

STATUTORY INSTRUMENTS

2003 No. 527

**POLICE
ENGLAND & WALES**

The Police Regulations 2003

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The Secretary of State, in exercise of the powers conferred on him by section 50 of the Police Act 1996 and section 405 of the Greater London Authority Act 1999, and after taking into consideration the recommendations of the Police Negotiating Board and supplying that Board with a draft of these Regulations in accordance with section 62(1) of the Police Act 1996, and after supplying a draft of these Regulations to the Police Advisory Board for England and Wales and taking into consideration their representations in accordance with section 63(3) of the Police Act 1996, hereby makes the following Regulations:

DETERMINATIONS UNDER THE POLICE REGULATIONS 2003

1. The Secretary of State, in exercise of the powers conferred by regulations 10, 11, 12, 14, 22, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, and 45 of, and Schedule 2 to, the Police Regulations 2003, ("the Regulations") has determined that:
 - (a) the standard of eyesight which must be met by a candidate for appointment to a police force is that specified in Annex A;
 - (b) the experience required by a person appointed as a chief constable shall be that specified in Part 1 of Annex B;
 - (c) the range within which any fixed term of appointment must fall and the circumstances in which such an appointment may be extended shall be those specified in Part 2 of Annex B;
 - (d) the circumstances in which a vacancy must be advertised and the contents and manner of publication of such advertisements shall be those specified in Part 3 of Annex B;
 - (e) periods of probation shall be applicable as specified in Annex C;
 - (f) the circumstances in which a member of a police force may retire shall be those specified in Annex D;
 - (g) the normal periods of duty of a member of a police force (including periods allowed for refreshment), variable shift arrangements which may be brought into operation, requirements relating to duty rosters and circumstances in which travelling time may be treated as duty shall be those specified in Annex E;
 - (h) the rate of pay for members of police forces shall be the rate for the time being applicable to such members in accordance with Annex F;
 - (i) the circumstances and manner in which a member of a police force is compensated in respect of overtime shall be as specified in Annex G;
 - (j) the circumstances and manner in which a member of a police force is compensated in respect of time spent on duty on public holidays and rostered rest days shall be as specified in Annex H;
 - (k) the circumstances in which a member of a police force is entitled to receive a temporary salary and the rate of that salary shall be those specified in Annex I;
 - (l) the circumstances in which a member of a police force is entitled to be temporarily promoted and the rate of salary on such promotion shall be those specified in Annex J;
 - (m) the entitlement of members of police forces to pay during periods of sick leave shall be as specified in Annex K;
 - (n) the entitlement of female members of police forces to pay during periods of maternity leave shall be as specified in Annex L;
 - (o) the rules in accordance with which the intervals at which members of a police force are paid are to be fixed and the manner of calculating pay shall be as specified in Annex M;

- (p) Parts 3 and 4 of the Regulations and determinations thereunder shall have effect in relation to a University scholar in accordance with Annex N;
 - (q) the entitlement of a member of a police force to annual leave shall be as specified in Annex O;
 - (r) the circumstances in which a member of a police force shall be entitled to be absent on account of injury or illness are those specified in Annex P;
 - (s) the circumstances in which a female member of a police force may take leave for the purposes of ante-natal care are those specified in Annex Q;
 - (t) the circumstances in which a female member of a police force qualifies for maternity leave are those specified in Annex R;
 - (u) the entitlement of a member of a police force to maternity support leave, parental leave and adoption leave shall be as specified in Annex S;
 - (v) a member of a police force shall be entitled to be permitted to take time off for dependants in accordance with Annex T;
 - (w) a member of a police force shall be entitled to any allowance specified in Annex U in accordance with that annex;
 - (x) a member of a police force shall be entitled to reimbursement of expenses in accordance with Annex V;
 - (y) the uniform and equipment to be issued to a member of a police force shall be as specified in Annex W.
2. Insofar as they relate to matters mentioned in section 61(1) of the Police Act 1996, these determinations are based on agreements reached by the Police Negotiating Board. In making his determinations with respect to those matters, the Secretary of State supplied the Police Negotiating Board with a draft of the determination. In making his determinations with respect to any other matter, the Secretary of State supplied the Police Advisory Board for England and Wales with a draft of the determination and took into consideration any representations made by that Board.
3. (1) Expressions used in these determinations which also appear in the Regulations have the same meanings as in the Regulations.
- (2) In these determinations, the expressions:
- "joint branch board" means the joint branch board mentioned in regulation 7(3) of the Police Federation Regulations 1969; and
 - "part-time member" means a person appointed under regulation 5 to perform part-time service.
4. The Secretary of State's determinations of police pay awards 1996 to 2002 (which are superseded by paragraph 1(h) above) are hereby revoked.
5. These determinations shall come into force on 1st April 2003 and, except where otherwise stated, have effect from that date.

Stephen Rimmer
Director, Policing Policy
Home Office
24 March 2003

REGULATION 1

PART 1

COMMENCEMENT AND INTERPRETATION

Citation, commencement and extent

1. - (1) These Regulations may be cited as the Police Regulations 2003 and shall come into force on 1st April 2003.

(2) These Regulations extend to England and Wales.

REGULATION 2

References to transfers

2. - (1) A reference in these Regulations to a member of a police force voluntarily transferring from one force to another shall be construed as a reference to such a member leaving a force for the purpose of joining another force and joining that other force, where he left the force first mentioned in this regulation on or after 1st January 1963 for that purpose with, in the case of the chief officer, the consent of the police authority.

(2) Except where the context otherwise requires, a reference in these Regulations to a member of a police force being statutorily transferred from one force to another shall be construed as a reference to such a member being transferred -

(a) by or under the Local Government Act 1933, the Police Act 1946, the Local Government Act 1958, the London Government Act 1963, the Police Act 1964 (including that Act as amended by the Police and Magistrates' Courts Act 1994), the Local Government Act 1972, the Local Government Act 1992 or the Police Act 1996;

(b) in the case of a person who was a member of the River Tyne police force, under the Harbours Act 1964.

(3) A reference in these Regulations to a member of a police force transferring from one force to another shall be construed as a reference to his either voluntarily so transferring or being statutorily so transferred.

REGULATION 3

Interpretation

3. - (1) In these Regulations -

"Act" means the Police Act 1996;

"British Transport Police Force" means the force of constables appointed under section 53 of the British Transport Commission Act 1949;

"central police officer" has the same meaning as in the Police Pensions Regulations;

"chief officer" means chief officer of police;

"Conduct Regulations" means the regulations relating to conduct from time to time in force under section 50 of the Act;

"maternity leave" means leave taken in accordance with a determination under regulation 33(7);

"member of a police force" includes such a member who is suspended under the Conduct Regulations;

"pensionable service" has the same meaning as in the Police Pensions Regulations;

"Police Pensions Regulations" means the regulations from time to time in force under the Police Pensions Act 1976;

"Promotion Regulations" means the regulations relating to qualification and selection for promotion from time to time in force under section 50 of the Act;

"public holiday" means Christmas Day, the 26th December (if it falls on a Saturday or a Sunday), the 1st January (if it so falls), Good Friday or a bank holiday;

"the representative bodies" means the Police Federation for England and Wales and all bodies for the time being recognised by the Secretary of State for the purposes of section 64 of the Act;

"reversionary member of a home police force" has the same meaning as in the Police Pensions Regulations;

"university scholar" means a member of a police force on a course of university study nominated by the Secretary of State or by the police authority maintaining the police force of which he is a member following arrangements approved by the Secretary of State.

(2) In these Regulations, a reference to a police force shall include a reference to the Police Service of Northern Ireland and a police force maintained under the Police (Scotland) Act 1967, so, however, that nothing in these Regulations shall be construed as relating to the government, administration or conditions of service of the Police Service of Northern Ireland or such a force.

(3) In these Regulations a reference to an aerodrome constabulary is a reference to such a constabulary within the meaning of the Aviation Security Act 1982, and a reference to a rank in such a constabulary corresponding to a rank in a police force is a reference to a rank in that constabulary designated for the purposes hereof by the Secretary of State as the rank corresponding to the rank in question.

(4) Nothing in these Regulations shall be construed as authorising pay or allowances payable to any person to be reduced retrospectively.

PART 2
GOVERNMENT

Ranks

4. - (1) Subject to paragraphs (2) and (3), the ranks of a police force shall be known by the following designations -

Chief Constable;
Deputy Chief Constable;
Assistant Chief Constable;
Chief Superintendent;
Superintendent;
Chief Inspector;
Inspector;
Sergeant;
Constable.

(2) In its application to the metropolitan police force, paragraph (1) shall have effect as if -

- (a) the references to Chief Constable, Deputy Chief Constable and Assistant Chief Constable were omitted; and
- (b) there were references to Commissioner, Deputy Commissioner, Assistant Commissioner and Deputy Assistant Commissioner of Police of the Metropolis and to Commander.

(3) In its application to the City of London police force (in respect of which a Commissioner of the City of London Police is appointed under the Acts relating to that force) paragraph (1) shall have effect as if -

- (a) the references to Chief Constable, Deputy Chief Constable and Assistant Chief Constable were omitted; and
- (b) there were references to Assistant Commissioner and Commander.

REGULATION 5

Part-time appointments

5. - (1) A chief officer may, after consultation with local representatives of the representative bodies, appoint persons to perform part-time service in any rank.

(2) In these Regulations a person appointed to perform part-time service includes a person appointed to share a job with another person.

(3) A person appointed to perform part-time service may not be appointed to serve as a full-time member without his consent.

(4) A person appointed to perform part-time service immediately after serving as a full-time member may give notice in writing of his intention to be re-appointed as a full-time member and shall be so appointed -

(a) within one month of the date the notice is received by the police authority, where the authority has a suitable vacancy, or

(b) except where sub-paragraph (a) applies, when 3 months have elapsed since the day the notice was received, or from an earlier date if reasonably practicable.

(5) A person serving as a full-time member of a police force may not be appointed to perform part-time service without his consent.

(6) In this regulation "full-time member" means a member appointed otherwise than under this regulation.

(7) In relation to persons appointed under this regulation to perform part-time service:

(a) regulation 12 has effect as if the words ", other than such a member who transferred to the force from another police force having completed the required period of probation therein," were omitted; and

(b) regulation 25 has effect as if -

(i) in paragraph (1) for all the words after "compensated in respect of time" there were substituted "spent on duty in excess of such period as the Secretary of State may determine"; and

(ii) paragraph (2) were omitted.

REGULATION 6

Restrictions on the private life of members

6. - (1) The restrictions on private life contained in Schedule 1 shall apply to all members of a police force.

(2) No restrictions other than those designed to secure the proper exercise of the functions of a constable shall be imposed by the police authority or the chief officer on the private life of members of a police force except -

- (a) such as may temporarily be necessary, or
- (b) such as may be approved by the Secretary of State after consultation with the Police Advisory Board for England and Wales.

(3) Any restriction temporarily imposed under paragraph (2) shall be reported forthwith to the Secretary of State.

REGULATION 7

Business interests incompatible with membership of a police force

7. - (1) If a member of a police force or a relative included in his family proposes to have, or has, a business interest within the meaning of this regulation, the member shall forthwith give written notice of that interest to the chief officer unless that business interest was disclosed at the time of his appointment as a member of the force.

(2) On receipt of a notice given under paragraph (1), the chief officer shall determine whether or not the interest in question is compatible with the member concerned remaining a member of the force and, within 28 days of the receipt of that notice, shall notify the member in writing of his decision.

(3) Within 10 days of being notified of the chief officer's decision as aforesaid, or within such longer period as the police authority may in all the circumstances allow, the member concerned may appeal to the police authority against that decision by sending written notice of his appeal to the police authority.

(4) Upon receipt of such notice, the police authority shall forthwith require the chief officer to submit to them, within the next following 10 days, a notice setting out the reasons for his decision and copies of any documents on which he relies in support of that decision; and the police authority shall send to the member concerned copies of such notice and documents and shall afford him a reasonable opportunity, being in no case less than 14 days, to comment thereon.

(5) Where a member of a police force has appealed to the police authority under paragraph (3) the police authority shall, within 28 days of receiving his comments on the notice and any other documents submitted by the chief officer under paragraph (4), or of the expiration of the period afforded for making comments if none have by then been received, give him written notice of their determination of the appeal but, where they have upheld the decision of the chief officer and, within 10 days of being so notified or within such longer period as the police authority may in all the circumstances allow, the member makes written request to the police authority for the reference of the matter to the Secretary of State, the matter shall be so referred and, unless and until the determination of the police authority is confirmed by the Secretary of State, it shall be of no effect and in particular, no action in pursuance thereof shall be taken under paragraph (6).

(6) Where a member of a police force, or a relative included in his family, has a business interest within the meaning of this regulation which the chief officer has determined, under paragraph (2), to be incompatible with his remaining a member of the force and either the member has not appealed against that decision under paragraph (3) or, subject to paragraph (5), on such appeal, the police authority has upheld that decision, then, the chief officer may, subject to the approval of the police authority, dispense with the services of that member; and before giving such approval, the police authority shall give the member concerned an opportunity to make representations and shall consider any representations so made.

REGULATION 8

Business interests: supplementary

8. - (1) For the purposes of regulation 7, a member of a police force or, as the case may be, a relative included in his family, shall have a business interest if -

- (a) the member holds any office or employment for hire or gain (otherwise than as a member of a police force) or carries on any business;
- (b) a shop is kept or a like business carried on by the member's spouse (not being separated from him) at any premises in the area of the police force in question or by any relative included in his family at the premises at which he resides; or
- (c) the member, his spouse (not being separated from him) or any relative included in his family living with him holds, or possesses a pecuniary interest in, any such licence or permit as is mentioned in paragraph (2);

and a reference to a relative included in a member's family shall include a reference to his spouse, parent, son, daughter, brother or sister.

(2) The licence or permit referred to in paragraph (1)(c) is a licence or permit granted in pursuance of the law relating to liquor licensing, refreshment houses or betting and gaming or regulating places of entertainment in the area of the police force in question.

(3) If a member of a police force or a relative included in his family has a business interest within the meaning of regulation 7 and, on that interest being notified or disclosed as mentioned in regulation 7(1), the chief officer has, by written notice, required the member to furnish particulars of such changes in that interest, as respects its nature, extent or otherwise, as may be mentioned in the notice then, in the event of any such change in that interest being proposed or occurring, regulation 7 shall have effect as though the changed interest were a newly proposed, or newly acquired, interest which has not been notified or disclosed as aforesaid.

(4) In its application to a chief constable, deputy chief constable or assistant chief constable, regulation 7 and this regulation shall have effect as if -

- (a) for any reference therein to the chief officer there were substituted a reference to the police authority;
- (b) for any reference in regulation 7(3), (5) or (6) to an appeal there were substituted a reference to a request for reconsideration; and
- (c) the references in regulation 7(6) to the approval of the police authority were omitted;

but a police authority shall not dispense with the services of a chief constable, deputy chief constable or assistant chief constable under regulation 7 without giving him an opportunity of making representations and shall consider any representations so made.

