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STATUTORY INSTRUMENTS

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**2000 No. 2013**

**POLICE**

**The Police (Amendment) Regulations 2000**

*Made* - - - - *24th July 2000*  
*Laid before Parliament* *2nd August 2000*  
*Coming into force* - - *1st September 2000*

The Secretary of State, in exercise of the powers conferred on him by section 50 of the Police Act 1996<sup>(1)</sup>, after taking into consideration the recommendations made by the Police Negotiating Board for the United Kingdom and supplying that Board with a draft of these Regulations in accordance with section 62(1) of that Act, hereby makes the following Regulations:

- 1.—(1) These Regulations may be cited as the Police (Amendment) Regulations 2000.
- (2) These Regulations shall come into force on 1st September 2000, but—
- (a) regulation 2 shall have effect from 1st April 1998;
  - (b) regulations 3 and 10 shall have effect from 1st September 1996;
  - (c) regulations 4 and 9 shall have effect—
    - (i) in the case of paragraph (a), from 1st July 1995;
    - (ii) in the case of paragraph (b), from 1st July 1996;
    - (iii) in the case of paragraph (c), from 1st July 1997;
    - (iv) in the case of paragraph (d), from 1st July 1998;
    - (v) in the case of paragraph (e), from 1st July 1999;
  - (d) regulation 6 shall have effect—
    - (i) in the case of paragraph (a), from 1st April 1996;
    - (ii) in the case of paragraph (b), from 1st April 1997;
    - (iii) in the case of paragraph (c), from 1st April 1998;
    - (iv) in the case of paragraph (d), from 1st April 1999;
  - (e) regulation 8 shall have effect—
    - (i) in the case of paragraphs (1) and (3), from 1st September 1996;
    - (ii) in the case of paragraph (2), from 1st September 1994;

- (f) regulation 11 shall have effect—
- (i) in the case of paragraph (a), from 1st September 1996;
  - (ii) in the case of paragraph (b), from 1st September 1997; and
- (g) regulation 12 shall have effect—
- (i) in the case of paragraph (1), from 1st September 1994;
  - (ii) in the case of paragraph (2), from 1st April 1998.
- (3) In these Regulations “the principal Regulations” means the Police Regulations 1995<sup>(2)</sup>.
2. In regulation 13 of the principal Regulations (appointment of chief constable), for the words “53C(1) of the Police Act 1964” there shall be substituted “97(1) of the Police Act 1996<sup>(3)</sup>”.
- 3.—(1) For regulation 39(1) of the principal Regulations (rate of pay) there shall be substituted the following paragraphs:
- “(1) Subject to the following provisions of this Part, the pay of members of police forces shall be determined by the Secretary of State.
- (1A) Before making any determination under paragraph (1), the Secretary of State shall take into consideration any recommendation made by the Police Negotiating Board and shall supply the Board with a draft of the determination; and subsection (2) of section 62 of the Police Act 1996 shall apply in relation to a recommendation to be made for the purposes of this paragraph as it applies in relation to a recommendation to be made for the purposes of subsection (1) of that section.
- (1B) A determination under paragraph (1) may be made with retrospective effect to any date specified in the determination, but nothing in this paragraph shall be construed as authorising the pay payable to any person to be reduced retrospectively.”
- (2) In paragraph (5) of regulation 39, the words “and Schedule 6” shall be omitted.
4. In regulation 41 of the principal Regulations (London weighting) <sup>(4)</sup>—
- (a) for “£1,398” there shall be substituted “£1,440”;
  - (b) for “£1,440” there shall be substituted “£1,491”;
  - (c) for “£1,491” there shall be substituted “£1,542”;
  - (d) for “£1,542” there shall be substituted “£1,605”;
  - (e) for “£1,605” there shall be substituted “£1,662”.
5. For regulation 43(2)(b) of the principal Regulations (reckoning by constables of service in certain constabularies) there shall be substituted:
- “(b) the Port of Tilbury Constabulary or, before the coming into force of the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992 <sup>(5)</sup>, the Port of London Authority’s police force, that is to say the force of constables appointed under section 154 of the Port of London Act 1968 <sup>(6)</sup>.”
6. In regulation 52(8) of the principal Regulations (removal allowance) <sup>(7)</sup>—
- (a) for “£1,353” there shall be substituted “£1,396”;

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(2) S.I. 1995/215, as amended by S.I. 1995/547, 1995/2020, 1996/699 and 1998/493; the Police Regulations 1995, as amended, have effect as if made under section 50 of the Police Act 1996 by virtue of paragraph 1 of Schedule 8 to that Act.

(3) Section 97 was amended by paragraph 86 of Schedule 9 to the Police Act 1997 (c. 50).

(4) The sum in regulation 41 was substituted by S.I. 1995/2020.

(5) S.I. 1992/9284.

(6) 1968 c. xxxii.

(7) The sum in regulation 52(8) was substituted by S.I. 1995/2020.

- (b) for “£1,396” there shall be substituted “£1,431”;
- (c) for “£1,431” there shall be substituted “£1,482”;
- (d) for “£1,482” there shall be substituted “£1,524”.

