
STATUTORY INSTRUMENTS

1994 No. 2195

POLICE

The Police (Amendment) (No. 2) Regulations 1994

Made - - - - 23rd August 1994
Laid before Parliament 24th August 1994
Coming into force - - 1st September 1994

The Secretary of State in exercise of the powers conferred on him by section 33 of the Police Act 1964(1), and after taking into consideration the representations made by the Police Advisory Board for England and Wales and the recommendations made by the Police Negotiating Board for the United Kingdom and after satisfying the requirements of section 46 of that Act and section 2(1) of the Police Negotiating Board Act 1980(2) as to the furnishing of drafts of the Regulations to the said Boards hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Police (Amendment) (No. 2) Regulations 1994 and shall come into force on 1st September 1994.

(2) In these Regulations “the principal Regulations” means the Police Regulations 1987(3).

Part-time appointments

2. Regulation 8A(8) of the principal Regulations is amended by substituting for the words “chief inspector” the word “sergeant”.

Normal daily period of duty

3. Regulation 26(1) of the principal Regulations is amended by substituting for the word “superintendent” the word “inspector”.

(1) 1964 c. 48; section 33 was amended by the Police and Magistrates' Courts Act 1994 (c. 29), section 18, and those amendments (except new section 33) have been brought into force by S.I.1994/2025.
(2) 1980 c. 10.
(3) S.I. 1987/851; relevant amendments were made by S.I. 1987/1753, 1988/727, 1989/895, 1990/401, 1573, 1991/2484, 2650, 1992/1278, 1993/331, 1198, 2047, 2527, 1994/1308.

Variable shift arrangements

4. Regulation 26A(1) of the principal Regulations is amended by substituting for the word “superintendent” the word “inspector”.

Rostering of duties

5. Regulation 27(1) of the principal Regulations is amended by substituting for the word “superintendent” the word “inspector”.

Overtime

6. Regulation 28(3) of the principal Regulations is amended—
- (a) by inserting after the words “member of a police force” the words “below the rank of inspector”; and
 - (b) by inserting after the words “that week” the words “, except that on each of the first 4 occasions on which overtime in respect of which the member was not informed as mentioned in paragraph (6) is worked during a week 30 minutes of the overtime worked is to be disregarded”.

Public holidays and rest days for lower ranks

7. Regulation 29 of the principal Regulations is amended—
- (a) in paragraph (1) by substituting for the word “superintendent” the word “inspector”;
 - (b) in paragraph (3) by substituting for sub-paragraphs (a) to (c)—
 - “(a) where he receives less than 15 days' notice of the requirement, an allowance at the appropriate rest-day rate; or
 - (b) in any other case, another rest day, which shall be notified to him within 4 days of notification of the requirement.”;
 - (c) by inserting after paragraph (3)—
 - “(3A) The appropriate rest-day rate is, for each completed 15 minutes of duty on a rostered rest day, the fraction of a day's pay specified in paragraph (3B).
 - (3B) The fraction is—
 - (a) where the member received less than 8 days' notice of the requirement, one sixteenth; and
 - (b) in any other case, three sixty-fourths.”;
 - (d) in paragraph (5) by substituting for the words “paragraph (3)(a) or (b)” the words “paragraph (3)(a)”, and for sub-paragraph (b)—
 - “(b) in the case of a rostered rest day—
 - (i) where the member received less than 8 days' notice of the requirement, to double, and
 - (ii) in any other case, to one and a half times.”.
 - (e) in paragraph (6) by substituting for the words “paragraph (3)(a) or (b)” the words “paragraph (3)(a)”;
 - (f) in paragraph (7)(c) by deleting the words after “public holiday”; and
 - (g) in paragraph (7)(f) by inserting after the words “a period of 4 completed hours” the words “,except that a period of not more than one hour of duty on a rostered rest day shall, if it

immediately follows a period for which he was on duty as part of a normal daily period of duty, count as the number of periods of 15 minutes actually completed”.