(5) In its application to a member of the metropolitan police force, regulation 7 and this regulation shall have effect as if for any reference to the chief officer there were substituted a reference to an assistant commissioner of police of the metropolis; except that nothing in this paragraph shall affect the power of the commissioner, subject to the approval of the police authority, to dispense with the services of a member of the metropolitan police force in pursuance of regulation 7(6).

REGULATION 9

Business interests precluding appointment to a police force

9. - (1) Save in so far as the chief officer may allow at the request of the candidate concerned, a person shall not be eligible for appointment to a police force if he or a relative included in his family has a business interest within the meaning of regulation 7, and paragraphs (1) and (2) of regulation 8 shall apply for the purposes of the interpretation of this regulation as they apply for the purposes of regulation 7.

(2) In its application to a candidate for appointment as chief officer, deputy chief constable or assistant chief constable, paragraph (1) shall have effect as if for any reference to the chief officer there were substituted a reference to the police authority.

REGULATION 10
ANNEX A REFERS

Qualifications for appointment to a police force

10. - (1) A candidate for appointment to a police force -

- (a) must, if not a national of a State which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993, have leave to enter or remain in the United Kingdom for an indefinite period;
- (b) must produce satisfactory references as to character, and, if he has served in any police force, in the armed forces, in the civil service or as a seaman, produce satisfactory proof of his good conduct while so serving;
- (c) must have attained the age of 18 years 6 months;
- (d) must be certified by a registered medical practitioner approved by the police authority to be in good health, of sound constitution and fitted both physically and mentally to perform the duties on which he will be employed after appointment;
- (e) must meet the standard of eyesight determined by the Secretary of State;
- (f) must, if a candidate for appointment in the rank of constable, satisfy the chief officer that he is sufficiently competent in written and spoken English, and sufficiently numerate, by passing such assessments in written and spoken English, and numeracy, as may be approved by the Secretary of State;
- (g) must, if a candidate for appointment in the rank of sergeant, or inspector, be qualified for promotion to such rank in accordance with the provisions of the Promotion Regulations;
- (h) must give such information as may be required as to his previous history or employment or any other matter relating to his appointment to the police force.

(2) A candidate for appointment to a police force shall be given a notice in terms approved by the Secretary of State drawing attention to the terms and conditions of service which shall be contained therein.

(3) For the purposes of this regulation -

- (a) "armed forces" means the naval, military or air forces of the Crown including any women's service administered by the Defence Council, and
- (b) "seaman" has the same meaning as in the Merchant Shipping Act 1995.

ANNEX A**DETERMINATION
FOR REGULATION 10**

The standard of eyesight which must be met by a candidate for appointment to a police force in respect of each of the matters specified in the first column of the following table is that specified in the second column of the table.

| Eyesight | Mandatory requirement |
|-----------------------------------|--|
| Static Visual Acuity ¹ | <p>Corrected distance visual acuity must be 6/12 in either eye and 6/6 or better, binocularly.</p> <p>Corrected near static visual acuity must be 6/9 or better, binocularly. [Applicants who do not reach the standard should not be rejected but should be invited for a further test after obtaining a stronger prescription].</p> <p>Uncorrected visual acuity must be 6/36 or better, binocularly. Corrected low contrast distance visual acuity must be 6/12 or better for a 10% contrast target, binocularly.</p> |
| Visual Field ² | A field-of-view of at least 120 degrees horizontally by 100 degrees vertically is required. The field-of-view should be free of any large defective areas, particularly in the fovea. Single defects smaller than the physiological blind spot, and multiple defects that add to an area smaller than the physiological blind spot, should be acceptable. |
| Colour Vision ³ | <p>Monochromats should be rejected.</p> <p>Mild anomalous trichromats are acceptable and should be treated as normals.</p> <p>Severe anomalous trichromats and dichromats are also acceptable and should be instructed in coping strategies.</p> <p>[Applicants who show a lowered discrimination for blue colours should be referred to an ophthalmologist for further assessment. This should include a measure of their dark adaptation performance].</p> |
| Spectacles and contact lenses | Correction should be worn where necessary to achieve 6/6 binocularly. Corrective spectacles and contact lenses are acceptable for the tasks of an Operational Police Constable. |
| Eye Surgery | PRK, LASIK, LASEK, ICRS, cataract surgery: There is no significant weakening of the cornea and applicants should not be rejected. A period of at least 6 weeks after surgery should be allowed before applications are accepted. There may be a reduction in low light level visual performance: Test visual performance under low illuminance conditions. Radial Keratotomy (RK), Arcuate Keratotomy (AK), corneal grafts. Any other surgical procedures that result in a significant weakening of the cornea. There is a measurable risk of corneal rupture if the eye is struck. Applicants should be rejected. |

- 1 Acuity should be measured using a Snellen eye chart, or equivalent.
- 2 The field of view may be tested using a confrontation test. However, it is recommended that forces use more sophisticated testing equipment, where possible. If the results of the confrontation test suggest that there is a reduced visual field, or if the results of the medical questionnaire suggest an increased risk of reduced visual field, applicants should be referred to an ophthalmologist for a thorough examination of their visual field.
- 3 Colour vision should be tested using the Farnsworth D-15 test. Applicants should not wear 'colour correcting' lenses during the colour vision tests.

REGULATION 11
ANNEX B REFERS

Appointment of senior officers

11. - (1) Subject to section 11(1) of the Act and regulations 9 and 10, no person shall be appointed as a chief constable of a police force unless he holds or has held such rank and for such period as the Secretary of State shall determine in respect of such appointments.

(2) An appointment on or after 1st April 2003 to the rank of -

(a) chief constable, deputy chief constable or assistant chief constable in a police force maintained under section 2 of the Act;

(b) commissioner, deputy commissioner, assistant commissioner, deputy assistant commissioner or commander in the metropolitan police force; or

(c) assistant commissioner or commander in the City of London police force,

shall be for a fixed term. The Secretary of State shall determine the range within which a fixed term must fall and the circumstances in which a fixed term appointment may be extended.

(3) Paragraph (2) is without prejudice to any provision whereby a term of appointment comes to an end on promotion, dismissal, the conclusion of disciplinary proceedings or transfer to another police force and regulation 14 (retirement).

(4) The Secretary of State shall determine the circumstances in which a vacancy in a rank specified in paragraph (2) shall be advertised; if a vacancy is to be advertised, the advertisement shall contain such detail and be published in such manner as the Secretary of State may determine. The Secretary of State may determine that no appointment shall be made until after a date to be specified in the advertisement.

ANNEX B

DETERMINATION FOR REGULATION 11

APPOINTMENT OF SENIOR OFFICERS

Part One. EXPERIENCE

Subject to section 11(1) of the Police Act 1996 and regulations 9 and 10 no person shall be appointed as chief constable of a police force unless for a period of not less than two years he holds or has held the rank of assistant chief constable (or commander in the metropolitan police force or the City of London police force) or above:

- 1) in some other police force;
- 2) in the British Transport Police;
- 3) whilst engaged on relevant service within the meaning of section 97(1) of the Police Act 1996; or
- 4) partly in one of the capacities above and partly in another.

Part Two. TERMS FOR FIXED TERM APPOINTMENTS

- 1) This determination applies to every appointment on or after 1st April 2003 of a person to the rank of-
 - a) chief constable, deputy chief constable or assistant chief constable of a police force maintained under section 2 of the Police Act 1996
 - b) commissioner, deputy commissioner, assistant commissioner, deputy assistant commissioner or commander in the metropolitan police force, and
 - c) assistant commissioner or commander in the City of London police force
- 2) Where it is proposed to vary by agreement the conditions of service of a person who on 1st April 2003 holds one of the ranks specified in paragraph (1) indefinitely so that he holds that rank instead for a fixed term-
 - a) that term shall be for a period authorised by paragraph (3) or, as the case may be, paragraph (4); and
 - b) this determination shall apply to such a variation as it applies to an appointment and as if the variation were an appointment.
- 3) Subject to paragraphs (5) to (11), an appointment to the rank of chief constable or deputy chief constable or to the rank of commissioner, deputy commissioner, assistant commissioner or deputy assistant commissioner in the metropolitan police force shall be for a term of not less than four years and not more than seven years.
- 4) Subject to paragraphs (5) to (11), an appointment to the rank of assistant chief constable or commander in the metropolitan police force and the City of London police force or assistant commissioner in the City of London police force shall be for a term of not less than four years and not more than either-

- a) ten years, or
 - b) a period expiring with the date on which the person appointed reaches minimum retirement age or, if that period is less than four years, four years, whichever of the periods in sub-paragraphs (a) and (b) is the shorter.
- 5) The term of an appointment to which this determination applies may be for a period of less than four years with the consent of the Secretary of State.
- 6) The term of an appointment to the rank of chief constable or deputy chief constable or to the rank of commissioner, deputy commissioner, assistant commissioner or deputy assistant commissioner in the metropolitan police force to which this determination applies may be extended by agreement for a period or periods expiring not later than seven years from the date of the initial appointment to that rank.
- 7) The term of an appointment to the rank of assistant chief constable or commander in the metropolitan police force and the City of London police force or assistant commissioner in the City of London police force to which this determination applies may be extended by agreement for a period or periods expiring not later than:
- a) ten years from the date of the initial appointment to that rank, or
 - b) the date on which the person appointed reaches minimum retirement age, whichever of the periods in sub-paragraphs (a) and (b) is the shorter.
- 8) The term of an appointment to which this determination applies may, with the consent of the Secretary of State, be extended by agreement for a single period not exceeding three years where the extension cannot be made under paragraphs (6), (7) or (9) and, in the opinion of the Secretary of State, the particular extension would be in the interest of the efficiency and effectiveness of the police force.
- 9) The term of an appointment to which this determination applies may be extended by agreement for a period or periods up to the time when the person appointed-
- a) has completed 30 years' pensionable service for the purposes of the Police Pensions Regulations 1987, or
 - b) has completed 25 years' pensionable service for those purposes and has attained the age of 50, whichever is the earlier.
- 10) Subject to paragraph (12) where the term of appointment of a person who-
- a) has been appointed under this determination, and
 - b) is subsequently engaged on relevant service within the meaning of section 97(1) of the Police Act 1996 would otherwise expire whilst he is so engaged, that term shall expire one day after the end of the period of relevant service.
- 11) This determination is without prejudice to any provision whereby a term of appointment comes to an end on promotion, dismissal or transfer to another police force and to any determination made under regulation 14.
- 12) Paragraph (10) shall not apply where a pension, allowance or gratuity becomes payable to him out of money provided by Parliament by virtue of the Police Pensions Regulations

- 13) A person does not cease to be eligible for an appointment to which this determination applies by reason only of the fact that he has completed an appointment for a term determined in accordance with this determination.
- 14) In this determination "minimum retirement age" means-
 - a) in the case of a person who, on attaining the age of 55, will be entitled to reckon not less than 25 years' pensionable service for the purposes of the Police Pensions Regulations 1987, that age; or
 - b) in the case of a person who, on attaining that age, will not be entitled to reckon 25 years' pensionable service for the purposes of those Regulations, the age at which he will be so entitled or the age at which he will be required to retire under regulation A18(1) of those Regulations, whichever is the earlier.
- 15) For the purposes of determining an entitlement under paragraph (14), an election under regulation G4 of the Police Pensions Regulations 1987 (election not to pay pension contributions) shall be disregarded.
- 16) Any person whose term of appointment to a rank had been extended under paragraph (6) of regulation 13A of the Police Regulations 1995 immediately before 1st November 2002 shall, when that term of appointment as extended expires, be eligible to seek one further extension under that paragraph.

Part Three. FIXED TERM APPOINTMENTS TO BE ADVERTISED

- 1) Subject to paragraph (4), where on or after 1st April 2003, a vacancy exists in one of the ranks specified in paragraph 1 (a) to (c) of Part Two of this Annex, a notice of the vacancy which complies with paragraph (2) shall be published by the relevant authority.
- 2) The notice referred to in paragraph (1) must-
 - a) invite applications to fill the vacancy;
 - b) be published in-
 - i) not less than one newspaper, or
 - ii) not less than one journal which deals with police matters, circulating throughout England and Wales; and
 - c) specify the date, which shall not be less than three weeks after the date of the publication of the notice, by which applications must be made.
- 3) Subject to paragraph (4), no appointment shall be made to fill a vacancy in one of the ranks specified in paragraph (1)(a) to (c) of Part Two of this Annex until after the date specified in accordance with paragraph (2)(c) in a notice in respect of that vacancy.
- 4) Paragraphs (1) and (3) shall not apply where-
 - a) the term of appointment of the person who currently holds the rank in which the vacancy would otherwise occur is extended under paragraph (6), (7), (8) or (9) of Part Two of this Annex, or
 - b) that person is appointed for a further term and the conditions set out in paragraph (5) are satisfied.

- 5) The conditions referred to in paragraph (4) are that-
- a) the person who currently holds the rank in which the vacancy would otherwise occur does so by virtue of an appointment under regulation 11(2) and Part Two of this Annex;
 - b) the relevant appointment of that person was for a term which was less than the maximum term authorised in respect of that person by paragraph (3) or, as the case may be, (4) of Part Two of this Annex ; and
 - c) the term for which it is proposed to appoint that person (and for which that person is subsequently appointed) is such that, when taken together with-
 - i) the term for which he was appointed by the relevant appointment, and
 - ii) the term for which he was appointed by any subsequent appointment, the terms in total do not exceed the maximum term of appointment to which he could have been appointed at the time of the relevant appointment under paragraph (3) or, as the case may be, (4) of Part Two of this Annex.
- 6) In paragraph (5) "relevant appointment" means-
- a) an appointment made under regulation 11(2) and Part Two of this Annex after the procedures required by paragraphs (1) and (3) have been complied with; or
 - b) a variation in the conditions of service in accordance with paragraph (2) of Part Two of this Annex.
- 7) In this determination "the relevant authority" means-
- a) in the case of the ranks specified in paragraph (1)(a) of Part Two of this Annex, the police authority for the force in question;
 - b) in the case of the ranks in paragraph (1)(b) and (c) of Part Two of this Annex, the Commissioner of Police of the Metropolis or, as the case may be, the Commissioner of the City of London police.

REGULATION 12
ANNEX C REFERS

Probationary service in the rank of constable

12. - (1) Subject to paragraphs (2) and (3), a member of a police force appointed in the rank of constable, other than such a member who transferred to the force from another police force having completed the required period of probation therein, shall be on probation for such period as the Secretary of State shall determine in respect of such appointments.

(2) In making a determination under paragraph (1), the Secretary of State may, subject to paragraph (3), confer on the chief officer discretion to determine the required period of probation in a particular case.

(3) For the purposes of a determination under paragraph (1), the periods to be counted or disregarded in reckoning service shall be such as may be determined by the Secretary of State.

