

**EXPLANATORY MEMORANDUM TO
THE POLICE (AMENDMENT) REGULATIONS 2012**

2012 No. 192

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

2. **Purpose of the instrument**

2.1 This instrument amends the Police Regulations 2003 to implement provisions agreed by the Official and the Staff Sides of the Police Negotiating Board (PNB) on taking into account maternity and adoption leave when reckoning the length of service; reckoning of service for Serious Organised Crime Agency (SOCA) transferees; and the payment of housing emoluments for police officers. These agreements are in joint PNB circulars which have been ratified by Home Office circulars.

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

3.1 None

4. **Legislative Context**

4.1 The Police Negotiating Board's function under section 61(1) of the Police Act 1996 is to consider questions around police officer hours of duty; leave; pay and allowances; the issue, use and return of police clothing, personal equipment and accoutrements; and pensions – and to make recommendations on such questions to the Home Secretary, Scottish Ministers and the Northern Ireland Justice Secretary.

4.2 The instrument implements agreements reached in the Police Negotiating Board and communicated by way of a PNB circular, on the following issues:

- increasing the periods of maternity and adoption leave to be taken into account in reckoning the length of service of a police officer for the purposes of determining their pay (PNB Circulars 03/1; 06/5; 10/14),
- reckonable service for those police officers who transferred to SOCA on 1 April 2006 who subsequently rejoin another police force (PNB Circular 09/2),
- the entitlement of police officers to replacement allowance (a housing allowance) where they rejoin a force following medical retirement and a review where they are assessed as no longer disabled for police duty (PNB Circular 08/7).

4.3 The PNB agreements are only advisory until the necessary amendments are made to the police regulations and determinations. This instrument brings the above agreed changes into effect.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

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

7. Policy background

- *What is being done and why*

7.1 This instrument brings into effect changes that have been agreed in PNB and communicated by means of PNB circulars and Home Office circulars. The PNB is a forum where issues such as pay can be discussed in an environment where the interests of the police officers (through their staff associations), and other organisations, such as the Association of Chief Police Officers and the Association of Police Associations are represented.

7.2 The changes in regulation 4 increase the periods of maternity leave to be taken into account in reckoning the length of service from the current levels of 26 weeks to 52 weeks. It also now enables a longer period of adoption leave to be reckoned.

7.3 The changes in regulation 6 provide clarity on how to reckon the service of a person who served in the National Crime Squad or National Criminal Intelligence Service and from there joined SOCA before joining or rejoining a police force.

7.4 The changes in regulation 7 make clear that an officer who, before his medical retirement, had been entitled to a replacement allowance, should preserve his entitlement to this allowance if he later rejoins the police service having had a review where he was assessed as no longer disabled for police duty. Regulation 7 also prevents an officer who rejoins the force in this circumstance, from making a double recovery or profit in claiming the replacement allowance and other allowances.

- *Consolidation*

7.5 These Regulations make only limited amendments to the Police Regulations 2003. Accordingly this is not regarded as a suitable opportunity

to consolidate these and other amendments that have been made to the Police Regulations 2003.

8. Consultation outcome

8.1 A draft of these Regulations were supplied to the Police Negotiating Board as part of the consultation process. The comments received from the Police Negotiating Board have been taken into consideration and some changes have been made to the draft as a result.

9. Guidance

9.1 The Regulations are intended to be self-explanatory to the lay reader, and no guidance will be issued.

10. Impact

10.1 The impact on business, charities or voluntary bodies is negligible.

10.2 There is a modest impact on the public sector. There are already existing provisions on reckoning of service for police officers and paying housing emoluments. The changes in the instrument provide further clarification for forces on these issues. For example, they clarify how to reckon service in particular circumstances such as for police officers who rejoin a force after working in SOCA.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The Police Regulations 2003 make extensive provision about the terms and conditions of service of police officers in England and Wales, and the effective operation of the Regulations is the subject of ongoing attention by the Home Office.

13. Contact

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