7. After regulation 65 of the principal Regulations there shall be inserted the following regulation:

**“Replacement allowance**

**65A.** Schedule 13 shall have effect.”.

8.—(1) Schedule 1 to the principal Regulations (modifications for part-time service) shall be amended as follows.

(2) In paragraph 7, in regulation 29(5A)(b), as inserted by that paragraph, after “receives” there shall be inserted “not”.

(3) In paragraph 14—

- (a) in the paragraph substituted by sub-paragraph (a), for the words “ascertained from Schedule 6” there shall be substituted “determined by the Secretary of State in accordance with regulation 39”; and
- (b) in the paragraph inserted by sub-paragraph (b), for the words “that ascertained from Schedule 6” there shall be substituted “that rate as determined by the Secretary of State in accordance with regulation 39”.

9. In paragraph 3(2) of Schedule 5 to the principal Regulations (university scholars)(8)—

- (a) for “£1,398” there shall be substituted “£1,440”;
- (b) for “£1,440” there shall be substituted “£1,491”;
- (c) for “£1,491” there shall be substituted “£1,542”;
- (d) for “£1,542” there shall be substituted “£1,605”;
- (e) for “£1,605” there shall be substituted “£1,662”.

10. Schedule 6 to the principal Regulations shall be omitted.

11. In paragraph 1(1) of Schedule 10 to the principal Regulations (dog handler’s allowance)(9)—

- (a) for “£987” and “£1,347” there shall be substituted “£1,023” and “£1,395” respectively;
- (b) for “£1,023” and “£1,395” there shall be substituted “£1,059” and “£1,443” respectively.

12.—(1) After paragraph 3(2) of Schedule 12 to the principal Regulations (savings) there shall be inserted the following sub-paragraph:

“(2A) Where a member of a police force in Scotland or Northern Ireland in receipt of a replacement allowance under a corresponding regulation which has effect there transfers to a police force in England and Wales he shall be treated from the date of his transfer as if he were a qualifying member.”.

(2) In paragraph 3(4) of that Schedule, after paragraph (a) there shall be inserted the following paragraph:

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(8) The sum in paragraph 3(2) was substituted by S.I. 1995/2020.

(9) The sums specified in paragraph 1(1) were substituted by S.I. 1996/699.

“(aa) a period of relevant service within the meaning of paragraph (ca), (cb) or (cc) of section 97(1) of the Police Act 1996<sup>(10)</sup> or any corresponding provision for the time being in force in Scotland or Northern Ireland, or”.

(3) Paragraphs 3 to 10 of that Schedule shall be omitted and after that Schedule there shall be inserted the following Schedule:

“SCHEDULE 13

Regulation 65A

REPLACEMENT ALLOWANCE

**Interpretation**

1.—(1) This paragraph has effect for defining expressions used in paragraphs 2 to 7.

(2) “Qualifying member” means a member of a police force who—

- (a) immediately before 1st September 1994 was a member of that or another police force,
- (b) was not then on unpaid leave,
- (c) has at all times after 31st August 1994 been a member of a police force, and
- (d) has not after that date been on unpaid leave.

(3) Where a member of a police force in Scotland or Northern Ireland in receipt of a replacement allowance under a corresponding regulation which has effect there transfers to a police force in England and Wales he shall be treated from the date of his transfer as if he were a qualifying member.

(4) “Re-joining member” means a member of a police force who by reason only of a relevant absence is not a qualifying member.

(5) “Relevant absence” means—

- (a) a period of central service or overseas service, or
- (b) a period of relevant service within the meaning of paragraph (ca), (cb) or (cc) of section 97(1) of the Police Act 1996 or any corresponding provision for the time being in force in Scotland or Northern Ireland, or
- (c) a period of unpaid leave,

ending after 31st August 1994.

(6) “Housing emoluments” means any one or more of the following kinds of payments under the revoked provisions<sup>(11)</sup> as they had effect before 1st September 1994—

- (a) a housing allowance under regulation 49,
- (b) a transitional rent allowance and a transitional supplementary rent allowance under regulation 49B,
- (c) a supplementary housing allowance under regulation 50,
- (d) a compensatory grant under regulation 52, and
- (e) a compensatory allowance under regulation 52B,

and in relation to a re-joining member includes a rent allowance under regulation 49 as it had effect before 1st April 1990; and “housing allowance” and “transitional rent allowance” mean respectively the allowances mentioned in (a) and (b) above.

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<sup>(10)</sup> 1996 c. 16; paragraphs (ca), (cb) and (cc) were inserted in section 97(1) by paragraph 86 of Schedule 9 to the Police Act 1997 (c. 50).

<sup>(11)</sup> By S.I. 1994/2195.

(7) “The revoked provisions” means the provisions of the 1987 Regulations relating to housing and housing payments that were revoked on 1st September 1994, that is to say regulations 49 to 52, 52B and 72, paragraphs 16 to 18 of Schedule 1A and paragraph 4(1) and (2) of Schedule 4(12).