Public holidays and rest days for inspectors

8. The principal Regulations are amended by inserting after regulation 29—

“Public holidays and rest days for inspectors

29A.—(1) This regulation applies to every member of a police force of the rank of inspector or chief inspector.

(2) Such a member shall, so far as the exigencies of duty permit, be allowed a day’s leave on each public holiday and be granted rest days at the rate of two rest days in respect of each week.”.

Pay during sick leave

9. The principal Regulations are amended by inserting after regulation 43—

“Pay during sick leave

43A.—(1) Subject to paragraphs (2) and (3), if on any relevant day a member of a police force has during the period of 12 months ending with that day been on sick leave for 183 days, he ceases for the time being to be entitled to full pay, and becomes entitled to half pay, while on sick leave.

(2) Subject to paragraph (3), if on any relevant day a member of a police force has been on sick leave for the whole of the period of 12 months ending with that day, he ceases for the time being to be entitled to any pay while on sick leave.

(3) The chief officer of police may in a particular case determine that for a specified period—

- (a) a member who is entitled to half pay while on sick leave is to receive full pay, or
- (b) a member who is not entitled to any pay while on sick leave is to receive either full pay or half pay,

and may from time to time determine to extend the period.

(4) For the purposes of this regulation a relevant day is a day after 30th August 1995 on which a member is on sick leave, and in this regulation—

- (a) references to a member’s being on sick leave are references to his being absent from duty while entitled to be so, or with the consent of the police authority, under regulation 34,
- (b) references to full pay are references to pay at the rate ascertained from regulation 37(1) and, where applicable, regulation 39, and
- (c) references to half pay are references to pay at half the rate of the member’s full pay.”.

Removal allowance

10. Regulation 53(1)(d) of the principal Regulations is amended by deleting the words from “and may” to “immediately before the move”.

Allowance in respect of medical charges

11. Regulation 64 of the principal Regulations is amended—

- (a) in paragraph (1) by substituting for the words from “other” to “paragraph (2)” the words “if the charges are incurred by reason of an injury received without his default in the execution of his duty as a constable”; and
- (b) by deleting paragraph (2).

Modification for part time service

12.—(1) In this regulation “Schedule 1A” means Schedule 1A to the principal Regulations.

(2) Paragraph 1 of Schedule 1A (which modifies regulation 5 of the principal Regulations) is amended—

- (a) in the inserted paragraph (5) by substituting for the word “superintendent” the word “inspector”; and
- (b) in the inserted paragraph (6) by substituting for the words “chief inspector” the word “sergeant”.

(3) Paragraph 6 of Schedule 1A is amended in paragraph (2) of the substituted regulation 28 by inserting after the words “in excess of 8 hours” the words “,except that on each of the first 4 occasions on which overtime which the member was not told at the beginning of the shift would be required is worked during a relevant week 30 minutes of the overtime worked is to be disregarded”.

(4) Paragraph 7 of Schedule 1A (which modifies regulation 29 of the principal Regulations) is amended—

- (a) by substituting for sub-paragraph (a)—
 - (a) in paragraph (3A) for the words “a day’s pay” substitute “the member’s hourly rate of pay calculated in accordance with regulation 37(1)”;
 - (aa) in paragraph (3B)—
 - (i) for the words “one sixteenth” substitute “one quarter”, and
 - (ii) for the words “three sixty-fourths” substitute “one eighth”;
- (ab) after paragraph (3B) insert—
 - “(3C) A member who—
 - (a) is required to do duty on a free day, and
 - (b) receives less than 15 days' notice of the requirement,

shall be granted another free day in lieu, which shall be notified to him within 4 days of notification of the requirement.

(3D) This paragraph applies where—

- (a) a member is required to do duty on a free day, and
- (b) he receives less than 15 days' notice of the requirement, and
- (c) the duty is of such a nature that it would not in the circumstances have been reasonably practicable for it to be done by any other member.

