
STATUTORY INSTRUMENTS

1995 No. 215

The Police Regulations 1995

PART III

DUTY, OVERTIME AND LEAVE

Duty to carry out lawful orders

21. Every member of a police force shall carry out all lawful orders and shall at all times punctually and promptly perform all appointed duties and attend to all matters within the scope of his office as a constable.

Limitations on duties to be assigned to members statutorily transferred

22.—(1) Where a member of a police force has previously served in a police force for an area comprised in whole or in part in the area for which his present force is maintained and he ceased to be a member of his former force and became a member of his present force by reason only of one or more such statutory transfers as are mentioned in paragraph (2), then, subject to paragraph (3), he shall not be assigned to duties which, in the opinion of the Secretary of State, make it necessary for him to move his home to a place which is outside the area for which his former force was maintained.

(2) In paragraph (1) the reference to a statutory transfer is a reference to a statutory transfer being—

- (a) prior to 1st April 1995, a transfer in accordance with the provisions of an amalgamation scheme under the 1964 Act,
- (b) on or after 1st April 1995, a transfer in accordance with an order made under section 21 or 21A of the 1964 Act⁽¹⁾, or
- (c) a transfer taking effect on 1st April 1974,

except that where the former force was the police force for a borough, the said reference is to any statutory transfer.

(3) Paragraph (1) shall not apply to a person by reason of his previous service in a particular police force if—

- (a) since he became a member of that police force he has been a chief officer of police, or
- (b) after he was statutorily transferred from that police force he has given written notice to the chief officer of the police force of which he was at the time a member that the protection accorded by paragraph (1) should cease to apply to him, or
- (c) that force was a county or combined police force and after he was statutorily transferred therefrom but before 1st February 1968 he was assigned to such duties as are mentioned in paragraph (1),

⁽¹⁾ Sections 21 and 21A were substituted by section 14 of the Police and Magistrates' Courts Act 1994.

without prejudice, however, to the application of paragraph (1) to him by reason of service in another police force after his statutory transfer from the force first mentioned in this paragraph and before his statutory transfer to his present force.

(4) Paragraph (1) shall apply in the case of a member of a police force who ceased to be such and became a serviceman, a reversionary member of a home police force or a central police officer—

- (a) where on ceasing to be such, he resumed service in, or, as the case may be, exercised his right of reversion to, his former force, as if he had not ceased to be a member of that force, or
- (b) where on ceasing to be such, he resumed service in, or, as the case may be, exercised his right of reversion to some other force to which members of his former force had been transferred as mentioned in paragraph (2), as if he had been so transferred from his former force to that other force.

(5) In this regulation “present force” and “former force” mean, respectively, the force first mentioned and that secondly mentioned in paragraph (1).

Work not required to be performed

23. A member of a police force shall not be required to perform—

- (a) the regular duty of cleaning or any part of the cleaning of a particular police station which the Secretary of State has directed is not a duty which the police may be required to perform;
- (b) any other work not connected with police duty which, in the opinion of the Secretary of State, the police may not properly be required to perform.

Normal daily period of duty

24.—(1) This regulation applies to every member of a police force below the rank of inspector who is not assigned to duties which the Secretary of State has specially excepted from the provisions of this regulation.

(2) The normal daily period of duty (including the period for refreshment referred to in paragraph (3)) of a member of a police force to whom this regulation applies shall be 8 hours.

(3) As far as the exigencies of duty permit—

- (a) the normal daily period of duty shall be performed in one tour of duty; and
- (b) subject to paragraph 4 of Schedule 4, an interval of 45 minutes shall be allowed for refreshment.

(4) Where a member is required to perform his normal daily period of duty in more than one tour of duty and does not travel to and from his home between tours, an interval for refreshment and rest shall normally be included at the beginning or end of one of those tours.

Meaning of “day” in Part III

25.—(1) In this Part of these Regulations, “day”, in relation to members of a police force, means a period of 24 hours commencing at such time or times as the chief officer shall fix and the chief officer may fix different times in relation to different groups of members.