ANNEX C

DETERMINATION FOR REGULATION 12

PROBATIONARY SERVICE IN THE RANK OF CONSTABLE

- 1) A member of a police force appointed in the rank of constable other than such a member who transferred to the force from another police force, having completed the required period of probation therein, and not being a member to whom paragraph (2) applies, shall unless paragraph (4) applies to his case, be on probation for the first 2 years of his service as a constable in that police force following his last appointment thereto or for such longer period as the chief officer determines in the circumstances of a particular case.
- 2) A part-time member of a police force appointed in the rank of constable shall, unless paragraph (4) applies to his case, be on probation for a period calculated in accordance with paragraph (3) following his last appointment thereto or for such longer period as the chief officer determines in the circumstances of a particular case.
- 3)
 - a) A part-time member of a police force appointed to the rank of constable shall be required to serve on probation for a period of $(40/A) \times (2 \text{ years less any period of probation served in that force otherwise than as a part-timer})$.
 - b) In sub paragraph (a) above 'A' = member's normal weekly period of duty, as defined in the determination made by the Secretary of State under Regulation 22.
- 4) A member of a police force to whom paragraph (1) or (2) applies who has served on probation for a period of not less than a year following a previous appointment to that or any other police force shall be on probation for the first year of his service as a constable in the police force first mentioned in this paragraph following his last appointment thereto or for such longer period as the chief officer determines in the circumstances of a particular case.

Provided that the chief officer may at his discretion-

- a) reduce the period of probation, so however that the reduced period, when aggregated with the previous period of probation, shall not be less than 2 years except that, in the case of a member who for any part of their probation is appointed a part-time member, is not less than the period served full time in probation plus the period calculated under paragraph 3(a) above, or
 - b) dispense with the period of probation, if the member, following his previous appointment, completed the required period of probation in the force in question.
- 5) For the purposes of this determination-
 - a) in reckoning service, any period of unpaid leave shall be disregarded;
 - b) in the case of a university scholar, in reckoning service his period of study shall be disregarded;
 - c) in the case of a member who has been statutorily transferred from one force to some other force, his service in those two forces shall be treated as if it were service in the same police force;

- d) in the case of a member of a police force who has been transferred thereto from an aerodrome constabulary by an order under section 30 of the Aviation Security Act 1982, his service in that constabulary shall be treated as if it were service in that police force.
- 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 and who has served continuously for a period of not less than one year at the beginning of the eleventh week before the expected date of birth-
 - i) where that leave has been for more than eighteen weeks, the first eighteen weeks whilst on maternity leave together with any part of the period whilst on maternity leave beginning with the week of childbirth and ending 29 weeks from the week of childbirth shall be treated as if it were service in the police force;
 - ii) where that leave has been for less than eighteen weeks, any period spent on maternity leave shall be treated as if it were service in the police force.
- f) in reckoning service in the case of a female member of a police force who has taken one or more periods of maternity leave but who has not served continuously for a period of not less than one year at the beginning of the eleventh week before the expected date of birth-
 - i) where that leave has been for more than eighteen weeks, the first eighteen 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 eighteen weeks, any period spent on maternity leave shall be treated as if it were service in the police force.
- g) in reckoning service in the case of a member of a police force who has taken one or more periods of parental leave under regulation 33(5)(b) any period spent on parental leave shall be treated as if it were service in the police force.

REGULATION 13

Discharge of probationer

13. - (1) Subject to the provisions of this regulation, during his period of probation in the force the services of a constable may be dispensed with at any time if the chief officer considers that he is not fitted, physically or mentally, to perform the duties of his office, or that he is not likely to become an efficient or well conducted constable.

(2) A constable whose services are dispensed with under this regulation shall be entitled to receive a month's notice or a month's pay in lieu thereof.

(3) A constable's services shall not be dispensed with in accordance with this regulation and any notice given for the purposes thereof shall cease to have effect if he gives written notice to the police authority of his intention to retire and retires in pursuance of the said notice on or before the date on which his services would otherwise be dispensed with; and such a notice taking effect on that date shall be accepted by the police authority notwithstanding that less than a month's notice is given.

(4) Where a constable has received a notice under this regulation that his services are to be dispensed with and he gives written notice of his intention to retire and retires under paragraph (3), he shall nevertheless be entitled to receive pay up to and until the date on which the month's notice he has received would have expired or where he has received or is due to receive a month's pay in lieu of notice he shall remain entitled to that pay notwithstanding the notice he has given under paragraph (3).

REGULATION 14
ANNEX D REFERS

Retirement

14. Members of a police force may retire in such circumstances as shall be determined by the Secretary of State, and in making such a determination the Secretary of State may -

- (a) require such notice of intention to retire as may be specified in the determination, or such shorter notice as may have been accepted by the police authority, to be given to that authority,
- (b) require the consent of the chief officer to be obtained before giving such notice.

ANNEX D

DETERMINATION FOR REGULATION 14

RETIREMENT

- 1) Without prejudice to the following provisions:
 - a) The Police Pensions Regulations relating to compulsory retirement
 - b) The Conduct Regulations relating to resignation as an alternative to dismissal
 - c) Sections 9E(1) to (3), 11(2) to (4), 11A(3) and 12(3) of the Police Act 1996 relating to retirement in the interests of efficiency or effectiveness: and subject to paragraph (2), a member of a police force may retire only if he has given to the police authority one month's written notice of his intention to retire or such shorter notice as may have been accepted by that authority:

Provided that, while suspended under the Conduct Regulations, a member may not, without the consent of the chief officer of police, give notice for the purposes of this determination or retire in pursuance of a notice previously given.

- 2) In the case of a chief officer of police, Deputy Commissioner of Police of the Metropolis, Deputy Chief Constable, Assistant Commissioner of Police of the Metropolis, Deputy Assistant Commissioner of Police of the Metropolis, commander in the City of London or metropolitan police force or assistant chief constable, paragraph (1) shall have effect as if-
 - a) for "one month's" there were substituted "three months' "; and
 - b) for "chief officer of police" there were substituted "police authority".

REGULATION 15

Contents of personal records

15. - (1) The chief officer of a police force shall cause a personal record of each member of the police force to be kept.

(2) The personal record shall contain -

- (a) a personal description of the member;
- (b) particulars of the member's place and date of birth;
- (c) particulars of his marriage (if any) and of his children (if any);
- (d) a record of his service (if any) in any branch of Her Majesty's naval, military or air forces or in the civil service;
- (e) a record of his service (if any) in any other police force and of his transfers (if any) from one police force to another;
- (f) a record of whether he passed or failed to pass any qualifying examination at which he was a candidate;
- (g) a record of his service in the police force and the date of his ceasing to be a member of the police force with the reason, cause or manner thereof.

(3) The record of service kept in accordance with paragraph (2)(g) shall include particulars of all promotions, postings, removals, injuries received, periods of illness, commendations, rewards, sanctions other than cautions imposed under regulation 31 of the Police (Conduct) Regulations 1999 or under regulation 17 of the Police (Efficiency) Regulations 1999 but, subject to paragraph (4) -

- (i) a sanction of a fine or of a reprimand shall be expunged after 3 years free from sanction other than a caution;
- (ii) any other sanction shall be expunged after 5 years free from sanction other than a caution,
- (iii) a sanction under regulation 17 of the Police (Efficiency) Regulations 1999 shall be expunged after 2 years free from any such sanction.

(4) In the case of a period free from sanction other than a caution which expired before 1st January 1989, a sanction shall be expunged under paragraph (3) only if the member so requests.

(5) Where following a review of a sanction imposed under regulation 31 of the Police (Conduct) Regulations 1999 or under regulation 17 of the Police (Efficiency) Regulations 1999 the reviewing officer substitutes for the decision of the conduct hearing or, as the case may be, inefficiency hearing a decision that the member concerned had not failed to meet the appropriate standard or, as the case may be, that the performance or attendance of the member concerned was not unsatisfactory, the sanction imposed by that hearing shall be expunged forthwith.

(6) A member of a police force shall, if he so requests, be entitled to inspect his personal record.

REGULATION 16

Transfer of personal records

16. Where a member of a police force transfers to another police force his personal record shall be transferred to the chief officer of that other police force.

REGULATION 17

Personal record of member leaving force

17. - (1) Where a member of a police force ceases to be a member of that police force the member shall, unless he transfers to another police force, be given a certificate showing his rank and setting out the period of his service in that police force and in any other police force.

(2) The chief officer may append to the certificate any recommendation which he feels justified in giving, such as that -

his conduct was exemplary;

his conduct was very good;

his conduct was good.

(3) Where a member of a police force ceases to be a member of that police force, otherwise than by transferring to another police force, his personal record shall be kept for such time as the chief officer may think fit and shall then be destroyed.

REGULATION 18

Fingerprints

18. - (1) Every member of a police force shall in accordance with the directions of the chief officer have his fingerprints taken.

(2) Fingerprints of members of a police force taken in accordance with paragraph (1) shall be kept separate from the fingerprints of persons whose fingerprints have been taken otherwise than in accordance with that paragraph.

(3) The fingerprints of a member of a police force taken in accordance with paragraph (1) and all copies and records thereof shall be destroyed on his ceasing to be a member of that force, except that, where by reason of a statutory transfer he becomes a member of another force, his fingerprints and all copies and records thereof shall be transferred to the chief officer of that other police force.

REGULATION 19

Samples

19. - (1) Every member of a police force, except those members appointed following their transfer from another police force, shall on appointment and in accordance with the directions of the chief officer have a sample taken.

(2) Samples or the information derived from samples of members of a police force taken in accordance with this regulation shall be kept separate from the samples or the information derived from samples taken in accordance with section 63 of the Police and Criminal Evidence Act 1984.

(3) The samples or information derived from samples of a member of a police force taken in accordance with this regulation, and all copies and records thereof shall be destroyed on his ceasing to be a member of that police force except by reason of a transfer to another force.

(4) In this regulation "sample" means -

- (a) a sample of hair, other than pubic hair, complete with roots;
- (b) saliva; or
- (c) a swab taken from the mouth.

REGULATION 20

PART 3

DUTY

Duty to carry out lawful orders

20. 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.

REGULATION 21

Limitations on duties to be assigned to members statutorily transferred

21. - (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 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 Police Act 1964;
- (b) on or after 1st April 1995, a transfer in accordance with an order made under section 21 or 21A of the Police Act 1964 or section 32 of the Act;
- (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;
- (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),

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).

REGULATION 22
ANNEX E REFERS

Duty

22. - (1) The Secretary of State shall determine -

- (a) the normal periods of duty of a member of a police force;
- (b) the periods allowed for refreshment;
- (c) the variable shift arrangements which may be brought into operation by a chief officer;
- (d) the manner and timing of the publication of duty rosters and the matters to be contained therein; and
- (e) the circumstances in which travelling time may be treated as duty.

(2) In making a determination under paragraph (1)(a) the Secretary of State may confer on the chief officer discretion to fix the time at which a period commences for the purposes of the determination and may determine the conditions subject to which that discretion is to be exercised.

(3) In making a determination under paragraph (1)(e) the Secretary of State may -

- (a) confer on the chief officer discretion to fix a limit on the travelling time which is to be treated as duty;
- (b) confer on the police authority discretion to fix a limit on the amount of the expenses which may be reimbursed in respect of such travelling time.

(4) In this regulation "travelling time" means time spent by a member of a police force in travelling to and from his home -

- (a) where he is required to perform his normal daily period of duty in more than one tour of duty, between two tours; or
- (b) where he is recalled to duty between two tours of duty, in consequence of his recall.

ANNEX E

DETERMINATION FOR REGULATION 22

DUTY

1) HOURS OF DUTY

- a) Paragraph 1 of this Annex applies to every member, other than a part-time member, of a police force of the rank of constable or sergeant who is not assigned to duties which the Secretary of State has specially excepted from the provisions of this paragraph.
- b) The normal daily period of duty (including the period for refreshment referred to in sub-paragraph (c)) of a member shall, except in the case of a member working in accordance with variable shift arrangements, be 8 hours.
- c) As far as the exigencies of duty permit:
 - i) The normal daily period of duty (or, in the case of a member working in accordance with variable shift arrangements, a shift) shall be performed in one tour of duty; and
 - ii) Apart from where a member has taken a half day's annual leave or is working in accordance with variable shift arrangements, an interval of 45 minutes shall be allowed for refreshment.
 - iii) Where in one day a member working in accordance with variable shift arrangements is on duty for a continuous period of 5 hours or more, time for refreshment shall, as far as the exigencies of duty permit, be allowed as in the following table:

| Number of hours | Refreshment time |
|---|-------------------------|
| Less than 6 hours | 30 minutes |
| 6 hours or more, but less than 7 hours | 35 minutes |
| 7 hours or more, but less than 8 hours | 40 minutes |
| 8 hours or more, but less than 9 hours | 45 minutes |
| 9 hours or more, but less than 10 hours | 50 minutes |
| 10 hours or more | 60 minutes |

- d) Where a member is required to perform his normal daily period of duty (or in the case of a member working in accordance with variable shift arrangements, a shift) 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.

2) VARIABLE SHIFT ARRANGEMENTS

- a) A chief officer may bring into operation variable shift arrangements, agreed by him with the joint branch board, for all or any particular class of members below the rank of inspector (below the rank of superintendent for part-time members).
- b) Variable shift arrangements must provide, for full-time members for whom they are in operation:

- i) for hours of duty equivalent to those of a member with a normal daily period of duty of 8 hours (including a period for refreshment) and who receives a day's leave on each public holiday and 2 rest days per week; and
 - ii) for annual leave equivalent to that granted in accordance with regulation 33 and the Secretary of State's determination of the annual leave of members of police forces thereunder.
- c) Variable shift arrangements must provide, for part-time members for whom they are in operation:
- i) a normal period of duty in every relevant period as in paragraph (6) below; and
 - ii) for annual leave equivalent to that granted in accordance with regulation 33 and the Secretary of State's determination of the annual leave of members of police forces thereunder.

3) **DUTY ROSTERS**

- a) A chief officer shall cause to be published, in accordance with this determination, duty rosters for members of his force of the rank of constable or sergeant (and inspector and chief inspector in the case of part-time members) and, in the determinations made under the Police Regulations 2003:
- i) 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
 - ii) a day off granted in lieu of a rostered rest day shall be treated as a rostered rest day.
- b) A chief officer shall cause each such roster to be drawn up and published, after full consultation with the Joint Branch Board, at intervals not exceeding 12 months and not later than one month before the date on which it starts.
- c) Each such roster shall set out, for at least three months (except one relating to a part-time member who has agreed with the chief officer on a different period) following the date on which it comes into force, in relation to each member of the force to which it relates:
- i) his rest days;
 - ii) those days, being public holidays, on which he may be required to do duty; and
 - iii) the times at which his scheduled daily periods of duty (rostered shifts for members working variable shift arrangements and for part-time members) are to begin and end; and
 - iv) for part-time members, his free days.
- d) A reference to a 'free day' is to be construed as a reference to a day which is not:

- i) a day on which, according to the duty roster, a shift is to begin or end;
 - ii) a rostered rest day; or
 - iii) a public holiday.
- e) Subject to paragraph (f), a duty roster shall make provision for:
- i) an interval of not less than 11 hours between the ending of each of a member's daily periods of duty (or in the case of a part-time member or a member working in accordance with variable shift arrangements, his shifts) and the beginning of the next; and
 - ii) an interval between each of his rostered rest days not exceeding 7 days, unless in the case of a part-time member, a longer interval has been agreed between the member and the chief officer;

unless the Joint Branch Board agrees otherwise, such agreement providing for an equivalent period of compensatory rest.

