

**EXPLANATORY MEMORANDUM TO THE
ROYAL PARKS (ESTABLISHMENT OF ELIGIBILITY FOR TRANSFER AND
TERMINATION OF EMPLOYMENT) REGULATIONS 2005**

2005 No. 2868

1. This explanatory memorandum has been prepared by the Department for Culture Media and Sport and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Regulations set out requirements with which all Royal Parks constables are required to comply for the purpose of establishing their eligibility to serve as constables with the Metropolitan Police, or otherwise be employed by the Metropolitan Police Authority (“MPA”), when the Royal Parks Constabulary (“RPC”) is abolished. They also remove the right to compensation for early retirement or severance under the Civil Service Compensation Scheme for any RPC constable whose appointment is terminated as a consequence of failing to comply with these requirements and for any RPC constable who is eligible to be appointed as a Metropolitan Police constable but does not wish to transfer to the Metropolitan Police under the terms of a transfer scheme.

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

3.1 None.

4. Legislative Background

4.1 These Regulations are made under paragraphs 2 and 8 of Schedule 13 to the Serious Organised Crime and Police Act 2005. The power to make these Regulations has not previously been exercised. They are being made as part of the process of implementing the provisions in the 2005 Act dealing with the abolition of the RPC and the transfer of responsibility for policing the Royal Parks and certain other open spaces managed by the Royal Parks Agency on behalf of the Secretary of State for Culture, Media and Sport to the MPA. Royal Parks constables are currently appointed by the Secretary of State and their powers are set out in the Parks Regulation Act 1872. Sections 161 and 162 of the 2005 Act provide that this will cease from a day to be appointed by order, and schedule 13 provides for RPC constables to transfer to the MPA by way of a transfer scheme.

4.2 Paragraph 2 of Schedule 13 to the 2005 Act provides that the Secretary of State may by regulations impose requirements on RPC constables for the purpose of establishing whether they are eligible to be employed by the MPA or to become Metropolitan Police constables. The qualifications for appointment as a constable to the Metropolitan Police force are set out in Regulation 10 of the Police Regulations 2003 (SI2003/527) and relate to matters such as character, conduct, health, and employment or other history. Eligibility to be employed by the MPA is assessed on the basis of the same criteria.

4.3 Paragraph 3(1) of Schedule 13 to the 2005 Act provides that the Secretary of State may terminate the Crown employment of any person who fails to comply with or satisfy any requirement imposed for the purpose of establishing eligibility. Paragraph 8 provides that the Secretary of State may by regulations make provision as to the consequences of the termination of a person's Crown employment under paragraph 3(1), including provision removing any entitlement to compensation which might otherwise arise. Such entitlements may arise by virtue of a RPC constable's membership of the Civil Service Compensation Scheme, which is made under s1 of the Superannuation Act 1972.

4.4 Paragraph 8 also provides for the removal of any entitlement to compensation from RPC constables whose employment is terminated by a transfer scheme. A transfer scheme may be made under paragraphs 4 and 5 of Schedule 13 to the 2005 Act and may provide for Royal Parks constables to become employees of the MPA on a day to be appointed by order under s161(4) and for their subsequent appointment as Metropolitan Police constables, once they have been duly attested. Paragraph 4(2)(f) provides that a transfer scheme may provide for the termination of the Crown employment of a RPC constable who would otherwise be transferred by the scheme but who has informed the Secretary of State that he does not wish to be transferred.

5. Extent

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 These Regulations form part of the implementation of the Royal Parks provisions of the Serious Organised Crime and Police Act 2005, which give effect to the policy of transferring responsibility for policing the Royal Parks and certain other open spaces which are under the management of the Secretary of State for Culture, Media and Sport from the RPC to the MPA. This policy was agreed following an inspection of the RPC carried out by Anthony Speed CBE, QPM, DL in 2000. The policy is intended to bring greater coherence to the policing of the Royal Parks as part of the policing of London, and improve accountability.

7.2 RPC constables have been policing the Royal Parks jointly with the Metropolitan Police since April 2004. Since July 2004, RPC constables have been able to transfer voluntarily to the Metropolitan Police, subject to meeting the eligibility criteria set out in the Police Regulations 2003. Approximately 100 RPC constables have transferred voluntarily and less than 35 constables currently remain in the RPC. These Regulations will enable the RPC to establish the eligibility of the remaining RPC constables for appointment as Metropolitan Police constables or as MPA employees (Community Support Officers or police staff), by requiring the provision of certain information and where necessary requiring them to undergo health and eyesight checks. RPC constables who refuse to undergo the eligibility process may have their Crown employment terminated when the RPC is abolished and will

lose the right to compensation under the Civil Service Compensation Scheme.

7.3 Once the eligibility process is complete, provision will be made by way of a transfer scheme for those who are eligible for appointment as Metropolitan Police constables to transfer to the MPA on a day to be appointed (which is expected to be in 2006). These constables will be given the choice (subject to eligibility) of appointment as Metropolitan Police constables or MPA employees, and the majority will be expected to serve in Royal Parks Operational Command Unit of the Metropolitan Police, where they will continue to police the Royal Parks for an initial period of between 2-10 years. RPC constables who are eligible to be appointed as Metropolitan Police constables, but do not wish to transfer in any capacity, may have their Crown employment terminated and these Regulations provide that they will lose the right to compensation under the Civil Service Compensation Scheme. RPC constables who are not eligible for appointment as Metropolitan Police constables will be offered the choice of transferring as MPA employees (subject to eligibility) or taking early retirement or compulsory severance in accordance with the Royal Parks Agency's redundancy scheme.

7.4 The Royal Parks have consulted staff on the proposed terms of the transfer arrangements. As part of this consultation, staff were consulted about the matters contained in these Regulations. The PCS union commented on various aspects of the proposed transfer arrangements which are not directly relevant to these Regulations, however, in relation to the eligibility exercise, they responded that some RPC constables will not voluntarily submit to the eligibility exercise as they are opposed to the merger of the RPC with the Metropolitan Police. The Royal Parks is committed to the merger and approximately 100 RPC staff have already voluntarily transferred to the Metropolitan Police. The Royal Parks consider that the transfer arrangements are generally favourable to staff and compensation should only be offered to those who are not eligible to serve as Metropolitan Police constables.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is potentially to save costs for the Civil Service Compensation Scheme, by removing the possibility of compensation in specified circumstances.

9. Contact

9.1 Anne Moore at the Royal Parks Agency, tel: 020 7298 2020 (or e-mail: AMoore@royalparks.gsi.gov.uk) can answer any queries regarding the instrument.