(2) In discharging his functions under paragraph (1), the chief officer shall have regard to the wishes of the joint branch board.

Variable shift arrangements

26.—(1) This regulation applies to members of a police force below the rank of inspector appointed otherwise than under regulation 7 (part-time appointments).

(2) A chief officer of police may, if he has obtained the consent of the Secretary of State to his doing so, bring into operation variable shift arrangements agreed by him with the joint branch board for all members to whom this regulation applies or for any particular class of such members.

(3) Variable shift arrangements must provide, as respects members for whom they are in operation—

- (a) for hours of duty equivalent to those resulting from the application of regulations 24(2) and 29(2), and
- (b) for annual leave equivalent to that resulting from the application of regulation 34(1) and Schedule 4,

to other members of police forces.

(4) In relation to members of a police force for whom variable shift arrangements are in operation these Regulations have effect with the modifications set out in Schedule 3.

Rostering of duties

27.—(1) A chief officer shall cause to be published, in accordance with this regulation, annual duty rosters for members of his force below the rank of inspector and in these Regulations—

- (a) a reference to a rostered rest day is to be construed, in relation to a member of a police force who is required to do duty on that day, as a reference to a day which according to the duty roster was, immediately before he was so required to do duty, to have been a rest day for the member; and
- (b) a day off granted in lieu of a rostered rest day shall be treated as a rostered rest day.

(2) Each such roster shall be published at intervals not exceeding 12 months and not later than one month before the date on which it is to come into force.

(3) Each such roster shall set out, for the 12 months following the date on which it comes into force, in relation to each member of the force to which it relates—

- (a) his rest days;
- (b) those days, being public holidays, on which he may be required to do duty; and
- (c) the times at which his scheduled daily periods of duty are to begin and end.

(4) Subject to paragraph (5), a duty roster shall make provision for—

- (a) an interval of not less than 8 hours between the ending of each of a member's daily periods of duty and the beginning of the next; and
- (b) an interval between each of his rostered rest days not exceeding 7 days;

unless the joint branch board agrees otherwise.

(5) Where, owing to the exigencies of duty, it is necessary to alter a duty roster, the officer responsible for making the alteration shall endeavour, so far as practicable, to avoid thereby requiring a member to do an additional daily period of duty such that the condition in paragraph (4)(a) would not be satisfied in relation thereto.

Overtime

28.—(1) Subject to, and in accordance with, the provisions of this regulation a member of a police force shall be compensated in respect of time—

- (a) for which he remains on duty after his tour of duty ends, or
- (b) for which he is recalled between two tours of duty, or
- (c) which forms part of a tour of duty which he is required to begin earlier than the rostered time without due notice and on a day when he has already completed his normal daily period of duty;

and such time is referred to hereafter in these Regulations as “overtime”.

(2) Such a member shall not be compensated under this regulation for overtime for which he receives an allowance or time off under regulation 29 (public holidays and rest days for ranks below inspector) or regulation 61 (allowance for recurring escort duty, etc.).

(3) A member of a police force below the rank of inspector to whom regulation 24 applies shall, subject to paragraph (6), be granted an allowance in respect of each week at the rate of a twenty-fourth of a day’s pay for each completed period of 15 minutes of overtime worked by him on any occasion during that week, 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.

(4) Where such a member, before the expiry of any pay period, elects in respect of specified overtime worked by him during the weeks ending within that period, to be granted in lieu of an allowance time off subject to and in accordance with paragraph (5), and in accordance therewith receives time off in respect of any overtime, no allowance in respect thereof shall be payable under paragraph (3).

(5) Subject to the exigencies of duty, where by virtue of an election under paragraph (4) time off falls to be granted to a member in respect of any overtime worked by him in any week then, within such time (not exceeding 3 months) after that week as the chief officer of police may fix, he shall grant to the member time off equal, subject to paragraph (6), to the period of that overtime worked by him during that week and, in addition, for each completed 45 minutes of such overtime, an additional 15 minutes off.