(8) “The 1987 Regulations” means the Police Regulations 1987(13).

#### **Qualifying member previously provided with accommodation**

2.—(1) A qualifying member who ceases to occupy a house or quarters with which he was provided free of rent becomes entitled to a replacement allowance.

(2) The replacement allowance is, subject to paragraph 7, an allowance at a rate equal to the total of—

- (a) the rate at which housing allowance, or as the case may be transitional rent allowance, was payable, or would have been payable if he had not been occupying the house or quarters, immediately before 1st September 1994, and
- (b) the rate at which any allowance under regulation 49(11) or 50(3) was or would have been then payable.

#### **Qualifying member with housing emoluments**

3.—(1) A qualifying member who immediately before 1st September 1994 was in receipt of housing emoluments is entitled to a replacement allowance unless he is provided with a house or quarters free of rent.

(2) The replacement allowance is, subject to paragraph 7, an allowance at the rate at which the housing emoluments were payable immediately before 1st September 1994.

#### **Re-joining member previously provided with accommodation**

4.—(1) A re-joining member who immediately before the relevant absence began was occupying a house or quarters with which he was provided free of rent becomes entitled to a replacement allowance unless he is again provided with a house or quarters free of rent.

(2) The replacement allowance is, subject to paragraph 7, an allowance at the rate at which, if he had not been occupying the house or quarters, housing allowance, or as the case may be transitional rent allowance, would have been payable—

- (a) where the relevant absence began before 1st September 1994, immediately before it began, and
- (b) in any other case, immediately before 1st September 1994.

#### **Re-joining member previously in receipt of housing payments**

5.—(1) A re-joining member who immediately before the relevant absence began was in receipt—

- (a) of housing emoluments, or
- (b) of a replacement allowance under paragraph 2 or 3,

becomes entitled to a replacement allowance unless he is provided with a house or quarters free of rent.

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(12) Regulations 49, 49A, 49B, 49C, 49D, 50 and 51 were inserted by S.I. 1990/1127, 1990/1573 and 1993/1198; regulation 52B was substituted by S.I. 1994/1308; regulations 52 and 72 and paragraph 4(1) and (2) of Schedule 4 were amended by S.I. 1990/401; and paragraphs 16 to 18 of Schedule 1A were inserted by S.I. 1992/1278.

(13) S.I. 1987/851.

- (2) The replacement allowance is, subject to paragraph 7, an allowance—
- (a) where sub-paragraph (1)(a) applies, at the rate at which the housing emoluments were payable, and
  - (b) where sub-paragraph (1)(b) applies, at the rate at which the previous replacement allowance was payable,

immediately before the relevant absence began.

#### **Members provided with house or quarters**

6. A qualifying member or a re-joining member who—
- (a) is provided with a house or quarters free of rent, and
  - (b) if the revoked provisions had continued in force would have been entitled to an allowance under regulation 49(11) or 50(3) of the 1987 Regulations,

is, subject to paragraph 7, entitled to an equivalent replacement allowance.

#### **Variation and termination of replacement allowances**

- 7.—(1) Subject to sub-paragraph (2), in circumstances in which—
- (a) a housing allowance or transitional rent allowance payable as mentioned in paragraph 2(2) or 4(2), or
  - (b) any of the housing emoluments mentioned in paragraphs 3(1), 5(1)(a) and 6,

would, if the revoked provisions had continued in force, have fallen to be reduced or discontinued, the replacement allowance in question is reduced accordingly or, if the effect of a discontinuance would have been that no housing emoluments remained payable, terminated.

(2) For the purposes of sub-paragraph (1) it is to be assumed that a housing allowance or transitional rent allowance would not have fallen to be reduced by reason of the member's being married to or sharing accommodation with another member of a police force appointed after 31st August 1994.

(3) In circumstances in which any allowance or housing emoluments mentioned in sub-paragraph (1) would, if the revoked provisions had continued in force, have fallen to be increased otherwise than under regulation 49A of the 1987 Regulations (which provided for biennial adjustment of housing allowances), or in which any new housing emoluments would in that case have become payable, the replacement allowance in question is increased accordingly.”

Home Office  
24th July 2000

*Charles Clarke*  
Minister of State

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## EXPLANATORY NOTE

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

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

Regulation 2 enables service with NCIS, the NCS or PITO to count for the purpose of appointment as Chief Constable.

Regulations 3 and 10 replace the pay scales formerly set out in Schedule 6 to the 1995 Regulations with a provision that the pay of members of police forces will be determined by the Secretary of State.

Regulations 4, 6, 9 and 11 increase the amounts of certain allowances. Regulations 7 and 12 make drafting amendments to the 1995 Regulations to treat replacement allowance in the same way as other allowances payable under those Regulations.

Regulation 8 amends Schedule 1 to the 1995 Regulations to correct an error and to take account of the removal of Schedule 6 to those Regulations.

By virtue of regulation 1(2), the regulations there cited have effect from dates before the coming into force of these Regulations. Retrospection is authorised by section 50(5) of the Police Act 1996.