- f) 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 or, in the case of a part-time member or a member working in accordance with variable shift arrangements, a shift, such that the condition in sub-paragraph (e) would not be satisfied in relation thereto.

4) **PUBLIC HOLIDAYS, REST DAYS AND MONTHLY LEAVE DAYS**

a) ***Constables and Sergeants***

- i) So far as the exigencies of duty permit, a member of a police force of the rank of constable or sergeant shall be allowed a day's leave on each public holiday and be granted rest days at the rate of two rest days (or, in the case of a member working in accordance with variable shift arrangements, not less than two rest days) in respect of each week.
- ii) The provisions for compensation in lieu of public holidays and rostered rest days are such as are found in regulation 26 and the determination thereunder.

b) ***Inspectors and Chief Inspectors***

Every member of a police force of the rank of inspector or chief inspector 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.

c) ***Ranks above Chief Inspector***

Every member of a police force of, or above, the rank of superintendent 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:

- i) in the case of a member of a police force of the rank of superintendent or chief superintendent, 8 monthly leave days;
- ii) in any other case, 1½ monthly leave days.

5) **TRAVELLING TIME TREATED AS DUTY**

- a) This paragraph applies where a full-time member of a police force is:
 - i) required to perform his normal daily period of duty (or in the case of a member working in accordance with variable shift arrangements, his shift) in more than one tour of duty; or
 - ii) recalled to duty between two tours of duty (in the case of a member working in accordance with variable shift arrangements, two shifts) and travels to and from his home between tours (in the case of a member working variable shift arrangements, between shifts), or as the case may be, in consequence of his recall, (in this determination referred to as “relevant travelling”).
- b) This paragraph applies to a part-time member where:
 - i) a shift consists of two separate periods; or
 - ii) he is recalled to duty between two shifts; and he travels to and from his home between those periods or, as the case may be, in consequence of his recall, (in this determination referred to as “relevant travelling”).
- c) In computing any period of overtime for the purposes of regulation 25 and the determination thereunder or any period of duty for the purpose of regulation 26 and the determination thereunder (save for the purposes of sub-paragraph 3(g) of the determination thereunder) 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.

6) **PART-TIME MEMBERS**

Normal Period of Duty

- a)
 - i) This paragraph applies to every part-time member of a police force below the rank of superintendent
 - ii) The normal period of duty in every relevant period of a part-time member of a police force to whom this determination applies, which is to be performed in accordance with general arrangements made by the chief officer of police after consulting the police authority and local representatives of the representative bodies, is, subject to sub paragraph (v), the total number of hours determined by the chief officer with the agreement of the member at the time of his appointment.
 - iii) For the purposes of sub-paragraph (ii) a day of annual leave counts as a period of duty of 8 hours multiplied by the appropriate factor. iv) The chief officer shall review a member’s normal period of duty at intervals of not more than 52 weeks, and in doing so shall have regard to the number of hours actually spent on duty during the interval preceding the review.
 - v) After a review under sub-paragraph(iv) or (vi):
 - (1) any number of hours different from that determined under sub-paragraph (ii) which was determined by the chief officer and agreed to by the member becomes the member’s normal period of duty, and

(2) if no different number was agreed to by the member, his normal period of duty is the number of hours determined on the last previous review, or where no such review has taken place, under sub-paragraph (ii).

vi) In addition to any review required under sub-paragraph (v), a member or the chief officer may require a further review where there has been or is likely to be significant changes in the normal daily period of duty or in the circumstances of the member.

vii) On any review under sub-paragraph (vi) the chief officer shall have regard to the number of hours actually spent on duty during the interval preceding the review.

viii) As far as the exigencies of duty permit, a shift shall consist of one continuous period.

ix) **Periods allowed for Refreshment**

Where in one day a member is on duty for a continuous period of 5 hours or more, an interval for refreshment shall, as far as the exigencies of duty permit, be allowed in accordance with the Table below:

| Number of Hours | Refreshment Time |
|---|-------------------------|
| Less than 6 hours | 30 minutes |
| 6 hours or more, but less than 7 hours | 35 minutes |
| 7 hours or more, but less than 8 hours | 40 minutes |
| 8 hours or more but less than 9 hours | 45 minutes |
| 9 hours or more, but less than 10 hours | 50 minutes |
| 10 hours or more | 60 minutes |

x) Where a shift consists of two periods amounting in total to 5 hours or more and the member does not travel to and from his home between those periods, an interval for refreshment and rest shall normally be included at the beginning or end of one of them.

b) For the purposes of this paragraph, in relation to a part-time member of a police force:

i) the determined hours are the number of hours which the chief officer has determined as his normal period of duty in a relevant period,

ii) a relevant period is a period for which a duty roster relating to him has effect for the time being under paragraph 3, and

iii) the appropriate factor is A/B , where

A is the number of determined hours, and

B is 40 times the number of weeks in the relevant period.

c) In relation to a member of a police force in a job share arrangement the appropriate factor is $1/2$.

7) a) In this determination and determinations made under regulations 25 and 33, "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.

b) In discharging his functions under sub paragraph (a) above, the chief officer shall have regard to the wishes of the joint branch board.

REGULATION 23

Meetings of Police Federation treated as police duty

23. - (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, 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.

PART 4

PAY

Pay

24. - (1) Subject to the following provisions of this Part, the pay of members of police forces shall be determined by the Secretary of State, and in making such a determination the Secretary of State may -

- (a) confer such functions in relation to the pay of members of a police force above the rank of chief superintendent on the police authority;
- (b) where the pay of a member of a police force of the rank of chief inspector or below is payable subject to such conditions as may be specified in the determination, confer on a member of that police force senior in rank to that member, or on a person employed by the police authority under section 15 of the Act, such functions in relation to those conditions,

as he thinks fit.

(2) Subject to regulations 42, 43 and 44 and section 97(3) of the Act, in reckoning the service of a member of a police force in any rank for the purposes of pay, account shall be taken of all his service in that rank, whether in that or another police force, and service in a higher rank, on temporary promotion thereto or otherwise, shall be treated as if it had been service in that rank.

- (3) For the purposes of this regulation in reckoning a member's service in any rank -
 - (a) that service shall be treated as unbroken by, and including, any period of service in Her Majesty's forces which he is entitled to reckon as pensionable service;
 - (b) except where the police authority in the circumstances of a particular case otherwise determine with the approval of the Secretary of State, no account shall be taken of any previous service in that rank which terminated in his reduction in rank as a punishment but any previous service in a higher rank which so terminated shall be treated as if it had been service in the rank to which the member was reduced;
 - (c) no account shall be taken of any performance of the duties of that rank in respect of which a temporary salary is payable under regulation 27;
 - (d) any period of unpaid leave shall be disregarded;
 - (e) any part-time service shall be taken into account as though it were full-time service;
 - (f) in the case of a female member who has taken one or more periods of maternity leave -
 - (i) where that leave has been for eighteen weeks or more, account shall be taken of the first eighteen weeks whilst on maternity leave;
 - (ii) where that leave has been for less than eighteen weeks, account shall be taken of any period spent on maternity leave;

and where that member has, at the beginning of the eleventh week before the expected date of birth of the member's child, as given in accordance with a determination under regulation 33(7), served continuously as a member of a police force for a period of not less than a year, account shall be taken of any period (not being a period of which account has been taken under paragraph (i) or (ii)) spent on maternity leave during the period of 29 weeks beginning with the week in which the child is born;

- (g) account shall be taken of any period of parental leave taken in accordance with a determination under regulation 33(8)(b);

and, in the case of a member of a police force of a rank higher than that of chief inspector, paragraph (2) shall have effect subject to any contrary agreement so far as it relates to the reckoning of previous service in that or another force, not being a force from which he was statutorily transferred to his present force.

(4) Nothing in this regulation shall affect the operation of any provisions of the Conduct Regulations and, in relation to a member of a police force suspended or fined thereunder the provisions of paragraphs 1 and 3 of Schedule 2 or of paragraph 4 thereof shall have effect.

(5) A determination under paragraph (1) shall have effect in relation to a university scholar subject to the provisions of any determination for the time being in force under regulation 32.

ANNEX F

**DETERMINATION
FOR REGULATION 24**

PAY

Part:

1. **GAIN FROM PROMOTION**
2. **CONSTABLES' PAY wef 1.April.03**
3. **SERGEANTS' PAY wef 1.April.03**
4. **INSPECTORS' PAY wef 1.April.03**
5. **CHIEF INSPECTORS' PAY wef 1.April.03**
6. **SUPERINTENDENTS' PAY wef 1 September2002**
 - 6(i) **SUPERINTENDENTS' PAY wef 1 September 2002**
 - 6(ii) **SUPERINTENDENTS' PAY wef 1 September 2002 – RANGE 2
PROTECTED PAY SCALE FOR SUPERINTENDENTS
APPOINTED TO RANGE II POSTS PRIOR TO 1ST JANUARY 2002**
7. **CHIEF SUPERINTENDENTS' PAY wef 1 September 2002**
8. **CHIEF OFFICERS**
 - 8(i) **CHIEF OFFICER RANKS' PAY wef 1 September 2002**
 - 8(ii) **CHIEF OFFICER RANKS' PAY ARRANGEMENTS**
9. **COMPETENCE RELATED THRESHOLD PAYMENT FOR CONSTABLES,
SERGEANTS, INSPECTORS AND CHIEF INSPECTORS**
10. **LONDON WEIGHTING**
11. **PART-TIME MEMBERS**

Part 1.

GAIN FROM PROMOTION

- 1 When a member is promoted to a higher rank, the rate of pay payable to the member in the higher rank shall always be higher than the rate of pay the member would have received had he not been promoted and shall be set at a rate which is not less than the rate appropriate to the pay point which, in the higher rank, is immediately above the rate of pay the member would have been receiving but for his promotion.
- 2 For so long as the member continues to serve in the higher rank, he shall be paid at the rate identified in paragraph (1) until, in accordance with the terms of service appropriate to the member's new rank, a higher pay point becomes applicable.

Part 2.**CONSTABLES' PAY wef 1.April.03****Table (a)**

| Pay Point | Annual salary |
|-----------------------------------|---------------|
| On commencing service | 18,666 |
| On completion of initial training | 20,838 |
| 2 (*) | 22,047 |
| 3 | 22,620 |
| 4 | 23,394 |
| 5 | 24,129 |
| 6 | 24,903 |
| 7 | 25,614 |
| 8 | 26,250 |
| 9 | 27,090 |
| 10 | 28,071 |
| 11 | 28,728 |
| 12 | 29,307 |

* All members move to this salary point on completion of two years' service as a constable.

Table (b) Assimilation procedure for constables in post as at 31 March 2003

| Annual salary as at 31 March 2003 | Reckonable years of service in the rank as at 31 March 2003 | Annual salary wef 1 April 2003 |
|--------------------------------------|--|-----------------------------------|
| 18,264 | On starting pay point | 18,666 |
| 20,436 | Initial training completed | 20,838 |
| 21,645 | 2 | 22,047 |
| 22,218 | 3 | 22,620 |
| 22,992 | 4 | 23,394 |
| 23,727 | 5 | 24,129 |
| 24,501 | 6 | 24,903 |
| 25,212 | 7 | 25,614 |
| 25,848) | 8 | 26,250 |
| 25,848) | 9 | 26,250 |
| 26,688) | 10 | 27,090 |
| 26,688) | 11 | 27,090 |
| 27,669 | 12 | 28,071 |
| 27,669 | 13 | 28,728 |
| 28,905 | 14 | 29,307 |

1. With effect from 1 April 2003, members should move sideways from the previous scale in the first column of table (b) (corresponding to their reckonable years of service as at 31 March 2003 in the second column of the table) to the new scale in the third column of the table.
2. Anomalies will arise with this assimilation method whereby some members will be overtaken in the pay scales by other members recruited up to a year later, due to the inter-relationship between individuals' incremental dates and the effective dates of implementation of the new pay scales.
3. To counteract the anomalies, the incremental dates of members listed below will, for pay purposes only, change where indicated in the following table:

| Member's start date | Incremental date |
|---|-------------------------------|
| On or before 1 October 1991 | No change |
| Between 2 October 1991 and 30 September 1992: | Change to 1 October from 2003 |
| Between 1 October 1992 and 1 October 1993 | No change |
| Between 2 October 1993 and 30 September 1994: | Change to 1 October from 2003 |
| On or after 1 October 1994 | No change |

The above changes to incremental dates will need to remain in place until members reach the top of the constables' scale, in order to avoid yet further anomalies arising.

- 4 Table (b) is to be used only for assimilation purposes. Once the appropriate rate of pay is identified from table (b), members will move from that rate of pay up the scale in table (a) by annual increments on the anniversary of their start date, adjusted as need be according to the table in paragraph (3). Members with an incremental date of 1 April will move up on table (a) immediately after applying the assimilation table (b).

Part 3**SERGEANTS' PAY wef 1 April.03****Table (a)**

| Pay Point | Annual salary |
|-----------|---------------|
| 0 | 29,307 (a) |
| 1 | 30,312 (b) |
| 2 | 31,329 |
| 3 | 31,998 |
| 4 | 32,940 |

- (a) Entry point for members promoted from constable's pay point 11 or less
- (b) Entry point for members promoted from constable's pay point 12.
- (c) **Table (b)** Assimilation procedure for sergeants in post as at 31 March 2003

| Annual salary as at 31 March 2003 | Annual salary wef 1 April 2003 |
|-----------------------------------|--------------------------------|
| 27,897) | 29,307 |
| 28,905) | 29,307 |
| 29,910 | 30,312 |
| 30,927 | 31,329 |
| 31,596 | 31,998 |
| 32,538 | 32,940 |

1. With effect from 1 April 2003, members should move sideways from the previous scale in the first column of table (b) to the new scale in the second column of the table.
2. Anomalies will arise with this assimilation method whereby some members will be overtaken in the pay scales by other members with entry dates up to a year later, due to the inter-relationship between individuals' incremental dates and the effective dates of implementation of the new pay scales.
3. To counteract the anomalies, the following exception to the above procedure will apply. The incremental dates of members listed below will, for pay purposes only, change where indicated in the following table:

| Entry date to rank | Incremental date |
|--|-------------------------------|
| Pre-1 October 2001 | No change |
| Between 2 October 2001 and 30 September 2002 | Change to 1 October from 2003 |
| Post-1 October 2002 | No change |

The above changes to incremental dates will need to remain in place until members reach the top of the sergeants' scale, in order to avoid yet further anomalies arising.

4. Table (b) is to be used only for assimilation purposes. Once the appropriate rate of pay is identified from table (b), members will move from that rate of pay up the scale in table (a) by annual increments on the anniversary of the date of their entry to the rank, adjusted as need be according to the table in paragraph (3). Members with an incremental date of 1 April will move up on table (a) immediately after applying the assimilation table (b).

