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STATUTORY INSTRUMENTS

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**1996 No. 699**

**POLICE**

**The Police (Amendment) Regulations 1996**

*Made* - - - - *7th March 1996*

*Laid before Parliament* *18th March 1996*

*Coming into force in accordance with regulation 1(3)*

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 recommendations made by the Police Negotiating Board for the United Kingdom and furnishing the said Board and the Police Advisory Board for England and Wales with a draft of the Regulations in accordance with section 2(1) of the Police Negotiating Board Act 1980(2) and section 46(3) of the Police Act 1964(3), hereby makes the following Regulations:

- 1.—(1) These Regulations may be cited as the Police (Amendment) Regulations 1996.
- (2) In these Regulations, “the principal Regulations” means the Police Regulations 1995(4).
- (3) These Regulations shall come into force on 10th April 1996, but—
  - (a) regulation 5(c) shall have effect from 16th October 1994 for the purposes of regulation 39 of the principal Regulations and the definition of “relevant service” in paragraph 6(1) of Schedule 4 to those Regulations;
  - (b) regulations 7 and 9 shall have effect from 18th July 1995; and
  - (c) regulations 8, 10, 11 and 12 shall have effect from 1st September 1995.
2. In regulation 4(1) of the principal Regulations (interpretation), after the definition of “joint branch board” there shall be inserted:

““maternity leave” has the meaning assigned thereto by regulation 36A(1);

“member of a police force” includes such a member who is suspended under the Discipline Regulations;”.
3. In regulation 14 of the principal Regulations (probationary service in the rank of constable):
  - (a) in paragraph (2) the words from “Provided that” to the end are hereby revoked; and

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(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(3)) have been brought into force by S.I.1994/2025.

(2) 1980 c. 10.

(3) Section 46(3) was amended by section 2(4) of the Police Negotiating Board Act 1980.

(4) S.I. 1995/215, as amended by S.I. 1995/547 and S.I. 1995/2020.

(b) at the end of paragraph (4) there shall be added:

- “(e) in reckoning service in the case of a female member of a police force who has taken one or more periods of maternity leave—
- (i) where that leave has been for more than fourteen weeks, the first fourteen weeks whilst on maternity leave shall be treated as if it were service in the police force;
  - (ii) where that leave has been for less than fourteen weeks, any period spent on maternity leave shall be treated as if it were service in the police force.”

4. For regulation 36 of the principal Regulations (maternity leave) there shall be substituted the following regulations:

**“Leave for ante-natal care**

**36.—(1)** A female member of a police force who is pregnant and who, on the advice of a registered medical practitioner, registered midwife or registered health visitor, has made an appointment to attend at any place for the purpose of receiving ante-natal care shall, subject to the following provisions of this regulation, have the right not to be unreasonably refused special leave from duty to enable her to keep the appointment.

(2) Subject to paragraph (3), a chief officer shall not be required by virtue of this regulation to permit a female member of a police force to take special leave from duty to keep an appointment unless, if he requests her to do so, she produces for his inspection—

- (a) a certificate from a registered medical practitioner, registered midwife or registered health visitor stating that she is pregnant, and
- (b) an appointment card or other document showing that the appointment has been made.

(3) Paragraph (2) shall not apply where the female member of a police force’s appointment is the first appointment during her pregnancy for which she seeks permission to take special leave from duty in accordance with paragraph (1).

(4) A period of special leave from duty taken in accordance with paragraph (1) shall be treated as a period of duty.

**Maternity leave**

**36A.—(1)** In this regulation—

“expected date of birth” means, subject to paragraph (4), the date given in accordance with paragraph (2)(b);

“maternity leave” means leave taken in accordance with the provisions of this regulation by a qualified member of a police force during the maternity period;

“maternity period”, in relation to such a member, means the period beginning six months before the probable date of birth of the member’s child, as given under paragraph (2)(b) or, as the case may be, paragraph (4), and ending nine months after the date so given; and

“qualified member” means a member of a police force who qualifies under paragraph (2).