(3E) Where paragraph (3D) applies—

- (a) if the member was on duty for more than 8 hours on the free day and for more than 40 hours (in addition to any hours on a rostered rest day or a public holiday for which an allowance fell to be granted under paragraph (3)(a) or (4)(a) or (b)) during the week in which the free day occurred, he is entitled to an allowance at

the rate of one twelfth of an hour's pay for each completed period of 15 minutes of duty done on the free day, and

(b) in any other case, he is entitled to time off equal to the total length of those periods.

(3F) Where—

(a) a member is required to do duty on a free day, and

(b) he receives less than 15 days' notice of the requirement, but paragraph (3E) does not apply, he is entitled to an allowance at the appropriate rest-day rate.”;

(b) in sub-paragraph (b) in the inserted paragraph (5A) by substituting—

(i) for the words “paragraph (3C)(a)” the words “paragraph (3E) (a)”, and

(ii) for the words “paragraph (3D)” the words “paragraph (3F)”;

(c) by substituting for sub-paragraph (c)(iii)—

“(iii) after the words “as the case may be,” insert “paragraph (3E) or (3F) or”;

(d) by substituting for sub-paragraph (d)(i)—

(i) for sub-paragraph (b) substitute—

“(b) “the appropriate rate” is, for each completed 15 minutes of duty done on a public holiday, one quarter of the member’s hourly rate of pay calculated in accordance with regulation 37(1);”;

(e) by substituting for sub-paragraph (d)(iii)—

“(iii) in sub-paragraphs (f) and (g) after the words “rostered rest day”, wherever occurring, insert “or a free day” and in sub-paragraph (f) for the words “a normal daily period of duty” substitute “a rostered shift”.”.

(5) Paragraph 22 of Schedule 1A (which modifies regulation 57 of the principal Regulations) is amended in the paragraph (1A) inserted by sub-paragraph (b) by substituting for the words “paragraphs (2), (2A) and (3)” the words “paragraphs (2A) and (3)”.

Modification for variable shift arrangements

13. Paragraph 4 of Schedule 2A to the principal Regulations is amended by inserting after the words ““not less than”” the words “and in paragraph (7)(f) for the words “a normal daily period of duty” substitute “a rostered shift””.

Provisions ceasing to have effect

14. The following provisions of the principal Regulations shall cease to have effect—

(a) regulation 49 (housing allowance),

(b) regulation 49A (housing allowance: supplementary),

(c) regulation 49B (transitional rent allowance),

(d) regulation 49C (application of regulation 49B to other members),

(e) regulation 49D (application of regulation 52),

(f) regulation 50 (supplementary housing allowance),

(g) regulation 51 (application of regulations 49 and 50 to members of regional crime squads and motorway patrol groups),

(h) regulation 52 (compensatory grant),

(i) regulation 52B (compensatory allowance),

- (j) regulation 54 (uniform allowance),
- (k) regulation 55 (women's stocking allowance),
- (l) regulation 57(2) and (4) (detective duty allowance),
- (m) regulation 61 (bicycle allowance),
- (n) regulation 62 (typewriter allowance),
- (o) regulation 66 (promotion examination allowance),
- (p) regulation 72 (provision of house or quarters),
- (q) paragraphs 16 to 18, 20 and 22(c) of Schedule 1A,
- (r) paragraph 4(1) and (2) of Schedule 4,
- (s) Schedules 9 and 10, and
- (t) paragraph 4 of Schedule 12.

Savings and transitional provision

15. The Schedule to these Regulations (which contains savings and transitional provision) shall have effect.

Home Office
23rd August 1994

David Maclean
Minister of State

SCHEDULE

Regulation 15

SAVINGS AND TRANSITIONAL PROVISION

PART I

Part-Time Service

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 principal Regulations before 1st September 1994, the principal Regulations shall have effect as if the amendments made by regulations 2 to 6, 7(a), 8 and 12(2) above had not been made.

PART II

Housing Payments

Interpretation

- 1.—(1) This paragraph has effect for defining expressions used in this Schedule.
- (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) “Re-joining member” means a member of a police force who by reason only of a relevant absence is not a qualifying member.
- (4) “Relevant absence” means—
- (a) a period of central service or overseas service, or
 - (b) a period of unpaid leave,
- ending after 31st August 1994.
- (5) “Housing emoluments” means any one or more of the following kinds of payments under the principal Regulations as they had effect before the coming into force of these Regulations—
- (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.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Qualifying member previously provided with accommodation

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.

