Police \(Amendment\) Regulations 2004 \(S.I. 2004/3216\)](#), regs. 1, 2

2. A member of a police force shall not reside at premises which are not for the time being approved by the chief officer.

3.—(1) A member of a police force shall not, without the previous consent of the chief officer, receive a lodger in a house or quarters with which he is provided by the police authority or sub-let any part of the house or quarters.

(2) A member of a police force shall not, unless he has previously given written notice to the chief officer, receive a lodger in a house in which he resides and in respect of which he receives an allowance under Schedule 3 or sub-let any part of such a house.

4. A member of a police force shall not wilfully refuse or neglect to discharge any lawful debt.

## SCHEDULE 2 E+W

Regulation 24 Regulation 37

### EFFECT OF DISCIPLINARY ACTION ON PAY AND ALLOWANCES

1.—(1) Subject to paragraph 3, a member of a police force suspended under the Conduct Regulations who—

- (a) is detained in pursuance of a sentence of a court in a prison or other institution to which the Prison Act 1952<sup>M32</sup> applies, or is in custody (whether in prison or elsewhere) between conviction by a court and sentence, or
- (b) has absented himself from duty and whose whereabouts are unknown to the chief officer (or an assistant chief officer acting as chief officer),

shall not, by virtue of regulation 24, be entitled to pay in respect of his period in detention or custody or, as the case may be, in respect of the period during which his whereabouts are unknown as aforesaid.

(2) Where the member suspended is a chief constable or other senior officer within the meaning of the Police (Conduct) (Senior Officers) Regulations 1999<sup>M33</sup>, sub-paragraph (1)(b) shall have effect as if for the words after “unknown” there were substituted “to the police authority”.

**Marginal Citations**

**M32** 1952 c. 52.

**M33** S.I. 1999/731.

2. Subject to paragraph 3, a member of a police force suspended under the Conduct Regulations shall not, by virtue of Part 6 of these Regulations, be entitled to any allowance, in respect of the period of suspension, other than—

- (a) an allowance under Schedule 3; or
- (b) in the case of a member to whom paragraph 1(1) does not apply, such allowance as the Secretary of State may determine.

3. Where a member of a police force returns to duty when the period of suspension comes to an end and—

- (a) it has been decided that he shall not be charged with a disciplinary offence, or
- (b) he has been so charged and all the charges have been dismissed, or
- (c) he has been so charged and has been punished by a reduction in his rate of pay, fine, reprimand or caution,

he shall receive, as from the date of his suspension, the pay to which, but for paragraph 1, and the allowances to which, but for paragraph 2, he would have been entitled by virtue of these Regulations.

4. Where a member of a police force is fined under the Conduct Regulations, the fine shall, without prejudice to any other method of recovery, be recoverable by way of deductions from the member's pay during the period of 13 weeks following the imposition of the fine so, however, that the aggregate sum which may be deducted in pursuance of this paragraph in respect of any one week (whether on account of one or more fines) shall not exceed a seventh of his weekly pay:

Provided that in the event of the member leaving the police force, the whole amount of any fine unpaid may be deducted from any pay then due.

SCHEDULE 3 **E+W**

Regulation 38

REPLACEMENT ALLOWANCE

1.—(1) This paragraph has effect for defining expressions used in paragraphs 2 to 7.

(2) “Qualifying member” means a member of a police force who—

- (a) immediately before 1st September 1994 was a member of that or another police force,
- (b) was not then on unpaid leave,
- (c) has at all times after 31st August 1994 been a member of a police force, and
- (d) has not after that date been on unpaid leave.

(3) Where a member of a police force in Scotland or Northern Ireland in receipt of a replacement allowance under a corresponding regulation which has effect there transfers to a police force in England and Wales he shall be treated from the date of his transfer as if he were a qualifying member.

(4) Where a member of the British Transport Police Force in receipt of a housing allowance transfers on or after 1st September 1994 to a police force in England and Wales he shall be treated from the date of his transfer as if he were a qualifying member.

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*Changes to legislation: There are currently no known outstanding effects for the The Police Regulations 2003. (See end of Document for details)*

[<sup>F23</sup>(4A) Where a member of the Royal Parks Constabulary in receipt of a housing allowance transfers on or after 1st July 2004 to a police force in England and Wales he shall be treated from the date of his transfer as if he were a qualifying member.]

(5) “Re-joining member” means a member of a police force who by reason only of a relevant absence is not a qualifying member.

(6) “Relevant absence” means—

- (a) a period of central service or overseas service, or
- (b) a period of relevant service within the meaning of paragraph (ca), (cb) or (cc) of section 97(1) of the Police Act 1996 or any corresponding provision for the time being in force in Scotland or Northern Ireland, or
- (c) a period of unpaid leave,

ending after 31st August 1994.