Part 4**INSPECTORS' PAY wef 1 April.03****Table (a)**

| Pay Point | Annual salary (London salaries in brackets) |
|-----------|---|
| 0 | 37,551 (39,198) |
| 1 | 38,610 (40,257) |
| 2 | 39,669 (41,322) |
| 3 | 40,731 (42,387) |

NB. London salaries apply only to members in the metropolitan and City of London police forces

Table (b) Assimilation procedure for inspectors in post as at 31 March 2003

| Annual salary as at 31 March 2003 | Annual salary wef 1 April 2003 (London salaries in brackets) |
|-----------------------------------|--|
| 36,084 (37,734) | 37,551 (39,198) |
| 37,149 (38,796) | 37,551 (39,198) |
| 38,208 (39,855) | 38,610 (40,257) |
| 39,267 (40,920) | 39,669 (41,322) |
| 40,329 (41,985) | 40,731 (42,387) |

1. With effect from 1 April 2003, members should move sideways from the previous scale in the first column of table (b) to the new scale in the second column of the table.
2. Anomalies will arise with this assimilation method whereby some members will be overtaken in the pay scales by other members with entry dates up to a year later, due to the inter-relationship between individuals' incremental dates and the effective dates of implementation of the new pay scales.
3. To counteract the anomalies, the following exception to the above procedure will apply. The incremental dates of members listed below will, for pay purposes only, change where indicated in the following table:

| Entry date to rank | Incremental date |
|--|-------------------------------|
| Pre-1 October 2001 | No change |
| Between 2 October 2001 and 30 September 2002 | Change to 1 October from 2003 |
| Post-1 October 2002 | No change |

The above changes to incremental dates will need to remain in place until members reach the top of the inspectors' pay scale, in order to avoid yet further anomalies arising.

4. Table (b) is to be used only for assimilation purposes. Once the appropriate rate of pay is identified from table (b), members will move from that rate of pay up the scale in table (a) by annual increments on the anniversary of the date of their entry to the rank, adjusted as need be according to the table in paragraph (3). Members with an incremental date of 1 April will move up on table (a) immediately after applying the assimilation table (b).

Part 5**CHIEF INSPECTORS' PAY wef 1 April.03**

| Pay Point | Annual salary (London salaries in brackets) |
|-----------|---|
| 1 | 41,562 † (43,221) † |
| 2 | 42,399 (44,052) |

NB. London salaries apply only to members in the metropolitan and City of London police forces

† Entry point for a member appointed to the rank, unless the chief officer of police assigns the member to the higher point.

ASSIMILATION PROCEDURE

| Annual salary with effect from 1 September 2002 (London salaries in brackets) | Annual salary with effect from 1 April 2003 (London salaries in brackets) |
|---|---|
| 40,329 (41,985)) | |
| 41,160 (42,819)) | 41,562 † (43,221) † |
| 41,997 (43,650) | 42,399 (44,052) |

1. With effect from 1 April 2003, members should move sideways from the previous scale in the first column of table (b) to the new scale in the second column of the table.
2. Anomalies will arise with this assimilation method whereby some members will be overtaken in the pay scales by other members with entry dates up to a year later, due to the inter-relationship between individuals' incremental dates and the effective dates of implementation of the new pay scales.
3. To counteract the anomalies, the following exception to the above procedure will apply. The incremental dates of members listed below will, for pay purposes only, change where indicated in the following table:

| Entry date to rank | Incremental date |
|--|-------------------------------|
| Pre-1 October 2001 | No change |
| Between 2 October 2001 and 30 September 2002 | Change to 1 October from 2003 |
| Post-1 October 2002 | No change |

The above changes to incremental dates will need to remain in place until members reach the top of the chief inspectors' pay scale, in order to avoid yet further anomalies arising.

4. Table (b) is to be used only for assimilation purposes. Once the appropriate rate of pay is identified from table (b), members will move from that rate of pay up the scale in table (a) by annual increments on the anniversary of the date of their entry to the rank, adjusted as need be according to the table in paragraph (3). Members with an incremental date of 1 April will move up on table (a) immediately after applying the assimilation table (b).

**CHIEF INSPECTORS IN POST AS CHIEF INSPECTORS
AT 31 AUGUST 1994**

(London salaries in brackets)

| Annual salary with effect from 1 September 2002 (London salaries in brackets) | Annual salary with effect from 1 April 2003 (London salaries in brackets) |
|---|--|
|---|--|

43,578 (45,228)

43,980 (45,630)

NB. London salaries apply only to members in the metropolitan and City of London police forces

Part 6 (i)

SUPERINTENDENTS' PAY wef 1 September 2002

| Pay point | Salary |
|-----------|---------|
| 1 | £49,077 |
| 2 | £50,613 |
| 3 | £52,155 |
| 4 | £54,552 |
| 5 | £57,249 |

Notes:

1. The pay scales are incremental. Members promoted to Superintendent will start at pay point 1 of the scale and progress by annual increments thereafter
2. Protected pay arrangements with effect from 1 January 2002 for superintendents appointed to range 2 posts prior to 1 January 2002 and not promoted to Chief Superintendent are set out at **Part 6(ii)**.
3. **Central Service Posts**
Those members of temporary Chief Superintendent rank on central service prior to 1st September 1994, and still on central service after that date should, in common with those appointed onto central service from 1st September 1994, suffer no worsening in their pay when they return to their parent force.

Part 6(ii)

SUPERINTENDENTS' PAY wef 1 September 2002

**RANGE 2 PROTECTED PAY SCALE* FOR
SUPERINTENDENTS APPOINTED TO RANGE 2
POSTS PRIOR TO 1ST JANUARY 2002**

| Pay Point | Salary |
|------------------|----------------|
| 6 | £57,249 |
| 7 | £58,242 |
| 8 | £59,520 |
| 9 | £60,924 |

***Note:**

Range 2 Superintendents who were not given the rank of Chief Superintendent on its reintroduction receive full protection of their Range 2 salary. Members promoted to Range 2 Superintendent prior to 1st January 2002 progress to point 9 by annual increments on completing each year of reckonable service in the rank of Superintendent. They will remain on the Range 2 salary scale uprated as above. The scale will continue to be uprated to reflect annual pay awards.

Part 7

CHIEF SUPERINTENDENTS' PAY wef 1 September 2002

| Pay Point | Salary |
|-----------|---------|
| 1 | £58,242 |
| 2 | £59,931 |
| 3 | £61,617 |

Notes:

- a) The pay scales are incremental. Members promoted to Chief Superintendent will start at pay point 1 and progress by annual increments thereafter.

Central Service Posts

- b) Those members of temporary Chief Superintendent rank on central service prior to 1st September 1994, and still on central service after that date should, in common with those appointed onto central service from 1st September 1994, suffer no worsening in their pay when they return to their parent force.

Part 8(i)**CHIEF OFFICER RANKS' PAY wef 1 September 2002**

| | Officers Appointed for a Fixed Term £pa | Officers Not Appointed for a Fixed Term £pa |
|---|--|---|
| Assistant Chief Constables | 70,824 - 81,297 | 67,449 - 77,427 |
| Designated deputies [ACC(D)] | 80% of the basic salary of their chief or £81,297, whichever is higher | 80% of the basic salary of their chief or £77,427, whichever is higher |
| Chief Constables by population band: | | |
| 1. - up to 500,000 | 84,879 - 97,071 | 80,835 - 92,448 |
| 2. - 500,001 - 1,000,000 | 89,220 - 104,922 | 84,975 - 99,924 |
| 3. - 1,000,001- 2,000,000 | 97,071 - 112,767 | 92,448 - 107,397 |
| 4. - More than 2,000,000 | 107,424 - 121,230 | 102,420 - 115,590 |
| Chief Constables of Greater Manchester, Strathclyde and West Midlands | 111,309 - 125,622 | 106,134 - 119,775 |
| Deputy Chief Constable | 80% of the basic salary of the chief constable or £81,297, whichever is the higher | |
| PSNI Chief Constable | 126,234 - 135,669 | 120,057 - 129,042 |
| Metropolitan Police: | | |
| Commander | 70,824 - 81,297 | 67,449 - 77,427 |
| Deputy Assistant Commissioner | 80% of the basic salary of the assistant commissioner | — |
| Assistant Commissioner | 112,767 - 126,234 | — |
| Deputy Commissioner | 132,657 - 142,575 | — |
| Commissioner | 163,299 - 175,512 | — |
| City of London Commissioner | 97,071 - 112,767 | 92,448 - 107,397 |
| City of London Assistant Commissioner | 80% of the basic salary of the commissioner or £81,297, whichever is higher | 80% of the basic salary of the commissioner or £77,427, whichever is higher |

Part 8(ii)

CHIEF OFFICER RANKS' PAY ARRANGEMENTS

Summary

1. Allocation to a pay range for chief constables continues to be determined by the population of a force area. In determining which pay range is appropriate to their force area, police authorities are to reckon for salary purposes using only the latest available figure of the resident fixed population from the Office for National Statistics. No additions are to be made to this figure.
2. Designated deputies should be paid a basic salary which is exactly 80% of the salary of the chief constable subject only to a minimum specified underpinning payment.

Fixed term appointments

3. The Secretary of State's determination under Regulation 11 contains provisions for the range within which any fixed term must fall and the circumstances in which any fixed term appointment may be extended.

Pay Ranges

4. The pay ranges effective from 1 September 2002 are set out in **Part 8(i)**.
5. There is no entitlement to service related increments.

Application of Pay Ranges

6. It is for individual authorities to decide what, if any, adjustment they wish to make to the base salary of their chief constable in the light of the adjustments made to the pay ranges of chief constables. The placement of officers within the pay ranges remains a matter entirely at the discretion of the police authority subject to them having regard to the following provisions.
7. In placing its chief constable within the appropriate pay range, the police authority is to have regard to the following factors, among others:
 - the force's relative position within the appropriate population range;
 - the need for an appropriate pay differential over the rank immediately below in the same force;
 - pay relativities with other appropriate senior public servants in the area, in particular, local government chief executives and chief officers;
 - the social, economic and cultural characteristics of the force area compared with others;
 - the relative urbanisation of the population served.

8. In placing assistant chief constables within their pay range, police authorities are to consult with their chief constable and have regard to the following factors:
 - the need for an appropriate pay differential over officers managed by the post holder;
 - the need for an appropriate pay differential between the post holder and his or her manager;
 - the level of responsibility of the post.
9. It is for local determination whether different assistant chief constable posts within the same force should be paid the same basic rate of pay or different rates of pay to reflect differences in levels of responsibility. An officer moved within the same force from one post to another post with less responsibility will retain any higher salary.
10. Assistant chief constables designated to deputise for the chief constable [hereafter referred to as Assistant Chief Constable (Designated) - ACC(D)] will be paid a basic salary which is exactly 80% of that of the chief constable subject to this being not lower than the underpinning figure shown in **Part 8(i)**. Where an ACC(D) has been appointed on a fixed term basis but his or her chief constable has not, then the ACC(D) will be paid 80% of what the chief constable would have been paid if the chief constable had been appointed on a fixed term subject to this being not lower than the underpinning figure shown in **Part 8(i)**. Where an ACC(D) had not been appointed on a fixed term basis but his or her chief constable had, then the ACC(D) will be paid 80% of what the chief constable would have been paid if the chief constable had not been appointed on a fixed term, subject to this being not lower than the underpinning figure shown in **Part 8(i)**.

Future Pay Adjustments

11. Future pay adjustments will have regard to settlements in PNB Superintendents' Committee and Chief Officers' Committee, appropriate settlements outside the police service, as well as any other factors agreed by both Sides to be appropriate.

Protection Arrangements

12. Any officer who was appointed to his or her current post before 17 February 1997 and who was placed in a higher population range than that now applicable through the terms contained in paragraphs 1 and 8 above will continue on a personal basis to have a salary determined by reference to that higher range.
13. Any ACC(D) who was appointed to his or her current post before 17 February 1997 and who is paid more than 80% of his or her chief constable's basic salary will continue on a personal basis to be paid that higher percentage.

Part 9

**COMPETENCE RELATED THRESHOLD PAYMENT
FOR CONSTABLES, SERGEANTS,
INSPECTORS AND CHIEF INSPECTORS**

- 1) With effect from 1 April 2003, a member in the rank of constable, sergeant, inspector or chief inspector whose service as reckoned under regulation 24 or , where applicable, section 97(3) of the Police Act, has entitled him for at least one year to be at the top of the scale applied to his rank as shown in Parts 2, 3, 4 and 5, and who makes an application in accordance with paragraph (3), shall receive a competence related threshold payment at the rate of £1,002 a year, provided that his determining officer has determined that he has demonstrated high professional competence under each of the following national standards:
 - Professional competence and results
 - Commitment to the job
 - Relations with the public and colleagues
 - Willingness to learn and adjust to new circumstances.

- 2) High professional competence is reached under a national standard by demonstrating competence against each of the following criteria listed under the standard to which they are related-
 - Professional competence and results
 - effective organisation of work to meet the demands of the applicant's role;
 - commitment to Police Service values;
 - commitment to health and safety requirements; and
 - compliance with the Code of Conduct.
 - Commitment to the job
 - commitment to achieving Force objectives;
 - commitment to personal and professional development; and
 - commitment to achieving high levels of attendance.
 - Relations with the public and colleagues
 - promoting equality, diversity and human rights in working practices;
 - contributing to the Force's response, recognising the needs of all relevant communities; and
 - working as part of a team.
 - Willingness to learn and adjust to new circumstances
 - making best use of available technology; and
 - demonstrating an openness to change.

- 3) The member in his application shall use the appended form, or a form to like effect. The member, except as provided in paragraph (11) or (12), shall include examples relating to performance over the two years prior to the date of the application. The completed form shall be submitted to the member's assessing officer. The assessing officer shall complete in the relevant sections of the form his assessment as to whether or not the examples contained in the application are indicative of high professional competence against each of the four national standards. The assessing officer shall then submit the form to the member's determining officer.

- 4) The member's determining officer shall consider the assessing officer's assessments and determine whether or not payment should be made under this Part of this determination.
- 5) The assessment and the determination shall be completed, and the applicant notified in writing of the decision, by no later than 21 days after receipt of the completed application by the assessing officer. In exceptional cases, this period may be extended to 30 days if either the assessing officer or determining officer requires more information.
- 6) Successful applicants, including those who are successful on appeal, shall receive the payment with effect from the date at which they become eligible or the date of application, whichever is the later. Unsuccessful applicants shall be entitled to receive written feedback on their application from the determining officer and oral feedback from their assessing officer, and shall be entitled to appeal the decision not to award the payment. If appealing, the member shall explain in writing the reasons for disputing the decision. The member's appeals officer shall undertake the review of the decision.

Grounds for appeal shall be restricted to one or both of the following:

- the assessing officer or determining officer did not properly take account of the material presented;
- the assessing officer or determining officer took account of irrelevant or inaccurate factors.

The appeals officer shall reconsider the decision in the light of the information provided. The outcome of the appeal shall be final. If necessary, the appeals officer may seek additional information from any party to the process. The applicant shall be notified of the decision in writing within 21 days of submitting the appeal.