(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.

Qualifying member with housing emoluments

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.

Re-joining member previously provided with accommodation

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.

Re-joining member previously in receipt of housing payments

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.

Members provided with house or quarters

6. A qualifying member or re-joining member who—
- (a) is provided with a house or quarters free of rent, and
 - (b) if these Regulations had not come into force would have been entitled to an allowance under regulation 49(11) or 50(3) of the principal Regulations,
- is, subject to paragraph 7, entitled to an equivalent replacement allowance.

Variation and termination of replacement allowances

- 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,
- would, if these Regulations had not come into force, have fallen to be reduced or discontinued, the replacement allowance in question is reduced accordingly or, if the effect of a 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 31 August 1994.

(3) In circumstances in which any allowance or housing emoluments mentioned in subparagraph (1) would, if these Regulations had not come into force, have fallen to be increased otherwise than under regulation 49A of the principal 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.

Removal allowance

8. In relation to a qualifying member or a re-joining member who is entitled to a replacement allowance under paragraphs 2 to 5 regulation 53(1) of the principal Regulations has effect as if the words deleted by regulation 10 above had not been deleted, but had continued to have effect with the substitution for references to housing allowance or transitional rent allowance—
- (a) where paragraph 2 or 4 applies, of references to the replacement allowance, and
 - (b) in any other case, of references to so much of the replacement allowance as is attributable to a previous housing allowance or transitional rent allowance.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Police Regulations 1987 (“the principal Regulations”) and revoke a large number of provisions relating to housing payments and other miscellaneous allowances.

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The effect of regulations 2 to 5, 6(a) and 7(a) is that inspectors and chief inspectors cease to work fixed hours in accordance with a duty roster, and accordingly cease to be entitled to extra payments for overtime, and for working on public holidays and rest days although they remain in principle free from duty on such days (see the new regulation 29A inserted into the principal Regulations by regulation 8).

Regulation 6(b) reduces the length of unplanned overtime counting towards the overtime allowance payable to sergeants and constables; regulation 7(b) to (g) reduces the notice threshold for payment of rest day working allowance from 28 to 14 days, removes the additional entitlement to an extra rest day (but increases the time off that may be taken in lieu of the allowance) where there was less than 8 days' notice, and reduces the length at which a short period worked on a rest day counts if it is continuous with normal duty.

The changes made by regulations 2 to 8 are taken into the conditions for part time service (in the principal Regulations as modified by Schedule 1A) by regulation 12, except that as a transitional measure part time inspectors and chief inspectors in post immediately before the commencement of these Regulations (who would otherwise immediately have had to find a job-sharer or start working full time) continue to work fostered hours and to be entitled to overtime, public holiday and rest day payments: see regulation 15 and Part I of the Schedule.

Regulation 9 inserts into the principal Regulations a new regulation 43A which introduces restrictions on entitlement to pay while on sick leave.

The amendment made by regulation 10 is consequential upon the revocation of provisions about housing payments.

Regulation 11 makes medical charges reimbursable only if they arise from an injury received on duty, a restriction which previously applied only to officers first appointed after 30th November 1991.

Regulation 13 is consequential upon regulation 7(g).

Regulation 14 revokes over 20 provisions relating to allowances of various kinds, including payments in respect of housing where it was not provided free of rent.

For officers actually or potentially entitled to housing or housing payments immediately before the commencement of these Regulations whose service thereafter is uninterrupted, or is interrupted only by central or overseas service or unpaid leave, equivalent entitlements to "replacement allowances" are provided by paragraphs 1 to 7 of Part II of the Schedule (given effect by regulation 15). Paragraph 8 preserves for such officers the possibility of limited reimbursement of removal expenses in respect of a period extending beyond the first 26 weeks following a move.