

2007 No. 1160

POLICE, ENGLAND AND WALES

The Police (Amendment) Regulations 2007

Made - - - - - *30th March 2007*

Laid before Parliament *4th April 2007*

Coming into force - - - *1st June 2007*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 50 of the Police Act 1996(a).

In accordance with section 62(1) of that Act, he has taken into consideration the recommendations of the Police Negotiating Board and supplied that Board with a draft of these Regulations.

Citation and commencement

1.—(1) These Regulations may be cited as the Police (Amendment) Regulations 2007.

(2) These Regulations shall come into force on 1st June 2007 and have effect from 20th September 2004(b), subject to paragraph (3).

(3) These Regulations shall have effect from 1st July 2000 in so far as they relate to two persons—

- (a) each of whom is a member of a police force;
- (b) who are both appointed to perform part-time service; and
- (c) who are, and were at the time that the last of them was appointed to perform part-time service, married to and not separated from each other.

Amendments to the Police Regulations 2003

2.—(1) Schedule 3 to the Police Regulations 2003(c) (replacement allowance) is amended as follows.

(2) In paragraph 1(1) for “7” substitute “8”.

(3) In paragraph 3(2) for the words “paragraph 7” substitute “paragraphs 7 and 8”.

(4) In paragraph 5(2)(a) after the word “applies” insert “, and subject to paragraph 8”.

(5) After paragraph 7 insert the following paragraph—

(a) 1996 c. 16; there are amendments to sections 50 and 62(1) which are not relevant to the subject matter of these Regulations.
(b) Retrospective effect is permitted by section 50(5) of the Police Act 1996.
(c) S.I. 2003/527; relevant amending instruments are S.I. 2003/2594, 2005/2834 and 2006/594.

“Modification of compensatory allowance

8.—(1) This paragraph applies to a member whose entitlement to a replacement allowance is calculated in whole or in part by reference to the rate at which he was in receipt of a compensatory allowance under regulation 52B of the 1987 Regulations^(a).

(2) This paragraph also applies to a member who would be entitled to a replacement allowance calculated in whole or in part by reference to the rate at which he would have been in receipt of a compensatory allowance under regulation 52B of the 1987 Regulations had that regulation provided as set out in paragraph (3) before 1st September 1994.

(3) A member to whom this paragraph applies is entitled to a replacement allowance calculated as if for regulation 52B of the 1987 Regulations there were substituted the following regulation—

“Compensatory allowance

52B.—(1) This regulation applies where two or more persons, each of whom is a member of a police force, are living in the same accommodation and at least one of them is appointed to perform part-time service.

(2) Where this regulation applies those persons are entitled to a compensatory allowance of a proportion of the appropriate amount determined in accordance with guidance issued by the Secretary of State.

(3) Where there are only two persons living in the same accommodation and only one of them is appointed to perform part-time service, the appropriate amount is given by the formula

$$(A + B) - (C + D)$$

where—

A is the notional amount for the time being of any allowances that were payable under regulations 49 to 51 to the full-time member before the part-time member's appointment as such,

B is the notional amount for the time being of any allowances that were then so payable to the part-time member,

C is the amount for the time being of any allowances that are so payable to the full-time member,

D is the amount for the time being of any allowances that are so payable to the part-time member.

(4) Where there are only two persons living in the same accommodation and each of them is appointed to perform part-time service, the appropriate amount is given by the formula

$$(A + B) - (C + D)$$

where—

A is the notional amount for the time being of any allowances that were payable under regulations 49 to 51 to one of the members (the “first part-time member”) before his appointment as such,

B is the notional amount for the time being of any allowances that were then so payable to the other member,

C is the amount for the time being of any allowances that are so payable to the first part-time member,

(a) The Police Regulations 1987 (S.I. 1987/851); regulation 52B was substituted by regulation 4 of the Police (Amendment) Regulations 1994 (S.I. 1994/1308) and ceased to have effect by virtue of the Police (Amendment) (No. 2) Regulations 1994 (S.I. 1994/2195).

D is the amount for the time being of any allowances that are so payable to the other member.

(5) Where there are more than two persons living in the same accommodation, the appropriate amount is given by the formula

$$A - B$$

where—

A is the aggregate notional amount for the time being of any allowances that were payable under regulations 49 to 51 to those members before the appointment of one of them as a part-time member,

B is the aggregate amount for the time being of any allowances that are so payable to those members.

(6) For the purposes of this regulation the notional amount for the time being of an allowance is the amount that would for the time being be payable if the part-time member were a full-time member.””

Home Office
30th March 2007

Tony McNulty
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Regulations 2003.

Schedule 3 to the Police Regulations 2003 contains provision for certain officers to receive a replacement allowance, which is calculated by reference to a compensatory allowance that was payable under the Police Regulations 1987 (which have now been revoked) in certain circumstances. Regulation 2 provides that certain officers shall be entitled to a replacement allowance calculated as if for regulation 52B (compensatory allowance) of the Police Regulations 1987 there were substituted the wording set out in regulation 2. Regulation 52B formerly provided that where two police officers were married to each other and one served as a part-time officer then the other officer could receive a further sum to take account of the part-time officer's reduced housing or related allowances. These Regulations provide that replacement allowance shall be calculated as if compensatory allowance were not limited to married couples, and extended to two or more officers living together where at least one of them is a part time officer.

The amendments have effect from the date on which the Police Negotiating Board agreed to make the amendments, except in so far as they relate to two married part-time officers, where the amendments have effect from 1st July 2000. Such retrospection is permitted under section 50(5) of the Police Act 1996.

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