- 7) Where a force identifies, under any formal management procedures, including any performance assessment process operated by the force, concerns with respect to the maintenance of high professional standards by a member in receipt of the payment, the member's entitlement to the payment shall be re-assessed. In these circumstances, the member, having been notified in writing of the causes for concern, may resubmit an application as outlined in paragraph (3) and it shall be considered as outlined in paragraphs (4) and (5), and the right of appeal as outlined in paragraph (6) shall apply.
- 8) a) Subject to (b) and (c), when a member in receipt of the payment is promoted to a higher rank, the payment shall be discontinued with effect from the date the promotion takes effect, except that, where, at any time on or after that date the annual rate of pay of a member in the higher rank is lower than the total of
 - i) the member's annual rate of pay immediately before that date, and
 - ii) the rate of the payment made under this Part

he shall be paid at the same rate as if he had not been promoted.

- b) A member who is reduced in rank otherwise than as mentioned in subparagraph shall receive the payment from the date at which he returns to the lower rank

- c) A member who was in receipt of the payment before promotion to a higher rank and has been reduced in rank as a result of formal action under the Police (Efficiency) Regulations 1999 or the Police (Conduct) Regulations 1999 shall not be entitled to the payment when returned to the lower rank, but may resubmit an application as outlined in paragraph (3) and the application shall be considered as outlined in paragraphs (4) and (5) and the right of appeal as outlined in paragraph (6) shall apply.
- 9) When a member in receipt of the payment is temporarily promoted to a higher rank, the payment shall be discontinued with effect from the date the temporary promotion takes effect until the period of temporary promotion ends, except that, where, at any time during the temporary promotion the annual rate of pay of a member in the higher rank is lower than the total of a) the member's annual rate of pay immediately before that date, and b) the rate of the payment made under this Part he shall be paid at the same rate as if he had not been promoted.
- 10) Subject to paragraph (7), where a member in receipt of the payment is seconded, he shall receive the payment from the date of his return to the seconding force.
- 11) The hourly rate of pay of a part-time member entitled to this payment shall be increased by a sum obtained by multiplying by $6/12520$ the sum of £1002.
- 12) A member who, at the time of her application, is on maternity leave in accordance with Regulation 33(4) and any determination thereunder shall in her application cite examples relating to performance from the two year period ending with the start of her maternity leave.
- 13) A member who, at the time of his application, is absent from duty on account of injury or illness in accordance with Regulation 33(2) and any determination thereunder shall in his application cite examples relating to performance from the two year period ending with the start of his absence under that Regulation.
- 14) In this determination-
- “assessing officer” means the person who has the immediate supervisory responsibility for the member concerned;
- “determining officer” means a person who has supervisory responsibility within the police force concerned and who is senior in rank or grade to the assessing officer;
- “appeals officer” means the person who has, for the time being, supervisory responsibility for the person who is, in relation to the member concerned, the determining officer.
- 15) Where neither the assessing officer nor the determining officer nor the appeals officer as defined in paragraph (14) is a member of a police force, then the chief officer shall appoint a suitable member of the police force to be the appeals officer for the member concerned.

Part 10

LONDON WEIGHTING

- 1) The annual pay of a member of the City of London or metropolitan police force shall be increased by £1,827, but any allowance under the Regulations calculated by reference to a member's pay, shall be calculated as if this part of this determination had not been made.

- 2) **PART-TIME MEMBERS**

The hourly rate of pay of a part-time member of the City of London or metropolitan police force shall be increased by a sum obtained by multiplying by 6/12520 the sum of £1,827.

Part 11

PART-TIME MEMBERS

- 1) The hourly rate of pay of a part-time member shall be calculated by multiplying by 6/12520 the appropriate annual rate of pay.
- 2) A part-time member's pay for days of annual leave shall be 8 times the rate of pay as in (1) above, reduced in proportion that the number of determined hours bears to 40 times the number of weeks in the relevant period.
- 3) In this Part, "determined hours" and "relevant period" have the meaning given in paragraph 6(b) of the Secretary of State's determination of the normal periods of duty of a member of a police force under regulation 22.

APPENDIX**Annex F Part 9 Para (3)**

**FEDERATED RANKS
COMPETENCE RELATED THRESHOLD PAYMENT
APPLICATION FORM**

Please complete this form clearly using black ink.

You should complete this form in conjunction with the "Guidance Notes for Applicants" for your current rank.

PERSONAL DETAILS

Name:

Rank:

Force Identification Number:

Date at which you reached the top of your salary scale:

The application of this scheme will be monitored to ensure that national standards have been applied correctly, fairly and in line with national practice and current legislation. Applicants are requested to provide the following information, which will be used purely for monitoring purposes.

Gender: Male Female

What is your ethnic group?

White

Black Caribbean

Black African

Asian

Chinese

Mixed

Other

Do you have a disability as outlined in the Disability Discrimination Act 1995?

Yes No

National Standard (i)
PROFESSIONAL COMPETENCE AND RESULTS

The criteria under this national standard are:

- Effective organisation of work to meet the demands of your role
- Commitment to Police Service values
- Commitment to health and safety requirements
- Compliance with the Code of Conduct

Summarise your achievements under each of the four criteria in order to demonstrate your competence in each area, using specific examples where appropriate:

Professional Competence and Results

Assessing officer's comments on the summary provided by the applicant:

National Standard (ii)
COMMITMENT TO THE JOB

The criteria under this national standard are:

- Commitment to achieving force objectives
- Commitment to personal and professional development
- Commitment to achieving high levels of attendance

Summarise your achievements under each of the three criteria in order to demonstrate your competence in each area, using specific examples where appropriate:

Commitment to the job

Assessing officer's comments on the summary provided by the applicant:

National Standard (iii)
RELATIONS WITH PUBLIC AND COLLEAGUES***The criteria under this national standard are:***

- Promoting equality, diversity and human rights in working practices
- Contributing to the force's response, recognising the needs of all relevant communities
- Working as part of a team

Summarise your achievements under each of the three criteria in order to demonstrate your competence in each area, using specific examples where appropriate:

Relations with public and colleagues

Assessing officer's comments on the summary provided by the applicant:

National Standard (iv)
WILLINGNESS TO LEARN AND ADJUST TO NEW CIRCUMSTANCES

The criteria under this national standard are:

- Making the best use of available technology
- Demonstrating an openness to change

Summarise your achievements under both of the criteria in order to demonstrate your competence in each area, using specific examples where appropriate:

Willingness to learn and adjust to new circumstances

Assessing officer's comments on the summary provided by the applicant:

I duly apply for the competence-related threshold payment

Signed _____ Date _____
(Applicant)

Assessing Officer's Comments

The applicant has served for a year at the maximum of her/his pay scale YES NO

The summaries above are indicative of the applicant's performance during the last two years. I confirm that the applicant has demonstrated high professional competence under

- Professional competence and results YES NO
- Commitment to the job YES NO
- Relations with the public and colleagues YES NO
- Willingness to learn and adjust to new circumstances YES NO

Signed _____

Rank (or Grade) _____ Date _____

If your assessment indicates that the required level of high professional competence has not been achieved under one or more of the four national standards, a separate sheet should be attached detailing the reasons why and areas for improvement.

Determining Officer's Comments

I have reviewed the Assessing Officer's assessments YES NO

Based on the information provided, the applicant should receive the competence-related threshold payment YES NO

An applicant must have demonstrated high professional competence under each of the four national standards to qualify for the payment.

Signed _____

Rank (or Grade) _____ Date _____

If the application is not approved, or if you have disagreed substantively with the assessment made by the assessing officer a separate sheet should be attached detailing the reasons why and, where appropriate, your comments on areas for improvement.

ANNEX H

DETERMINATION FOR REGULATION 24 FOR REGULATION 26

PUBLIC HOLIDAYS AND REST DAYS

1) ROSTERED REST DAYS and PUBLIC HOLIDAYS

- a) A member of a police force of the rank of constable or sergeant shall, if required to do duty on a day which is a rostered rest day, be granted:
 - i) where he receives less than 15 days' notice of the requirement, an allowance at the appropriate rest-day rate; or
 - ii) in any other case, another rest day, which shall be notified to him within 4 days of notification of the requirement.
- b) Subject to paragraph (2)(a), 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 sub-paragraph (c).
- c) The fraction is:
 - i) where the member received less than 5 days' notice of the requirement, one sixteenth; and
 - ii) in any other case, three sixty-fourths.
- d) A member of a police force of the rank of constable or sergeant shall, if required to do duty on a day which is a public holiday, be granted:
 - i) where he receives less than 8 days' notice of the requirement:
 - (1) an allowance at the appropriate rate and, in addition,
 - (2) 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 purpose of this determination as a public holiday;
 - ii) in any other case, an allowance at the appropriate rate.
- e) A member of a police force of the rank of constable or sergeant 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 sub-paragraph (a)(i) or sub-paragraph (d)(i) or (ii), time off equal:
 - i) in the case of a day which is a public holiday, to double, and
 - ii) in the case of a rostered rest day:
 - (1) where the member received less than 5 days' notice of the requirement, to double, and
 - (2) 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.

- f) Where such a member of a police force who is required to do duty on a day which is a public holiday or a rostered rest day, or for a part-time member, a free day has elected to receive time off as mentioned in sub-paragraph (e) or paragraph 2(h), the chief officer 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 sub-paragraph (a)(i) or, as the case may be, subparagraph (d)(i) or (ii)' or, for a part-time member paragraph 2(e) or (f).
- g) Where the exigencies of duty have precluded:
 - (1) the allowance of a day's leave on a public holiday, or
 - (2) the grant in any week of two rest days,

to a member of a police force of the rank of inspector or chief inspector, 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.

- h) Where the exigencies of duty have precluded:
 - (1) the allowance of a day's leave on a public holiday, or
 - (2) the grant in any month of eight monthly leave days,

to a member of a police force of the rank of superintendent or chief 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.

- i) 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 member of a police force above the rank of chief 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.
- j) For the purpose of this paragraph "month" means that period of 28 days beginning with such day as is fixed by the chief officer of police.

2) PART-TIME CONSTABLES AND SERGEANTS

- a) The appropriate rest-day rate for a part-time member of a police force of the rank of constable or sergeant is, for each completed 15 minutes of duty on a rostered rest day, the fraction of the member's hourly rate of pay calculated in accordance with the determination under regulation 24(1) specified in subparagraph (b) below.
- b) The fraction is:
 - i) where the member received less than 5 days' notice of the requirement, one quarter; and
 - ii) in any other case, one eighth.
- c) A part-time member of a police force of the rank of constable or sergeant who:
 - i) is required to do duty on a free day, and
 - ii) receives not less than 15 days' notice of the requirement,

shall be granted another free day in lieu, which shall be notified to him within 4 days of notification of the requirement.

- d) This sub-paragraph applies where:
 - i) a part-time member of a police force of the rank of constable or sergeant is required to do duty on a free day, and
 - ii) he receives less than 15 days' notice of the requirement, and
 - iii) the duty is of such a nature that it would not in the circumstances have been reasonably practicable for it to be done by any other member.
- e) Where sub-paragraph (d) applies:
 - i) if the member was on duty for more than 8 hours on the free day and for more than 40 hours (in addition to any hours on a rostered rest day or public holiday for which an allowance fell to be granted under this determination) during the week in which the free day occurred, he is entitled to an allowance at the rate of one twelfth of an hour's pay for each completed period of 15 minutes of duty done on the free day, and
 - ii) in any other case, he is entitled to time off equal to the total length of those periods.
- f) Where:
 - i) a member is required to do duty on a free day, and
 - ii) he receives less than 15 days' notice of the requirement, but sub-paragraph (d)(iii) does not apply, he is entitled to an allowance at the appropriate rest-day rate.
- g) In the case of a part-time member of a police force of the rank of constable or sergeant working in accordance with variable shift arrangements, the number of hours on duty shall for the purposes of sub-paragraph (e)(i) be determined by adding together:
 - i) the average number of hours the member is contracted to work in the week in which the free day occurred;
 - ii) the number of hours, if any, the member worked on any rest day in that week; and
 - iii) the number of hours (if any) the member worked on any public holiday within that period.
- h) A member who is required to do duty on a free day may within 28 days of that day elect to receive:
 - i) in lieu of an allowance under sub-paragraph (e)(i), time off equal to one and one third times, and
 - ii) in lieu of an allowance under sub-paragraph (f), time off equal to one and a half times,

the period of completed quarters of an hour of duty done on the free day.

- i) Any entitlement of a member to an allowance for rest day, public holiday or free day working in respect of any day is in addition to any payments due to that member for that day in accordance with regulation 24 (pay) and the determination thereunder.
 - j) For the purposes of regulation 24(1)(pay) and the determination thereunder:
 - i) a day's leave allowed under paragraph (4)(a)(i) of the determination under regulation 22 and a day off granted under paragraph (1)(d) above or under paragraph (3)(j) below in respect of a public holiday each count as a period of duty of 8 hours multiplied by the appropriate factor, and
 - ii) so much of any time off granted under sub-paragraph (h) or paragraph (1)(f) above as exceeds the time spent on duty on the public holiday, rest day or free day counts as time spent on duty.
- 3) FOR THE PURPOSES OF THIS DETERMINATION:
- 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" for a full-time constable or sergeant means a sixteenth of a day's pay for each completed 15 minutes of duty done on a public holiday;
 - d) "the appropriate rate" for a part-time constable or sergeant is, for each completed 15 minutes of duty done on a public holiday, one half of the member's hourly rate of pay calculated in accordance with regulation 24 and the determination thereunder;
 - e) In this paragraph, "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;
 - f) 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 commencing at any time on the calendar date of the public holiday in question;
 - g) "week" means a period of 7 days beginning with such day as is fixed by the chief officer;
 - h) where a member is required to do duty, or is recalled to duty, for a period of less than 4 hours on a public holiday or a rostered rest day or, for a part-time member, a free day, such period or each such period, shall be treated as though it were a period of 4 completed hours. The only exception to this is where a period of not more than one hour of duty on a rostered rest day or, for a part-time member, a free day immediately follows a normal daily period of duty (or, in the case of a part-time member or a member working in accordance with variable shift arrangements, a rostered shift). In this instance the period of not more than one hour of duty counts as the number of period of 15 minutes actually completed.

- i) where a member is required to do duty on a public holiday or on a rostered rest day or, for a part-time member, a free day, his period of duty shall include (except for the purposes of sub paragraph (h) above) 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, 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 22 (travelling time treated as duty).
- j) where it is at his own request that a member works on a day which is a public holiday, rostered rest day or, for a part-time member, a free day, he shall not be treated for the purposes of this determination 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, rostered rest day or free day as the case may be.
- k) in relation to a part-time member of a police force:
 - i) the determined hours are the number of hours which the chief officer has determined as his normal period of duty in a relevant period (as provided for in Annex E paragraph (6)(ii) or paragraph (6)(v) as applicable),
 - ii) a relevant period is a period for which a duty roster relating to him has effect for the time being under paragraph 3 of Annex E, and
 - iii) the appropriate factor is A/B , where
 - A is the number of determined hours, and
 - B is 40 times the number of weeks in the relevant period.