(7) “Housing emoluments” means a housing allowance paid to members of the British Transport Police Force [<sup>F24</sup>or Royal Parks Constabulary] or any one or more of the following kinds of payments under the revoked provisions <sup>M34</sup> as they had effect before 1st September 1994—

- (a) a housing allowance under regulation 49,
- (b) a transitional rent allowance and a transitional supplementary rent allowance under regulation 49B,
- (c) a supplementary housing allowance under regulation 50,
- (d) a compensatory grant under regulation 52, and
- (e) a compensatory allowance under regulation 52B,

and in relation to a re-joining member includes a rent allowance under regulation 49 as it had effect before 1st April 1990; and “housing allowance” and “transitional rent allowance” mean respectively the allowances mentioned in (a) and (b) above.

(8) “The revoked provisions” means the provisions of the 1987 Regulations relating to housing and housing payments that were revoked on 1st September 1994, that is to say regulations 49 to 52, 52B and 72, paragraphs 16 to 18 of Schedule 1A and paragraph 4(1) and (2) of Schedule 4 <sup>M35</sup>.

(9) “The 1987 Regulations” means the Police Regulations 1987 <sup>M36</sup>.

#### Textual Amendments

**F23** Sch. 3 para. 1(4A) inserted (7.11.2005) by [The Police \(Amendment\) Regulations 2005 \(S.I. 2005/2834\)](#), regs. 1(1), **6(1)**

**F24** Words in Sch. 3 para. 1(7) inserted (7.11.2005) by [The Police \(Amendment\) Regulations 2005 \(S.I. 2005/2834\)](#), regs. 1(1), **6(2)**

#### Marginal Citations

**M34** By [S.I. 1994/2195](#).

**M35** Regulations 49, 49A, 49B, 49C, 49D, 50 and 51 were inserted by [S.I. 1990/1127](#), 1990/1573 and 1993/1198; regulation 52B was substituted by [S.I. 1994/1308](#); regulations 52 and 72 and paragraph 4(1) and (2) of Schedule 4 were amended by [S.I. 1990/401](#); and paragraphs 16 to 18 of Schedule 1A were inserted by [S.I. 1992/1278](#).

**M36** [S.I. 1987/851](#).

2.—(1) A qualifying member who ceases to occupy a house or quarters with which he was provided free of rent becomes entitled to a replacement allowance.

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(2) The replacement allowance is, subject to paragraph 7, an allowance at a rate equal to the total of—

- (a) the rate at which housing allowance, or as the case may be transitional rent allowance, was payable, or would have been payable if he had not been occupying the house or quarters, immediately before 1st September 1994, and
- (b) the rate at which any allowance under regulation 49(11) or 50(3) was or would have been then payable.

**3.—(1)** A qualifying member who immediately before 1st September 1994 was in receipt of housing emoluments is entitled to a replacement allowance unless he is provided with a house or quarters free of rent.

(2) The replacement allowance is, subject to paragraph 7, an allowance at the rate at which the housing emoluments were payable immediately before 1st September 1994.

**4.—(1)** A re-joining member who immediately before the relevant absence began was occupying a house or quarters with which he was provided free of rent becomes entitled to a replacement allowance unless he is again provided with a house or quarters free of rent.

(2) The replacement allowance is, subject to paragraph 7, an allowance at the rate at which, if he had not been occupying the house or quarters, housing allowance, or as the case may be transitional rent allowance, would have been payable—

- (a) where the relevant absence began before 1st September 1994, immediately before it began, and
- (b) in any other case, immediately before 1st September 1994.

**5.—(1)** A re-joining member who immediately before the relevant absence began was in receipt—

- (a) of housing emoluments, or
- (b) of a replacement allowance under paragraph 2 or 3,

becomes entitled to a replacement allowance unless he is provided with a house or quarters free of rent.

(2) The replacement allowance is, subject to paragraph 7, an allowance—

- (a) where sub-paragraph (1)(a) applies, at the rate at which the housing emoluments were payable, and
- (b) where sub-paragraph (1)(b) applies, at the rate at which the previous replacement allowance was payable,

immediately before the relevant absence began.

**6.** A qualifying member or a re-joining member who—

- (a) is provided with a house or quarters free of rent, and
- (b) if the revoked provisions had continued in force would have been entitled to an allowance under regulation 49(11) or 50(3) of the 1987 Regulations,

is, subject to paragraph 7, entitled to an equivalent replacement allowance.

