

EXPLANATORY MEMORANDUM TO
THE POLICE (AMENDMENT) (No.2) REGULATIONS 2006

2006 No. 3449

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

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

2.1 The Regulations make a number of amendments to the Police Regulations 2003 (the **2003 Regulations**). The 2003 Regulations set out various terms and conditions of service of members of police forces. Changes to the 2003 Regulations are being made to bring them into line with provisions of the Employment Act 2002 and the Civil Partnership Act 2004, to make provision in relation to the Working Time Regulations 1998 and to enhance conditions of service of members.

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

3.1 The instrument has effect from 1 February 2007, apart from Regulation 6, which is effective from the 16 April 2003 and Regulation 8 which is effective from the 24 July 2003. These are the dates agreements were reached by the Police Advisory Board for England and Wales (**PABEW**) and the Police Negotiating Board (**PNB**) that those regulations implement. Regulation 9 is effective from the 1 April 2004, being the date on which the Police (Conduct) Regulations 2004 came into force. Retrospective effect is permitted by section 50(5) of the Police Act 1996.

4. **Legislative Background**

4.1 The amendments to the 2003 Regulations were agreed by the Police Advisory Board of England & Wales during 2003/4. The changes to the regulations are made to reflect agreements reached by the PAWEB and the PNB as set out in section 7 below.

5. **Territorial Extent and Application**

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 One of the policy objectives of the Police Act 1996 is to enable provision to be made for the government, administration and conditions of service of members of police

forces. Such provision is made in the 2003 Regulations. This instrument makes a number of amendments to the 2003 Regulations. Consultation with the Staff side of the PAWEB took place at quarterly meetings between 2003 and 2004. The PAWEB works in parallel with the PNB and amendments to the 2003 Regulations have been agreed through consultation and negotiation with the use of expert working parties. Detailed consideration to each amendment was given and decisions and recommendations made in order to reach agreement.

7.2 The purpose of the policy on business interests under regulations 2 and 3 is to ensure the professional image of the Police Service and the health, safety and welfare of police officers. The instrument introduces a new paragraph into the 2003 Regulations dealing with the disclosure by an officer of business interests which are held by certain members of his family. Such an interest must be notified to the chief officer if the officer considers that it could interfere with the impartial discharge of his duties (or whether members of the public might see it as an interference). Where a business interest is notified to the chief officer, he must consider whether it could lead to breach of the Code of Conduct set out in the Police (Conduct) Regulations 2004.

7.4 Regulation 4 amends the 2003 Regulations so that the personal record kept of each police officer shall contain particulars of his civil partnership, if he has formed one. This change is being made following the enactment of the Civil Partnership Act 2004.

7.5 Regulation 5 allows the Secretary of State to make determinations relating to night workers and working time. The 2003 regulations enable the Secretary of State to make determinations on various matters relating to police pay and conditions of service.

7.6 The Maternity and Parental Leave Regulations 1999 together with provisions inserted in the Employment Rights Act 1996 created new rights for employees to parental leave and improved maternity leave. Therefore, the PNB agreement made amendments to the Police Occupational Maternity Scheme to take account of these changes. In addition, new provisions were created for police officers' maternity support leave (formerly paternity leave), adoption leave and adoption support leave. The provisions under Regulation 6 amends the circumstances in which an officer's maternity leave counts as service for the purposes of pay, and sets out the circumstances in which periods of adoption leave, maternity support leave and adoption leave are to be so counted. Under regulation 7 the Secretary of State is given the additional authority to make determinations relating to adoption support leave and career breaks.

7.7 Regulation 8 gives the Secretary of State power to make a determination that would give police authorities a discretion to reimburse to chief officers the tax payable in relation to removal expenses.

7.8 Regulations 9 makes an amendment consequential on the revocation and replacement of the Police (Conduct) (Senior Officers) Regulations 1999 by the Police (Conduct) Regulations 2004.

7.9 Guidance on the changes to these regulations will be set out in Home Office Circulars on the website www.homeoffice.gov.uk.

7.10 The level of public interest is low and media coverage is not anticipated.

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 will be to administer any queries from police forces arising from changes made to the 2003 regulations. The implications for individual police forces will be to put systems in place to implement, monitor and evaluation the operation of the amendments to 2003 Regulations as outlined in section 7 above.

9. Contact

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