(6) For the purposes of paragraphs (3) and (5), no account shall be taken of any period of less than 30 minutes of overtime worked on any occasion other than a period of 15 minutes of overtime in respect of which the member was informed at the commencement of his tour of duty that he would be required to remain on duty after his tour of duty ended.

(7) In computing any period of overtime for the purposes of this regulation—

- (a) where the member is engaged in casual escort duty, account shall be taken only of—
 - (i) time during which he is in charge of the person under escort,
 - (ii) such other time as is necessarily spent in travelling to or from the place where the member is to take charge of, or hand over, the person under escort, as the case may be, and
 - (iii) any other time that may be allowed by the chief officer of police, so however, that, if the member is so engaged overnight and has proper sleeping accommodation, whether in a train or otherwise, the chief officer of police may exclude such period not exceeding eight hours, during which the member is not in charge of the person under escort as he considers appropriate in the circumstances;
- (b) subject to sub-paragraph (d), where the tour or tours of duty does not or do not amount in the aggregate to more than the normal daily period of duty, no account shall be taken of any overtime except so much as together with the tour or tours of duty exceeds the normal daily period of duty;
- (c) where a member is recalled to duty between two rostered tours of duty and is entitled to reckon less than 4 hours of overtime in respect of any period for which he is recalled, disregarding any overtime reckonable by virtue of regulation 32 (travelling time treated as

duty), he shall be deemed to have worked for such period 4 hours of overtime in addition to any overtime reckonable by virtue of regulation 32; and

(d) where the time at which a member is required to begin a rostered tour of duty is brought forward without due notice so that he is required to begin that tour of duty on a day on which he has already completed his normal daily period of duty, the time for which he is on duty before the rostered commencement time—

(i) shall be reckonable as overtime, and

(ii) shall be taken into account as part of that tour of duty.

(8) For the purposes of this regulation—

“a day’s pay” means the member’s pay for the week in question divided by 5;

“due notice” means notice given at least 8 hours before the revised starting time of the rostered tour of duty in question;

“member recalled to duty” does not include a member who is only warned to be in readiness for duty if required;

“pay period” means the period for which, in pursuance of regulation 49, a member is paid;

“week” means the period of 7 days beginning with such day as is fixed by the chief officer of police.

Public holidays and rest days for ranks below inspector

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

(2) Subject to the following provisions of this regulation, 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.

(3) A member shall, if required to do duty on a day which is a rostered rest day, be granted—

(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.

(4) 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 (5).

(5) 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.

(6) A member shall, if required to do duty on a day which is a public holiday, be granted—

(a) where he receives less than 8 days’ notice of the requirement—

(i) an allowance at the appropriate rate and, in addition,

(ii) another day off in lieu thereof, which shall be notified to him within 4 days of notification of the requirement, and which shall be treated for the purposes of this regulation as a public holiday;

(b) in any other case, an allowance at the appropriate rate.

(7) A member who is required to do duty on a day which is a public holiday or a rostered rest day may, within 28 days of the day in question, elect to receive, in lieu of an allowance as mentioned in paragraph (3)(a) or paragraph (6)(a) or (b), time off equal—

(a) in the case of a day which is a public holiday, to double, and

- (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,
- the period of completed quarters of an hour of duty on the day in question.

(8) Where such a member who is required to do duty on a day which is a public holiday or a rostered rest day has elected to receive time off as mentioned in paragraph (7), the chief officer of police shall, subject to the exigencies of duty, grant such time off within such time (not exceeding 3 months) as he may fix, and subject to such time off being taken, no allowance in respect of the day in question shall be payable under paragraph (3)(a) or, as the case may be, paragraph (6)(a) or (b).