(2) Subject to the following provisions of this regulation, a female member of a police force qualifies for maternity leave when she has given to the chief officer of police notice stating—

- (a) that she is pregnant;

- (b) the probable date of the birth of her child; and
- (c) the date on which she intends to commence maternity leave or, where she proposes to take more than one period of maternity leave before the probable date of the birth of her child, the proposed dates of those periods.

(3) A female member of a police force does not qualify for maternity leave where the chief officer of police has requested a certificate from a registered medical practitioner, registered midwife or registered health visitor setting out the matters referred to in paragraph (2)(a) and (b) and she fails to produce such a certificate.

(4) Where a certificate produced under paragraph (3) sets out a different date as the probable date of the birth of the child of the female member of a police force from the date given in accordance with paragraph (2)(b), the date given in the certificate shall have effect in place of the date given in the notice.

(5) A female member of a police force who is pregnant shall give the notice required by paragraph (2) as soon as reasonably practicable after she becomes aware of the probable date of birth of her child.

(6) The date or dates given in accordance with paragraph (2)(c) may be amended by a subsequent notice to the chief officer of police, provided that not less than 21 days' notice is given of the qualified member's intention to return to duty.

(7) A qualified member shall commence maternity leave no later than the date given in accordance with paragraph (2)(b) and, subject to paragraphs (8) and (9), the leave shall continue until the last day of the maternity leave.

(8) Where a qualified member intends to return to duty before the end of the maternity period after taking maternity leave, she shall give to the chief officer of police not less than 21 days' notice of her intention.

(9) A notice under paragraph (8) may be subsequently revoked; and any such revocation shall be without prejudice to the giving of another notice under that paragraph of an intention to return to duty before the end of the maternity period.

(10) During any period of maternity leave, a qualified member shall not be entitled to any sick leave under regulation 35.

(11) In paragraph (10) "period of maternity leave" means the period—

- (a) beginning on—
  - (i) the date given in accordance with paragraph (2)(c) as the date on which the qualified member intends to commence maternity leave or, where she proposes to take more than one period of such leave, the first of those dates, or
  - (ii) where that date or, as the case may be, the first of those dates has been amended by a subsequent notice under paragraph (6), that date; and
- (b) ending on—
  - (i) where a notice has been given under paragraph (8) and has not been subsequently revoked, the date so given; or
  - (ii) where no such notice has been given or remains in force, the last day of the maternity period."

5. Regulation 39(2) of the principal Regulations (rate of pay) shall be amended as follows:

- (a) the words from "Provided that" to the end shall become a new paragraph numbered "(2A)";
- (b) for the words "Provided that" there shall be substituted "For the purposes of this regulation";

(c) after sub-paragraph (e) there shall be inserted:

“(f) in the case of a female member of a police force who has taken one or more periods of maternity leave—

(i) where that leave has been for more than fourteen weeks, account shall be taken of the first fourteen weeks whilst on maternity leave;

(ii) where that leave has been for less than fourteen weeks, account shall be taken of any period spent on maternity leave;” and

(d) for the words “this paragraph” there shall be substituted “paragraph (2)”.

6.—(1) Regulation 40 of the principal Regulations (temporary salary) shall be amended as follows.

(2) In paragraph (1) for the word “duties” there shall be substituted “the duties”.

(3) After paragraph (1) there shall be inserted the following paragraph:

“(1A) A member of a police force of the rank of superintendent who is required for a continuous period exceeding 7 days to perform the duties normally performed by such a member whose pay category under paragraph 1(3) of Schedule 6 is higher than his own, otherwise (subject to paragraph (2)) than as the direct or indirect result of the absence of any member of the force on a monthly or other leave day granted under regulation 31, shall be paid in respect of that period, other than the first 7 days thereof, at a rate equal to the rate of pay of the member in that higher pay category.”.

(4) In paragraph (2) of that regulation, after the words “paragraph (1)” there shall be inserted “or (1A)”.

(5) In paragraph (3) for the words “perform duties” there shall be substituted “perform the duties”.