**7.—(1)** Subject to sub-paragraph (2), in circumstances in which—

- (a) a housing allowance or transitional rent allowance payable as mentioned in paragraph 2(2) or 4(2), or
- (b) any of the housing emoluments mentioned in paragraphs 3(1), 5(1)(a) and 6,

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would, if the revoked provisions had continued in force, have fallen to be reduced or discontinued, the replacement allowance in question is reduced accordingly or, if the effect of discontinuance would have been that no housing emoluments remained payable, terminated.

(2) For the purposes of sub-paragraph (1) it is to be assumed that a housing allowance or transitional rent allowance would not have fallen to be reduced by reason of the member's being married to or sharing accommodation with another member of a police force appointed after 31st August 1994.

(3) In circumstances in which any allowance or housing emoluments mentioned in sub-paragraph (1) would, if the revoked provisions had continued in force, have fallen to be increased otherwise than under regulation 49A of the 1987 Regulations (which provided for biennial adjustment of housing allowances), or in which any new housing emoluments would in that case have become payable, the replacement allowance in question is increased accordingly.

## SCHEDULE 4 **E+W**

Regulation 47

### REVOCATIONS AND SAVINGS

## **PART 1** **E+W**

### REVOCATIONS

Instruments Revoked	References	Extent of revocation
The Police Regulations 1995	S.I. 1995/215	The whole Regulations
The Police (Amendment) Regulations 1995	S.I. 1995/547	The whole Regulations
The Police (Amendment No. 2) Regulations 1995	S.I. 1995/2020	The whole Regulations
The Police (Amendment) Regulations 1996	S.I. 1996/699	The whole Regulations
The Police (Amendment) Regulations 1998	S.I. 1998/493	The whole Regulations
The Police Pensions (Amendment) Regulations 1998	S.I. 1998/577	Regulation 5(4)
The Police (Efficiency) Regulations 1999	S.I. 1999/732	Regulation 23
The Greater London Authority Act 1999 (Consequential Amendments) (Police) Order 2000	S.I. 2000/1549	Article 4
The Police (Amendment) Regulations 2000	S.I. 2000/2013	The whole Regulations
The Police (Amendment) Regulations 2001	S.I. 2001/3293	The whole Regulations

The Criminal Justice and Police Act 2001 (Consequential Amendments) (Police Ranks) Regulations 2001	S.I. 2001/3888	Regulation 3
The Police (Amendment) Regulations 2002	S.I. 2002/1758	The whole Regulations
The Police (Amendment) (No.2) Regulations 2002	S.I. 2002/2529	The whole Regulations
The Police (Amendment) (No.3) Regulations 2002	S.I. 2002/3162	The whole Regulations

## PART 2 **E+W**

### SAVINGS

#### **E+W**

In relation to a person performing part-time service in the rank of inspector or chief inspector pursuant to an appointment in the rank in question made under regulation 8A of the Police Regulations 1987<sup>M37</sup> before 1st September 1994, these Regulations, and any determination made thereunder, shall have effect as if, for all purposes except that of determining pay, the appointment had been in a rank lower than inspector.

#### **Marginal Citations**

**M37** S.I. 1987/851; regulation 8A was inserted by S.I. 1992/1278.

#### **Marginal Citations**

**M37** S.I. 1987/851; regulation 8A was inserted by S.I. 1992/1278.

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations (which extend to England and Wales) replace the Police Regulations 1995 as amended by the regulations specified in Part 1 of Schedule 4 (“the 1995 Regulations”). The amendments, other than drafting amendments, made by these Regulations are as follows. Regulations 11 (appointment of senior officers), 12 (probationary service), 14 (retirement), 22 (duty), 25 (overtime), 26 (public holidays and rest days), 27 (temporary salary and temporary promotion), 28 (sick pay), 29 (maternity pay), 30 (fixing of pay day and calculation of pay), 32 (university scholars), 33 (leave), 34 (allowances), 35 (expenses) and 45 (uniform and equipment)

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provide for the determination by the Secretary of State of certain matters prescribed by the 1995 Regulations. Such determinations, together with determinations under regulation 24 (pay), are subject to the provisions of regulation 46.

Regulation 33 makes new provision for parental and adoption leave and for time off for dependants, and replaces provision in the 1995 Regulations for paternity leave with provision for maternity support leave.

Regulations 8, 23 and 71 of the 1995 Regulations (which provided for the division of police areas into beats, sections and divisions, and for work which is not to be performed by members of police forces and made temporary provision about deputy chief constables) are not reproduced.



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**Changes to legislation:**

There are currently no known outstanding effects for the The Police Regulations 2003.