(9) Subject to paragraph (10), for the purposes of this regulation—

- (a) a member of a police force who is paid a dog handler's allowance shall not be treated as required to do duty by reason only of his being required to care for the dog;
- (b) "a day's pay" means a week's pay at the rate at which the member was paid on the day in question divided by five;
- (c) "the appropriate rate" means a sixteenth of a day's pay for each completed 15 minutes of duty done on a public holiday;
- (d) a reference to a day which is a public holiday is to be construed, in relation to the member concerned, as a reference to a day within the meaning of regulation 25(1) commencing at any time on the calendar date of the public holiday in question;
- (e) in paragraph (2) "week" means a period of 7 days beginning with such day as is fixed by the chief officer of police;
- (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, 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;
- (g) where a member is required to do duty on a day which is a public holiday or on a rostered rest day, his period of duty shall include (save for the purposes of sub-paragraph (f)) the time occupied by him in going to, and returning from, his place of duty, not exceeding such reasonable limit as may be fixed by the chief officer of police, save that, for the purposes of this sub-paragraph, there shall be disregarded any period of time so occupied—
 - (i) which together with the member's period of duty exceeds 6 hours, or
 - (ii) which is treated as a period of duty under regulation 32 (travelling time treated as duty).

(10) Where it is at his own request that a member works on a day which is a public holiday or a rostered rest day he shall not be treated for the purposes of this regulation as having been required to do duty on that day but shall be granted another day off in lieu thereof, which shall be treated as a public holiday or a rostered rest day as the case may be.

Public holidays and rest days for inspectors and chief inspectors

30.—(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 each week.

(3) Where the exigencies of duty have precluded—

- (a) the allowance of a day's leave on a public holiday, or
- (b) the grant in any week of two rest days,

to such a member, he shall, during the next following twelve months and so far as the exigencies of duty permit, be allowed or (as the case may be) granted a day's leave in lieu of any such day not allowed or granted.

Public holidays and monthly leave days for ranks above chief inspector

31.—(1) This regulation applies to every member of a police force of, or above, the rank of superintendent.

(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 in each month—

- (a) in the case of a superintendent, 8 monthly leave days;
- (b) in any other case 1½ monthly leave days.

(3) Where the exigencies of duty have precluded—

- (a) the allowance of a day's leave on a public holiday, or
- (b) the grant in any month of eight monthly leave days,

to a superintendent, he shall, during the next twelve months and so far as the exigencies of duty permit, be allowed or (as the case may be) granted a day's leave in lieu of any such day not allowed or granted.

(4) Where the exigencies of duty have precluded the allowance of a day's leave on a public holiday to any such member other than a superintendent, he shall, during the next three months and so far as the exigencies of duty permit, be allowed a day's leave in lieu of any such day not allowed.

(5) For the purposes of this regulation “month” means that period of 28 days beginning with such day as is fixed by the chief officer of police.

Travelling time treated as duty

32.—(1) This regulation applies where a member of a police force is—

- (a) required to perform his normal daily period of duty in more than one tour of duty, or
- (b) recalled to duty between two tours of duty,

and travels to and from his home between tours or, as the case may be, in consequence of his recall (in this regulation referred to as “relevant travelling”).

(2) In computing any period of overtime for the purposes of regulation 28 or any period of duty for the purposes of regulation 29 (save for the purposes of paragraph (9)(f) thereof) the time occupied by such a member in relevant travelling, not exceeding such reasonable limit as may be fixed by the chief officer of police, shall be treated as a period of duty.

(3) For the purposes of regulation 57, the use of a motor vehicle for relevant travelling shall be treated as such use for the purpose of duties performed by the member concerned.

(4) Relevant travelling expenses shall be treated as expenses incurred in the execution of duty and, unless they are expenses in respect of which an allowance is payable under these Regulations, the member concerned shall be reimbursed those expenses to the extent that they do not exceed such reasonable limit as the police authority may fix.

Meetings of Police Federation treated as police duty

33.—(1) The attendance of a member of a police force at one of the following meetings of the Police Federation, that is to say, a quarterly meeting of a branch board, an ordinary meeting of a

central committee, a meeting of the conferences arrangements committee, the annual meeting of the joint central committee with the joint central committee of the Scottish Police Federation and the central committee of the Police Federation for Northern Ireland, the annual meeting of a central conference or a women's regional conference shall be treated as an occasion of police duty.