(6) In paragraph (4)(a), for the word “duties” there shall be substituted “the duties”.

7. After regulation 46 of the principal Regulations (pay during sick leave) there shall be inserted the following regulation:

**“Pay during maternity leave**

**46A.**—(1) Subject to the following provisions of this regulation, a female member of a police force who satisfies the conditions in paragraph (2) is entitled to be paid as respects the first three months of any period or periods of maternity leave in any one maternity period (as defined by regulation 36A) taken in accordance with regulation 36A, but is not entitled to be paid thereafter.

(2) The conditions referred to in paragraph (1) are that:

(a) at the beginning of the week in which the expected date of birth (as defined by regulation 36A(1)) occurs, the female member of a police force will have served continuously for a period of not less than sixty-three weeks in that or any other police force; and

(b) on the date (“the relevant date”) fifteen weeks before the expected date of birth (as so defined) she either—

(i) remains pregnant, or

(ii) has given birth prematurely to a baby who is alive on the relevant date.

(3) In this regulation “week” means a period of seven days beginning with Sunday.”.

8. In regulation 47(1) of the principal Regulations (deductions from pay of social security benefits and statutory sick pay) after the word “force” there shall be inserted “who is in receipt of full pay (within the meaning of regulation 46(4)(b))”.

**9.**—(1) Paragraph 12 of Schedule 1 to the principal Regulations (modification of regulation 36 of those Regulations for part-time service) is hereby revoked.

(2) After paragraph 16 of that Schedule there shall be inserted the following paragraph:

“**16A.** In regulation 46A (pay during maternity leave) after paragraph (3) insert—

(4) A woman member below the rank of superintendent who satisfies the conditions in paragraph (2) is to be treated for the purposes of regulation 39(1) (pay) as having been on duty for the number of hours determined by multiplying the number of her determined hours by the length in days of the paid leave period and dividing the result by the length in days of the relevant period.”.

**10.**—(1) Paragraph 1 of Schedule 6 to the principal Regulations (determination of pay)(5) shall be amended as follows.

(2) The table in paragraph 1(2) shall be amended by substituting for the third column (which sets out the amounts payable in respect of pay categories A to I) the following:

“£38,724

£39,678

£40,635

£41,589

£42,543

£43,497

£44,454

£45,408

£46,362”.

(3) In paragraph 1(3):

- (a) sub-paragraph (d) of pay category E and the word “or” immediately before it are hereby revoked;
- (b) in sub-paragraph (a) of pay category F the words “whose pay category would otherwise be C, D or E, but” are hereby revoked;
- (c) in sub-paragraph (c) of pay category F the words “was appointed in the rank of superintendent after 31st August 1994 and” and “in it” are hereby revoked;
- (d) in sub-paragraph (a) of pay category G the words “whose pay category would otherwise be C, D, E or F, but” are hereby revoked; and
- (e) in sub-paragraph (a) of pay category H the words “whose pay category would otherwise be C, D, E, F or G, but” are hereby revoked.

(4) The table in paragraph 1(4) shall be amended by substituting for the third and fourth columns (which set out the amounts payable in respect of pay categories A to I in London and the provinces, respectively) the following:

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“£29,775	£28,470
£30,612	£29,310
£31,449	£30,147

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(5) Paragraph 1 was amended by S.I. [1995/547](#).

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£32,286	£30,984
£33,129	£31,824
£33,783	£32,478
£34,440	£33,138
£35,100	£33,795
£35,691	£34,386”.

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(5) The table in paragraph 1(6) shall be amended by substituting for the third column (which sets out the amounts payable in respect of pay categories A to F) the following:

“£22,014  
£22,809  
£23,604  
£24,402  
£24,930  
£25,674”.

(6) The table in paragraph 1(8) shall be amended by substituting for the third column (which sets out the amounts payable in respect of pay categories A to M) the following:

“£14,412  
£15,648  
£16,525  
£16,710  
£17,082  
£17,532  
£18,141  
£18,726  
£19,335  
£19,893  
£20,397  
£21,057  
£21,828  
£22,809”.

