

EXPLANATORY MEMORANDUM TO
THE POLICE (AMENDMENT) REGULATIONS 2004
2004 No.3216

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. **Description**

This instrument will, subject to annulment in pursuance of a resolution of either House, come into force on 1 January 2005 and make revisions to the Police Regulations 2003 (S.I. 2003/527). The revisions relate to a new restriction on the private lives of members of police forces which prohibits members of police forces from belonging to any organisation specified or described in a determination of the Secretary of State.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None

4. **Legislative Background:**

The instrument is made under section 50 of the Police Act 1996.

5. **Extent**

The instrument applies to England and Wales.

6. **European Convention on Human Rights:**

The Minister of State for the Home Department, Hazel Blears, has made the following statement regarding Human Right:

In my view the provisions of the Police (Amendment) Regulations 2004 are compatible with the Convention Rights.

7. **Policy background:**

7.1 In carrying out their functions and exercising authority, police officers must be seen to be impartial in their dealings with all sections of the community.

7.2 It is particularly important for maintaining public confidence in policing that the Police Service does all it can to root out police officers and recruits who may have racist views or may be perceived to have racist views. This is particularly important in maintaining confidence in policing of minority ethnic and faith communities.

7.3 Regulation 2(1) provides that members of police forces must not take part in activities which are likely to interfere with the impartial discharge of their duties or are likely to give that impression to members of the public.

7.4 Regulation 2(2) provides that members of police forces shall not take any active part in politics and shall not belong to any organisation proscribed by the Secretary of State

7.5 The Secretary of State has determined that no member of a police force may be a member of the BNP, Combat 18 or National Front.

8. Consultation:

In accordance with the provisions of section 63(3)(b) of the Police Act 1996, this instrument was sent in draft to the Police Advisory Board for England and Wales for consultation. The instrument takes account of the responses received from the Police Advisory Board.

9. Impact:

No Regulatory Impact Assessment has been prepared because no impact on the private or voluntary sector is foreseen. The effect of the instrument is to promote equality.

10. Contact:

Further information on this instrument can be obtained from:

Isobel Rowlands

Police Personnel Unit

Home Office

50 Queen Anne's Gate

London SW1H 9AT

Telephone : 0207 273 4396

Email : isobel.rowlands@homeoffice.gsi.gov.uk