(2) Subject to the approval of the chief officer of police, the attendance of a member of a police force at an additional meeting of a branch board of the Police Federation or at a meeting of a committee of a branch board shall be treated as an occasion of police duty.

(3) Subject to the approval of the Secretary of State, the attendance of a member of a police force at a meeting of the Police Federation, other than such a meeting as is mentioned in paragraph (1) or (2), shall be treated as an occasion of police duty.

Annual leave

34.—(1) Every member of a police force shall, so far as the exigencies of duty permit, be granted annual leave in accordance with Schedule 4.

(2) The annual leave of a member of a police force shall be additional to the days upon which he is not required to perform police duties in accordance with—

- (a) regulation 29, in the case of a member below the rank of inspector, or
- (b) regulation 30 or 31, in the case of a member of, or above, that rank;

and a member below the rank of superintendent shall, so far as the exigencies of duty permit, be allowed to take his annual leave in one period continuous with such days as aforesaid falling within the period in which he desires to take annual leave.

Sick leave

35.—(1) A member of a police force shall not be entitled to be absent from duty on account of injury or illness unless a registered medical practitioner has certified him to be unfit for duty:

Provided that—

- (a) with the consent of the police authority, a member may be so absent without such certificate of unfitness where the period of unfitness for duty does not exceed 7 days, including any day on which, even if he were fit to do so, he would not have been required to perform police duty;
- (b) if, notwithstanding such certificate of unfitness for duty, a registered medical practitioner appointed or approved by the police authority has examined the member and considers him to be fit for duty, the police authority shall, if the medical practitioner who issued the certificate of unfitness for duty agrees, within 28 days of the difference of opinion coming to their attention arrange for a third registered medical practitioner to examine the member and to report in writing to the other two practitioners concerned; the third registered practitioner shall be acceptable to the practitioner who issued the certificate of unfitness for duty and to the practitioner who has examined the member on behalf of the police authority, except that in the event of a failure to agree, the police authority may appoint such third medical practitioner as it considers appropriate; and if the third registered medical practitioner certifies the member to be fit for duty, or if the medical practitioner who issued the certificate of unfitness for duty does not agree to such further examination, the member shall no longer be entitled to be absent from duty.

(2) This regulation applies to a member who is in quarantine as it applies to a member who is ill and any reference to fitness or unfitness for duty shall be construed accordingly.

Maternity leave

36.—(1) During the maternity period a woman member of a police force shall not be entitled to any sick leave in respect of any injury, illness or incapacity for duty which is solely or mainly due to pregnancy or childbirth or their after effects but shall be entitled to take maternity leave for the whole or any part or parts of the period.

(2) The maternity leave granted in respect of any particular maternity period shall be paid maternity leave, as respects the first 3 months thereof, and unpaid maternity leave, as respects the remainder:

Provided that a member shall not be entitled to more than 3 months' paid maternity leave during any period of 12 months or, in the case of a constable, to any paid maternity leave before the end of her period of probation in the force.

(3) In this regulation the maternity period means, in relation to a woman member of a police force who is certified by a registered medical practitioner approved by the police authority to be pregnant, the period beginning 6 months before the date which is estimated by the said medical practitioner as being the probable date of birth and ending 9 months after the birth of the child.

Paternity leave

37.—(1) So far as the exigencies of duty permit, a male member of a police force shall be granted 2 days' paternity leave during the relevant part of a woman's maternity period.

(2) A woman's maternity period is one beginning with the later of—

- (a) the date on which she is certified by a registered medical practitioner to be pregnant, and
- (b) the date 6 months before the one estimated by that practitioner as being the probable date of birth,

and ending 9 months after the birth of the child.

(3) The relevant part of a woman's maternity period is any part during which—

- (a) the member is married to and not separated from her, or
- (b) they are not married to each other but are living together as husband and wife.

University scholars

38. This Part of these Regulations shall have effect in relation to a university scholar subject to the provisions of paragraph 2 of Schedule 5.