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STATUTORY INSTRUMENTS

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**1988 No. 727**

**POLICE**

**The Police (Amendment) Regulations 1988**

<i>Made</i>	- - - -	<i>14th April 1988</i>
<i>Laid before Parliament</i>		<i>26th April 1988</i>
<i>Coming into force</i>	- -	<i>23rd May 1988</i>

In exercise of the powers conferred on me by section 33 of the Police Act 1964<sup>(1)</sup>, and after taking into account 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 furnishing each of the said Boards with a draft of the Regulations in accordance with section 46(3) of that Act<sup>(2)</sup> and section 2(1) of the Police Negotiating Board Act 1980<sup>(3)</sup>, I hereby make the following Regulations:—

1. These Regulations may be cited as the Police (Amendment) Regulations 1988 and shall come into force on 23rd May 1988.
2. The Police Regulations 1987<sup>(4)</sup> shall be amended as follows:—
  - (a) at the end of regulations 16 and 17 there shall, in each case, be added the following provision:—

“(5) In its application to the metropolitan police force this regulation shall have effect as if the expression “chief officer” includes an assistant commissioner of police.”;
  - (b) for regulation 29(7)(f) there shall be substituted the following provision:—

“(f) Where a member is required to do duty, or is recalled to duty, for a period of less than 4 completed hours on a day which is a public holiday or a rostered rest day, such period or, as the case may be, each such period, shall be treated as though it were a period of 4 completed hours.”;
  - (c) in regulation 35(2), after the words “as respects” there shall be inserted the words “the first”;
  - (d) in regulation 53(4), for the words “(1) or (2)” there shall be substituted the words “(1) or (3)”;
  - (e) in regulation 58 (subsistence, refreshment and lodging allowances)—

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(1) 1964 c. 48.

(2) Section 46(3), as amended by s.4(6) of the Police Act 1969 (c. 63), was amended by s.2(4) of the Police Negotiating Board Act 1980 (c. 10).

(3) 1980 c. 10.

(4) S.I. 1987/851; the relevant amending instrument is S.I. 1987/1753.

(i) for paragraph (1) there shall be substituted the following provision:—

“(1) A member of a police force of or below the rank of superintendent who, having been retained on duty beyond his normal daily period of duty or engaged on duty away from his usual place of duty, certifies that, by reason of being so retained or engaged, he has been unable to obtain a meal in his usual way and that, as a consequence thereof, he has incurred additional expenditure to obtain food, shall—

- (a) if the period for which he is so retained or engaged is not less than two hours but does not exceed five hours, be paid a refreshment allowance;
- (b) if the period for which he is so retained or engaged exceeds 5 hours, be paid a subsistence allowance.”;

(ii) after paragraph (1) there shall be inserted the following provision:—

“(1A) A member of a police force of or below the rank of superintendent who, having been retained on duty beyond his normal daily period of duty or engaged on duty away from his usual place of duty, certifies that he has incurred additional expense for the purpose of obtaining lodging which he would not have required if he had not been so retained or engaged shall be paid a lodging allowance.”;

(iii) for paragraph (2) there shall be substituted the following provision:—

“(2) A member of a police force of or below the rank of superintendent who satisfies the chief officer of police that during his normal daily period of duty he has, though not away from his usual place of duty, been prevented by the exigencies of duty from obtaining a meal in his usual way and that he has, as a consequence thereof, incurred additional expenditure to obtain food, may be paid a refreshment allowance.”;

(iv) for paragraph (3) there shall be substituted the following provision:—

“(3) For the purposes of this regulation the expression “usual place of duty” means—

- (a) in the case of a member of the rank of superintendent, the divisional or sub-divisional headquarters or other police establishment, or
- (b) in the case of a member below the rank of superintendent, the police station or other police establishment,

in which the member is stationed or, where such place of duty has been temporarily changed, and after such period from the date of change as the chief officer of police may determine, in which he is temporarily stationed, as the case may be.”; and

(f) paragraphs 4 and 5 of Schedule 7 shall be omitted.

Home Office  
14th April 1988

*Douglas Hurd*  
One of Her Majesty’s Principal Secretaries of  
State

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Police Regulations 1987 (“the 1987 Regulations”) with effect from 23rd May 1988.

Regulation 2(a) amends Regulations 16 and 17 of the 1987 Regulations (constable’s probationary service) so that, in relation to the metropolitan police force, the reference to the chief officer (who exercises certain functions in relation to the probationer) includes an assistant commissioner of police.

Regulation 2(b) ensures that any period of duty, including a period for which a member is recalled to duty, of less than 4 completed hours on a day which is a public holiday or a rostered rest day is to be treated as though it were a period of 4 completed hours.

Regulation 2(c) provides that the three months of maternity leave for which a member is entitled to be paid shall be the first three months of such leave.

Regulation 2(d) corrects a minor error in the consolidation of the 1987 Regulations.

Regulation 2(e) amends the provisions of the 1987 Regulations relating to refreshment, subsistence and lodging allowances payable to a member of a police force of or below the rank of superintendent. It is made clear that the allowances are payable in respect of additional expense incurred where a member has been unable to obtain food or meals in his usual way or has been required to obtain lodging which he would not normally require. The minimum period of retention on duty to qualify for a refreshment allowance is increased from one to two hours. In the case of a member who is retained on duty beyond his normal period of duty or is engaged on duty away from his usual place of duty, such allowances are to be payable where the member certifies that, by reason of being so retained or engaged, he has incurred such additional expense. The expression “usual place of duty” is defined as the divisional or sub-divisional headquarters (in the case of a superintendent) or police station (in the case of a member below the rank of superintendent), or other police establishment, in which the member is stationed or, after such period as the chief officer may determine, temporarily stationed, as the case may be.

Regulation 2(f) removes a chief officer’s power to reduce the amounts of the refreshment, subsistence and lodging allowances provided for by the 1987 Regulations.