REGULATION 25
ANNEX G REFERS

Overtime

25. - (1) Subject to the provisions of this regulation, the Secretary of State shall determine the circumstances and manner in which 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 in these Regulations as "overtime".

(2) For the purposes of this regulation -

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

"normal daily period of duty" shall be construed in accordance with regulation 22;

"recall" does not include a warning to be in readiness for duty if required; and

"tour of duty", in relation to a member of a police force for whom variable shift arrangements are in operation under regulation 22(1)(c), means rostered shift.

(3) In making a determination under paragraph (1), the Secretary of State may confer on the chief officer discretion -

- (a) to fix the day on which a period commences for the purposes of the determination;
- (b) to fix the period within which time off in compensation for overtime is to be granted;
- (c) to allow time in addition to that specified in the determination to be taken into account in computing any period of overtime.

ANNEX G

DETERMINATION FOR REGULATION 25

OVERTIME

- 1) a) Subject to the provisions of Regulation 25 and this Determination, a member of a police force of the rank of constable or sergeant shall be compensated in respect of time:
 - i) for which he remains on duty after his tour of duty (or in the case of a member working in accordance with variable shift arrangements, a rostered shift) ends; or
 - ii) for which he is recalled between two tours of duty (or in the case of a member working variable shift arrangements, rostered shifts); or
 - iii) which forms part of a tour (or in the case of a member working variable shift arrangements, a rostered shift) 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 (or in the case of a member working variable shift arrangements, a rostered shift); and such time is referred to in this determination as "overtime".
- b) Only a member of a police force of the rank of constable or sergeant may be eligible for compensation for overtime.
- c) He shall not be compensated under this determination for overtime for which an allowance is payable under Regulation 26 and the determination under that regulation.
- d) Subject to paragraphs (e) and (g), a full-time member of a police force of the rank of constable or sergeant shall 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 four occasions on which overtime in respect of which the member was not informed as mentioned in paragraph (g) is worked during a week 30 minutes of the overtime worked is to be disregarded.
- e) Where such a member of a police force of the rank of constable or sergeant, 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 (f), and in accordance therewith receives time off in respect of any overtime, no allowance in respect thereof shall be payable under paragraph (d).
- f) Subject to the exigencies of duty, where by virtue of an election under paragraph (e) time off falls to be granted to a member of a police force of the rank of constable or sergeant 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 (g), 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, except that on each of the first 4 occasions on which overtime in respect of which the constable or sergeant was not informed as mentioned in paragraph (g) is worked during a week 30 minutes of the overtime worked is to be disregarded.

- g) For the purposes of paragraphs (d) and (f), 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.
 - h) In computing any period of overtime for the purpose of this determination:
 - i) where the member of a police force of the rank of constable or sergeant is engaged in casual escort duty, account shall be taken only of:
 - (1) time during which he is in charge of the person under escort;
 - (2) 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
 - (3) any other time that may be allowed by the chief officer, so however, that, if the member is so engaged overnight and has proper sleeping accommodation, whether in a train or otherwise, the chief officer 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;
 - ii) subject to sub-paragraph (iv), 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. This subparagraph does not apply to members working in accordance with variable shift arrangements;
 - iii) where a member is recalled to duty between two rostered tours of duty (or in the case of a member working variable shift arrangements, shifts) 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 under regulation 22(e) and the determination made under that regulation, he shall be deemed to have worked for such period 4 hours of overtime in addition to any overtime reckonable by virtue of regulation 22(e).
 - iv) where the time at which a member is required to begin a rostered tour of duty (in the case of a member working variable shift arrangements, a rostered shift) is brought forward without due notice so that he is required to begin that tour of duty (in the case of a member working variable shift arrangements, that shift) on a day on which he has already completed his normal daily period of duty (in the case of a member working variable shift arrangements, a rostered shift), the time for which he is on duty before the rostered commencement time shall be reckonable as overtime and shall be taken into account as part of that tour of duty (in the case of a member working variable shift arrangements, that shift).
- 2) FOR THE PURPOSES OF THIS DETERMINATION:
- a) A “day’s pay” means the member’s pay for the week in question divided by 5.
 - b) “normal daily period of duty” shall be construed in accordance with a determination under regulation 22(a).

- c) "Pay period" means the period for which a member is paid.
- d) "Week" means the period of 7 days beginning with such day as is fixed by the chief officer.
- e) In this determination and determinations made under regulations 22 and 33, "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.
- f) In discharging his functions under sub paragraph (e) above, the chief officer shall have regard to the wishes of the joint branch board.

3) FOR PART-TIME MEMBERS

This paragraph has effect for part-time members of a police force below the rank of inspector.

- a) A part-time member of the rank of constable or sergeant who has been on duty for more than 40 hours in any period of 7 days beginning with a day fixed for the purposes of this determination by the chief officer (a relevant week) is entitled to an allowance at the rate of one twelfth of an hour's pay for each completed 15 minutes in excess of 8 hours, on any day during that period on which he was on duty for more than 8 hours, except that on each of the first 4 occasions on which overtime in respect of which the constable or sergeant was not informed as mentioned in paragraph (1)(g) is worked during a relevant week 30 minutes of the overtime worked is to be disregarded;
- b) In the case of a part-time member of a police force of the rank of constable or sergeant working a variable shift arrangement, the number of hours on duty shall, for the purposes of sub-paragraph (a) above, be determined by adding together:
 - i) The average number of hours the member is contracted to work in a relevant week;
 - ii) The number of hours(if any) the member worked on any rest day during that period; and
 - iii) The number of hours (if any) the member worked on any public holiday during that period.
- c)
 - i) A part-time member of a police force of the rank of constable or sergeant may, before the end of a pay period (as determined under regulation 30), elect to receive time off in lieu of an allowance, in respect of any long duty day that occurred during a relevant week ending within the pay period.
 - ii) A "long duty day" means a day on which more than 8 hours is worked.
- d) Subject to the exigencies of duty, where a member of a police force of the rank of constable or sergeant has chosen to receive time off in lieu of an allowance for overtime, the chief officer shall, within three months of the end of the relevant week, grant him time off equal to the total of:
 - i) the time in excess of 8 hours spent on duty on the day or days in respect of which the choice was made; and

- ii) 15 minutes in respect of each completed 45 minutes of that time; except that on each of the first four occasions on which overtime in respect of which the part-time member of a police force of the rank of constable or sergeant was not informed as mentioned in paragraph (1)(g) is worked during a week, 30 minutes of the overtime worked is to be disregarded.
- e) Any time counting for the purposes of regulation 24(1) (pay) as time spent on duty, except
 - i) time for which an allowance is received under sub-paragraph (g) or under regulation 26 and the determination thereunder; and
 - ii) any period of less than 30 minutes during the first 30 minutes after the end of a rostered shift, except a period of 15 minutes which the member was told at the beginning of the shift would be required; counts as time spent on duty for the purposes of sub-paragraph (c).
- f) For the purposes of sub-paragraph (b) a period of duty:
 - i) which resulted from a member's being recalled and returning to duty between two rostered shifts, and
 - ii) the length of which, after deducting any travelling time counting as a period of duty by virtue of regulation 22, was less than 4 hours; counts as a period of duty lasting for the aggregate of 4 hours and any period counting by virtue of regulation 22 (travelling time treated as duty).
- g) Where the time at which a member of a police force of the rank of constable or sergeant is required to commence a rostered shift is brought forward:
 - i) without giving him notice 8 hours or more before the new commencement time, and
 - ii) so that he is required to commence that shift on the day on which his previous shift ended; he is entitled to an allowance at the rate of one twelfth of an hour's pay for each completed 15 minutes of the time for which he is on duty before the rostered commencement time.
- h) A member who has become entitled to an allowance under sub-paragraph (g) above may, before the end of the pay period during which the day on which he was required to commence the shift occurred, elect to receive time off instead of the allowance.
- i) Subject to the exigencies of duty, where a member has chosen to receive time off in lieu of an allowance as mentioned in sub-paragraph (h) above, the chief officer shall, within 3 months after the date of that decision, grant him time off equal to one and one third times the number of completed quarters of an hour for which he was on duty before the rostered commencement time.
- j) Where:
 - i) on any day on which he has a rostered shift, a member has been on duty for a period exceeding the length of that shift, and

- ii) he is not entitled in respect of that day to any allowance under sub-paragraph (a) or (g) of this determination; he may, not later than 4 days after the end of the relevant week in which the day in question occurred, decide to be granted time off in respect of the excess over the length of shift (“the excess period”).
- k) For the purposes of sub-paragraphs (a) and (j) , a continuous period of duty which began before and ended after the beginning of a day shall:
 - i) if the day on which it ended was not:
 - (1) a public holiday,
 - (2) a rostered rest day, or
 - (3) a free day,

in respect of which he became entitled to an allowance under regulation 26 (public holidays and rest days) be treated as having fallen wholly within, and
 - ii) in any other case, be treated as having consisted only of so much of the period as fell within, the day on which the period began.
- l) Subject to the exigencies of duty, where a member has chosen to receive time off in lieu of an allowance as mentioned in sub-paragraph (j), the chief officer shall, within 3 months of the decision, grant him time off equal to the excess period.
- m) For the purpose of Regulation 24(1) (pay) any extra period of duty in respect of which time off is granted under sub-paragraph (d) or (i) counts as one and one third times the number of completed quarters of an hour comprised in the extra period of duty, and a period falling within sub-paragraph (f)(i) and (ii) counts as one of 4 hours.

REGULATION 26
ANNEX H REFERS

Public holidays and rest days

26. - (1) The Secretary of State shall determine the circumstances and manner in which a member of a police force shall be granted leave or otherwise compensated in respect of time spent on duty on -

- (a) public holidays, or
- (b) rostered rest days;

and in this regulation "rostered rest day", in relation to a member of a police force who is required to do duty on that day, means 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.

(2) In making a determination under paragraph (1) the Secretary of State may confer on the chief officer discretion -

- (a) to fix the time at which, or the day on which, a period commences for the purposes of the determination;
- (b) to fix the period within which time off in compensation for time spent on duty as mentioned in that paragraph is to be granted;
- (c) to fix a limit on the time occupied by a member of a police force in travelling to and from his place of duty which is to be included in a period of duty for the purposes of the determination.

ANNEX H

DETERMINATION FOR REGULATION 24 FOR REGULATION 26

PUBLIC HOLIDAYS AND REST DAYS

1) ROSTERED REST DAYS and PUBLIC HOLIDAYS

- a) A member of a police force of the rank of constable or sergeant shall, if required to do duty on a day which is a rostered rest day, be granted:
 - i) where he receives less than 15 days' notice of the requirement, an allowance at the appropriate rest-day rate; or
 - ii) in any other case, another rest day, which shall be notified to him within 4 days of notification of the requirement.
- b) Subject to paragraph (2)(a), 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 sub-paragraph (c).
- c) The fraction is:
 - i) where the member received less than 5 days' notice of the requirement, one sixteenth; and
 - ii) in any other case, three sixty-fourths.
- d) A member of a police force of the rank of constable or sergeant shall, if required to do duty on a day which is a public holiday, be granted:
 - i) where he receives less than 8 days' notice of the requirement:
 - (1) an allowance at the appropriate rate and, in addition,
 - (2) 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 purpose of this determination as a public holiday;
 - ii) in any other case, an allowance at the appropriate rate.
- e) A member of a police force of the rank of constable or sergeant 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 sub-paragraph (a)(i) or sub-paragraph (d)(i) or (ii), time off equal:
 - i) in the case of a day which is a public holiday, to double, and
 - ii) in the case of a rostered rest day:
 - (1) where the member received less than 5 days' notice of the requirement, to double, and
 - (2) 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.

- f) Where such a member of a police force who is required to do duty on a day which is a public holiday or a rostered rest day, or for a part-time member, a free day has elected to receive time off as mentioned in sub-paragraph (e) or paragraph 2(h), the chief officer 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 sub-paragraph (a)(i) or, as the case may be, subparagraph (d)(i) or (ii)' or, for a part-time member paragraph 2(e) or (f).
- g) Where the exigencies of duty have precluded:
 - (1) the allowance of a day's leave on a public holiday, or
 - (2) the grant in any week of two rest days,

to a member of a police force of the rank of inspector or chief inspector, 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.

- h) Where the exigencies of duty have precluded:
 - (1) the allowance of a day's leave on a public holiday, or
 - (2) the grant in any month of eight monthly leave days,

to a member of a police force of the rank of superintendent or chief 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.

- i) 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 member of a police force above the rank of chief 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.
- j) For the purpose of this paragraph "month" means that period of 28 days beginning with such day as is fixed by the chief officer of police.

2) PART-TIME CONSTABLES AND SERGEANTS

- a) The appropriate rest-day rate for a part-time member of a police force of the rank of constable or sergeant is, for each completed 15 minutes of duty on a rostered rest day, the fraction of the member's hourly rate of pay calculated in accordance with the determination under regulation 24(1) specified in subparagraph (b) below.
- b) The fraction is:
 - i) where the member received less than 5 days' notice of the requirement, one quarter; and
 - ii) in any other case, one eighth.
- c) A part-time member of a police force of the rank of constable or sergeant who:
 - i) is required to do duty on a free day, and
 - ii) receives not less than 15 days' notice of the requirement,

shall be granted another free day in lieu, which shall be notified to him within 4 days of notification of the requirement.

- d) This sub-paragraph applies where:
 - i) a part-time member of a police force of the rank of constable or sergeant is required to do duty on a free day, and
 - ii) he receives less than 15 days' notice of the requirement, and
 - iii) the duty is of such a nature that it would not in the circumstances have been reasonably practicable for it to be done by any other member.
- e) Where sub-paragraph (d) applies:
 - i) if the member was on duty for more than 8 hours on the free day and for more than 40 hours (in addition to any hours on a rostered rest day or public holiday for which an allowance fell to be granted under this determination) during the week in which the free day occurred, he is entitled to an allowance at the rate of one twelfth of an hour's pay for each completed period of 15 minutes of duty done on the free day, and
 - ii) in any other case, he is entitled to time off equal to the total length of those periods.
- f) Where:
 - i) a member is required to do duty on a free day, and
 - ii) he receives less than 15 days' notice of the requirement, but sub-paragraph (d)(iii) does not apply, he is entitled to an allowance at the appropriate rest-day rate.
- g) In the case of a part-time member of a police force of the rank of constable or sergeant working in accordance with variable shift arrangements, the number of hours on duty shall for the purposes of sub-paragraph (e)(i) be determined by adding together:
 - i) the average number of hours the member is contracted to work in the week in which the free day occurred;
 - ii) the number of hours, if any, the member worked on any rest day in that week; and
 - iii) the number of hours (if any) the member worked on any public holiday within that period.
- h) A member who is required to do duty on a free day may within 28 days of that day elect to receive:
 - i) in lieu of an allowance under sub-paragraph (e)(i), time off equal to one and one third times, and
 - ii) in lieu of an allowance under sub-paragraph (f), time off equal to one and a half times,

the period of completed quarters of an hour of duty done on the free day.

