

2018 No. 1191

POLICE, ENGLAND AND WALES

The Police (Amendment) Regulations 2018

<i>Made</i> - - - -	<i>15th November 2018</i>
<i>Laid before Parliament</i>	<i>22nd November 2018</i>
<i>Coming into force</i> - -	<i>22nd February 2019</i>

The Secretary of State, in exercise of the powers conferred by section 50(2)(a) to (c), and (g), (4), (6A) and (6B) of the Police Act 1996(a), makes the following Regulations.

In accordance with section 50(2ZC)(b) of that Act, and in so far as these Regulations relate to matters specified in that section, the text of these Regulations has been approved by the College of Policing.

In accordance with section 63(3)(c) of that Act, and in so far as these Regulations relate to matters other than those mentioned in section 50(2ZC), the Secretary of State has supplied a draft of these Regulations to the Police Advisory Board for England and Wales and taken into consideration any representations made them.

Citation and commencement

1. These Regulations may be cited as the Police (Amendment) Regulations 2018 and come into force on 22nd February 2019.

Amendments to the Police Regulations 2003

2. The Police Regulations 2003(d) are amended as follows.

3. In regulation 3 (interpretation)(e), insert at the appropriate place—

(a) 1996 c. 16. Section 50 was amended by section 149 of, and Part 8 of Schedule 28 to, the Criminal Justice and Immigration Act 2008 (c. 4); section 3 of the Policing and Crime Act 2009 (c. 26); section 99 of, and paragraph 32 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011 (c. 13); paragraph 23 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25); and section 123(1) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12). There are other amendments, but none is relevant.

(b) Section 50(2ZC) was inserted by section 123(1) of the Anti-social Behaviour, Crime and Policing Act 2014. Section 123 was the subject of a correction slip published on 4th August 2014.

(c) Section 63(3) was amended by section 59 of, and paragraphs 68 and 78(1) and (3) of Schedule 4 to, the Serious Organised Crime and Police Act 2005 (c. 15); section 1(3) of, and paragraphs 61, and 68(1) and (3) of Part 7 of Schedule 1 to, the Police and Justice Act 2006 (c. 48); section 126(1) of, and paragraphs 1 and 6(1) and (2) of Schedule 22 to, the Criminal Justice and Immigration Act 2008 (c. 4); section 10(3)(a) and (b) of the Policing and Crime Act 2009 (c. 26); section 15(3) of, and paragraphs 38 and 43 of Part 2 of Schedule 8 to, the Crime and Courts Act 2013 (c. 22); and sections 123(4) and 133(2) of the Anti-Social Behaviour, Crime and Policing Act 2014 (c. 12). There are other amendments, but none is relevant.

(d) S.I. 2003/527.

(e) Regulation 3 has been amended, but none of the amendments are relevant.

“rejoiner member” means a member of a police force to whom regulation 10B applies;
”.

4. For regulation 10B(a), substitute—

“10B. Member rejoining a police force

(1) This regulation applies to a person who is to be appointed as a member of a police force (“Force A”) and who—

- (a) has previously served as a member of a police force (whether Force A or another force) and has—
 - (i) satisfactorily completed the period of probationary service in the rank of constable required under regulation 12 during that or another period of prior service, and
 - (ii) resigned or retired from that force;
- (b) is not participating in the DE Inspector or DE Superintendent programmes;
- (c) is not transferred (for the purposes of regulation 2 (reference to transfers)) to Force A from another force, and
- (d) was not, immediately prior to the appointment—
 - (i) on a secondment under regulation 13A (secondments)(b);
 - (ii) on a career break under regulation 33(12) (leave)(c), or
 - (iii) a member of a police force.

(2) A person to whom this regulation applies—

- (a) must be appointed in a rank to be decided by the chief officer making the appointment;
- (b) must be on probation for such period as the Secretary of State shall determine in respect of such appointments.

(3) In making a determination under paragraph (2)(b), the Secretary of State may, subject to paragraph (4), confer on the chief officer discretion to determine the required period of probation in a particular case.

(4) For the purposes of a determination under paragraph (2)(b), the periods to be counted or disregarded in reckoning service shall be such as may be determined by the Secretary of State.”.

5. In regulation 12(1) (probationary service)(d), after “a member of a police force” insert

“other than a rejoiner member.”

6. In regulation 13 (discharge of probationer)(e)—

- (a) in paragraphs (1), (2) and (4), for each reference to “DE inspector or DE superintendent” substitute “DE inspector, DE superintendent or rejoiner member”;
- (b) in paragraph (3), for “DE inspector’s or DE superintendent’s” substitute “DE inspector’s, DE superintendent’s or rejoiner member’s”.

7. In regulation 17 (personal record of member leaving force), after paragraph (3) insert—

“(4) Where a member of a police force (“Force A”) to whom paragraph (3) applies becomes a rejoiner member of another police force (“Force B”), the chief officer of Force A

(a) Regulation 10B was inserted by S.I. 2013/2793.
(b) Regulation 13A was inserted by S.I. 2013/2793.
(c) Regulation 33(12) was inserted by S.I. 2006/3449.
(d) Regulation 12 was amended by S.I. 2014/2372 and 2016/798.
(e) Regulation 13 was amended by S.I. 2011/3026 and 2016/798.

must transfer to Force B any personal record relating to the rejoiner member that is still kept by Force A.”.

8. In regulation 19A(1)(b) (testing for substance misuse)(a), after “regulation” insert “10B or”.

Home Office
15th November 2018

Nick Hurd
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make various amendments to the Police Regulations 2003 (S.I. 2003/527).

Regulation 4 removes the requirement that former officers must re-join a police force within 5 years if they wish to retain their previous rank. Instead, former officers may now rejoin a force even if their previous service ended more than 5 years previously, and they may be appointed to a rank decided by the chief officer making the appointment.

Regulations 5 to 8 make consequential amendments.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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(a) Regulation 19A was inserted by S.I. 2005/2834 and amended by S.I. 2012/680 and 2016/1200.

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