**11.**—(1) Paragraph 3 of Schedule 6 to the principal Regulations(6) shall be amended as follows.

(2) For the table in paragraph 3(2) there shall be substituted:

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(6) Paragraph 3 was inserted by S.I. 1995/2020.

“Table

1 Population of police area	2 Officer appointed under regulation 13A	3 Officer not appointed under regulation 13A
Up to 500,000	£62,730 to £71,745	£59,742 to £68,325
500,001 to 1,000,000	£65,940 to £77,544	£62,802 to £73,851
1,000,001 to 2,000,000	£71,745 to £83,343	£68,325 to £79,377
Over 2,000,000	£79,392 to £89,598	£75,699 to £85,431”.

(3) In paragraph 3(3)(a) for the words “£51,756 to £59,409” there shall be substituted “£53,310 to £61,191”.

(4) In paragraph 3(3)(b) for the words “£49,290 to £56,580” there shall be substituted “£50,769 to £58,278”.

(5) For the table in paragraph 3(4) there shall be substituted:

“Table

1 Population of police area	2 Officer appointed under regulation 13A	3 Officer not appointed under regulation 13A
Up to 500,000	£53,310 to £61,191	£50,769 to £58,278
500,001 to 1,000,000	£53,310 to £62,035	£50,769 to £59,081
1,000,001 to 2,000,000	£57,396 to £66,674	£54,660 to £63,502
Over 2,000,000	£63,513 to £71,678	£60,559 to £68,345”.

(6) In Paragraph 3(5)(a) for the words “£61,663 to £64,733” there shall be substituted “£63,514 to £66,674”.

(7) In paragraph 3(5)(b) for the words “£58,795 to £61,651” there shall be substituted “£60,559 to £63,502”.

(8) In paragraph 3(6)(a) for the words “£64,650 to £69,492” there shall be substituted “£66,591 to £71,577”.

(9) In paragraph 3(6)(b) for the words “£61,491 to £66,090” there shall be substituted “£63,336 to £68,073”.

**12.**—(1) Paragraph 1(1) of Schedule 10 to the principal Regulations (dog handler’s allowance) for the words “£957” and “£1,308” there shall be substituted “£987” and “£1,347”, respectively.

Home Office  
7th March 1996

*David Maclean*  
Minister of State

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## EXPLANATORY NOTE

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

These Regulations (which apply in England and Wales) amend the Police Regulations 1995 (“the principal Regulations”).

Regulation 4 amends the principal Regulations to insert a new regulation conferring a right on a female member of a police force to take special leave to receive ante-natal care. Together with the amendment made by regulation 7, regulation 4 also makes fresh provision in respect of maternity leave. Under regulation 46A, as inserted by regulation 7, the first three months of maternity leave continue to be paid, subject to the conditions in regulation 46A(2) being satisfied. However, the entitlement to maternity leave has been altered. The requirement in the existing regulation 36(3) of the principal Regulations for a certificate of pregnancy from a registered medical practitioner is no longer required. Under regulation 36A(2), as inserted, the female member can give a notice stating that she is pregnant; if challenged, she would need to provide a certificate but that could be given by a registered midwife or registered health visitor as well as by a registered medical practitioner. Regulation 9 is consequential on these changes.

Regulations 3(b) and 5(c) amend the principal Regulations so that, in reckoning service for the purposes of probation and pay, account is taken of maternity leave.

Regulation 8 amends regulation 47 of the principal Regulations so that the deductions from pay in respect of certain social security benefits which are authorised by regulation 47 apply only when the member of a police force is on full pay.

Regulations 10 and 11 alter the rates of pay for all ranks and amend the categories which determine pay for members of police forces of the rank of superintendent. Regulation 6 increases the pay of superintendents when they act for a period in excess of 7 days for superintendents in higher pay categories. Regulation 12 increases a dog handler’s allowance.

By virtue of regulation 1(3), the regulations there cited have effect from dates before the coming into force of these Regulations. Retrospection is authorised by section 33(4) of the Police Act 1964.