- i) Any entitlement of a member to an allowance for rest day, public holiday or free day working in respect of any day is in addition to any payments due to that member for that day in accordance with regulation 24 (pay) and the determination thereunder.
 - j) For the purposes of regulation 24(1)(pay) and the determination thereunder:
 - i) a day's leave allowed under paragraph (4)(a)(i) of the determination under regulation 22 and a day off granted under paragraph (1)(d) above or under paragraph (3)(j) below in respect of a public holiday each count as a period of duty of 8 hours multiplied by the appropriate factor, and
 - ii) so much of any time off granted under sub-paragraph (h) or paragraph (1)(f) above as exceeds the time spent on duty on the public holiday, rest day or free day counts as time spent on duty.
- 3) FOR THE PURPOSES OF THIS DETERMINATION:
- 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" for a full-time constable or sergeant means a sixteenth of a day's pay for each completed 15 minutes of duty done on a public holiday;
 - d) "the appropriate rate" for a part-time constable or sergeant is, for each completed 15 minutes of duty done on a public holiday, one half of the member's hourly rate of pay calculated in accordance with regulation 24 and the determination thereunder;
 - e) In this paragraph, "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;
 - f) 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 commencing at any time on the calendar date of the public holiday in question;
 - g) "week" means a period of 7 days beginning with such day as is fixed by the chief officer;
 - h) where a member is required to do duty, or is recalled to duty, for a period of less than 4 hours on a public holiday or a rostered rest day or, for a part-time member, a free day, such period or each such period, shall be treated as though it were a period of 4 completed hours. The only exception to this is where a period of not more than one hour of duty on a rostered rest day or, for a part-time member, a free day immediately follows a normal daily period of duty (or, in the case of a part-time member or a member working in accordance with variable shift arrangements, a rostered shift). In this instance the period of not more than one hour of duty counts as the number of period of 15 minutes actually completed.

- i) where a member is required to do duty on a public holiday or on a rostered rest day or, for a part-time member, a free day, his period of duty shall include (except for the purposes of sub paragraph (h) above) 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, 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 22 (travelling time treated as duty).
- j) where it is at his own request that a member works on a day which is a public holiday, rostered rest day or, for a part-time member, a free day, he shall not be treated for the purposes of this determination 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, rostered rest day or free day as the case may be.
- k) in relation to a part-time member of a police force:
 - i) the determined hours are the number of hours which the chief officer has determined as his normal period of duty in a relevant period (as provided for in Annex E paragraph (6)(ii) or paragraph (6)(v) as applicable),
 - ii) a relevant period is a period for which a duty roster relating to him has effect for the time being under paragraph 3 of Annex E, and
 - iii) the appropriate factor is A/B , where
 - A is the number of determined hours, and
 - B is 40 times the number of weeks in the relevant period.

REGULATION 27
ANNEXES I AND J REFER

Temporary salary and temporary promotion

27. The Secretary of State shall determine -

- (a) the circumstances in which a member of a police force is entitled to receive a temporary salary and the rate of that salary; and
- (b) the circumstances in which a member of a police force is entitled to be temporarily promoted and the rate of his salary while so promoted.

ANNEX I

DETERMINATION FOR REGULATION 27

TEMPORARY SALARY

- 1) A member of a police force of the rank of superintendent or chief superintendent who is required for a continuous period exceeding 7 days (or, in the case of a parttime member, a continuous period of shifts amounting to at least 56 hours) to perform the duties normally performed by a member of the force of a higher rank than his own, otherwise (subject to paragraph (3)) 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 26 and any determination thereunder, shall be paid in respect of that period, other than the first 7 days (or first continuous 56 hours of shifts in the case of a part-time member) thereof, at a rate equal to the rate of pay of the member in that higher rank.
- 2) A member of a police force of the rank of superintendent or chief superintendent who is required for a continuous period exceeding 7 days (or continuous 56 hour period of shifts in the case of a part-time member) to perform the duties normally performed by such a member whose pay category under regulation 24 (1) and any determination thereunder is higher than his own, otherwise (subject to paragraph (3)) 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 26 and any determination thereunder, shall be paid in respect of that period, other than the first 7 days (or continuous 56 hour period of shifts in the case of a part-time member) thereof, at a rate equal to the rate of pay of the member in that higher pay category (for a parttime member at the hourly rate arrived at by dividing by 8 a day's pay at the rate of pay of the member in that higher pay category).
- 3) Where any member of the force is absent for a continuous period comprising both:
 - a) Monthly or other leave days granted under regulation 26 and any determination thereunder, and
 - b) One or more annual leave days granted under regulation 33 and any determination thereunder, paragraph (1) or (2) shall have effect as if the entire continuous period of absence were a period of annual leave.
- 4) Subject to paragraphs (6) and (7) and the provisions of this paragraph, a member of a police force below the rank of superintendent who, in any year, has been required to perform the duties normally performed by a member of the force of a higher rank than his own for 14 complete days or, for a part-time member, for at least 112 hours of complete shifts throughout which he performed the duties normally performed by a member of the force of a higher rank than his own shall be paid in respect of each further complete day (or complete shift in the case of a part-time member) in that year on which he is required to perform such duties at a rate equal to the lowest rate of pay to which he would be entitled on promotion to the higher rank, or for a parttime member, equal to the lowest rate of pay to which he would be entitled on promotion to the higher rank as a full-time member. A member of a police force working in accordance with variable shift arrangements who has had qualifying shifts amounting in total to 112 hours shall be paid in respect of each further qualifying shift in that year at the hourly rate arrived at by dividing by 8 a day's pay at the lowest rate of pay to which he would be entitled on promotion to the higher rank.

- 5) Where:
- a) a member of a police force below the rank of inspector is entitled to be paid under paragraph (4),
 - b) the higher rank is that of inspector or above, and
 - c) the day on which the member is required to perform the duties referred to in paragraph (4) is not a public holiday or rostered rest day, there shall be no entitlement to an allowance or time off under regulation 25 and any determination thereunder in respect of such duties.
- 6) Paragraph (4) shall not apply where:
- a) a member of a police force below the rank of inspector is required to perform the duties normally performed by a member of the force of the rank of inspector or above, and
 - b) the day on which the member is so required to perform such duties is a public holiday or rostered rest day.
- 7) A member of the police force of the rank of chief inspector who, in any year, has been required to perform the duties normally performed by a member of the rank of superintendent for 14 complete days (or, for a part-time member, for at least 112 hours of complete shifts) shall be paid in respect of any further complete day (or complete shift, in the case of a part-time member) in that year on which he is required to perform such duties at a rate equal to the lowest rate of pay to which he would be entitled on promotion to superintendent.
- 8) Where a member of a police force:
- a) on his last scheduled working day in any year is required to perform the duties normally performed by a member of the force of a higher rank than his own, and
 - b) is paid in respect of that day a temporary salary under paragraph (4), and
 - c) on his first scheduled working day of the next following year continues for the complete day to perform such duties,

he shall be paid, in respect of the day mentioned in sub-paragraph(c) and any following complete day which together therewith forms a continuous period when he is required to perform such duties, as if that day or days had formed part of the year mentioned in sub-paragraph (a): provided that the said day or days shall be disregarded for the purposes of the application of paragraph (4) to that member in the year mentioned in sub-paragraph (c).

- 9) Where a member of a police force working in accordance with variable shift arrangements:
- a) has a qualifying shift as his last rostered shift in any year, and
 - b) is paid in respect of that shift a temporary salary under paragraph (4), and
 - c) has a qualifying shift as his first rostered shift in the next following year,

he shall be paid in respect of the shift mentioned in sub-paragraph (c) and any qualifying shifts beginning on days that follow consecutively the day on which that shift began as if that shift or shifts had occurred in the year mentioned in subparagraph (a):

provided that the said shift or shifts shall be disregarded for the purposes of the application of paragraph (4) to that member in the year mentioned in sub-paragraph (c).

- 10) For the purposes of paragraph (9) the expression “qualifying shift” means, in relation to a member of a police force, a rostered shift throughout which he is required to perform duties normally performed by a member of the force of a higher rank than his own.
- 11) For the purposes of this determination “year” means a period of 12 months beginning on 1 April.
- 12) For the purposes of this determination “day” means in relation to a full-time member of a police force below the rank of inspector, his normal daily period of duty.
- 13) For the purposes of this determination “day” means in relation to a part-time member of a police force the period that would constitute his normal daily period of duty if he were a full-time member.
- 14) “Full-time member” means a member of the force appointed otherwise than under regulation 5 and any determination thereunder.

ANNEX J

DETERMINATION FOR REGULATION 27

TEMPORARY PROMOTION

- 1) A chief inspector who, for a period of 2 months or more, has performed the duties of superintendent shall be temporarily promoted to the rank of superintendent.
- 2) A member shall, while temporarily promoted to the rank of superintendent, be paid at the point on the superintendents' pay scale which would have applied if the promotion had not been temporary.
- 3) A member temporarily promoted in this way shall revert to the rank of chief inspector when he is no longer required to perform these duties.

REGULATION 28
ANNEX K REFERS

Sick pay

28. The Secretary of State shall determine the entitlement of members of police forces to pay during periods of sick leave taken in accordance with a determination under regulation 33(5), and in making such a determination the Secretary of State may confer on the chief officer discretion to allow a member of a police force to receive more pay than that specified in the determination.

ANNEX K

DETERMINATION FOR REGULATION 28

SICK PAY

- 1) Subject to paragraph (2), a member of a police force who is absent on sick leave, in accordance with Regulation 33(5), shall be entitled to full pay for six months in any one year period. Thereafter, the member becomes entitled to half pay for six months in any one year period.
- 2) The period during which sick pay shall be paid and the rate of sick pay in respect of any period of sick leave shall be calculated by deducting from the member's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.
- 3) The chief officer of police may, in a particular case determine that for a specified period
 - a) a member who is entitled to half pay while on sick leave is to receive full pay, or
 - b) a member who is not entitled to any pay while on sick leave is to receive either full pay or half pay,and may from time to time determine to extend the period.
- 4) For the purposes of this determination:
 - a) references to a member's being on sick leave are references to his being absent from duty while entitled to be so, under Regulation 33(5),
 - b) references to full pay are references to pay at the rate set out in the Secretary of State's determination of pay, made under Regulation 24(1), and
 - c) references to half pay are references to pay at half the rate of the member's full pay.

REGULATION 29
ANNEX L REFERS

Maternity pay

29. The Secretary of State shall determine the entitlement of female members of police forces to pay during periods of maternity leave.

ANNEX L

DETERMINATION FOR REGULATION 29

MATERNITY PAY

- 1) Subject to the following provisions of this determination, 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 in the determination on maternity leave made under regulation 33) taken in accordance with the determination on maternity leave made under regulation 33, 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 the determination on maternity leave made under regulation 33) 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 determination “week” means a period of seven days beginning with Sunday.
- 4) **FOR PART-TIME MEMBERS**
 - a) A part-time woman member who satisfies the conditions in paragraph (2) is to be treated for the purposes of regulation 24 (1) and any determination thereunder 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.
 - b) For the purposes of paragraph (4)(a) the “determined hours” are the number of hours which the chief officer has determined under the determination under regulation 22(1)(a) (Annex E) as the member’s normal period of duty in a relevant period.

REGULATION 30
ANNEX M REFERS

Fixing of pay day and calculation of monthly, weekly and daily pay

30. - (1) The intervals at which members of a police force are to be paid shall be fixed by the police authority in accordance with such rules as the Secretary of State may determine.

(2) The Secretary of State shall determine the manner of calculating monthly, weekly and daily pay.

ANNEX M

DETERMINATION FOR REGULATION 30

FIXING OF PAY DAY AND CALCULATION OF MONTHLY, WEEKLY AND DAILY PAY

1) PAY DAY

- a) In fixing the intervals at which members of a police force shall be paid the police authority may fix different intervals for different classes of members.
- b) In fixing the interval for any class the police authority shall have regard to the wishes of the members of that class.
- c) The police authority may, if they think fit, pay to a member such part of his pay as they may determine in advance of the day on which it would otherwise be due to be paid in accordance with this determination.

2) MONTHLY PAY

- a) Subject to sub-paragraph (b), a month's pay shall be calculated, for all purposes, at a monthly rate of pay determined by dividing by 12 the annual rate.
- b) For the purposes of regulation 13(2), a month's pay for a part-time member is to be calculated by multiplying one twelfth of the annual rate ascertained from the determination under regulation 24(1) by the appropriate factor.

3) WEEKLY PAY

A week's pay shall be calculated, for all purposes, at a weekly rate of pay determined by dividing by $52 \frac{1}{6}$ the annual rate.

4) DAILY PAY

A day's pay shall be calculated, except for the purposes of regulations 25 and 26 and any determinations thereunder, at a daily rate determined by dividing by 7 the weekly rate, determined as aforesaid.

REGULATION 31

Deductions from pay of social security benefits and statutory sick pay

31. - (1) There shall be deducted from the pay of a member of a police force who is in receipt of full pay -

- (a) the amount of any short-term or long-term incapacity benefit to which he is entitled under the Social Security (Incapacity for Work) Act 1994;
- (b) any statutory sick pay to which he is entitled under the Social Security Contributions and Benefits Act 1992,

and for the purposes of sub-paragraph (a) any increase for adult and child dependants shall be treated as forming part of the benefit or allowance to which it relates.

(2) For the purposes of this regulation, a female member of a police force who as a married woman or widow has elected to pay contributions under section 19 of the Social Security Contributions and Benefits Act 1992 at the reduced rate, shall be deemed to be entitled to any social security benefits mentioned in paragraph (1) to which she would have been entitled had she not elected to contribute at the reduced rate.

(3) In this regulation, "full pay" means pay at the rate ascertained from regulation 24 and the determination made thereunder.

REGULATION 32
ANNEX N REFERS

University scholars

32. The Secretary of State shall determine how Part 3 and this Part of these Regulations and any determination made thereunder shall have effect in relation to a university scholar, and in making such a determination the Secretary of State may confer on the police authority discretion to determine whether or not the conditions subject to which a university scholar is entitled to any payment under this Part are met.

ANNEX N

DETERMINATION FOR REGULATION 32

UNIVERSITY SCHOLARS

- 1) Regulations 22, 25 and 26 and the determinations made thereunder (Annexes E, G and H) shall not apply to a university scholar for the duration of his course except for such period or periods, if any, as he is engaged otherwise than in study.
- 2) A full-time university scholar, not being a member of the City of London or metropolitan police force, who has undertaken a course of study given wholly or mainly at an institution within the City of London or the metropolitan police district, and has taken up residence within the City of London or the metropolitan police district shall be entitled to supplementary pay of £1,827 a year, if his taking up residence is, in the opinion of the police authority, due to his having undertaken his course. Such supplementary pay shall be for the duration of the course, whether or not he is resident throughout that period.
- 3) A part-time university scholar, not being a member of the City of London or metropolitan police force, who has undertaken a course of study given wholly or mainly at an institution within the City of London or the metropolitan police district shall be entitled to supplementary pay at the rate obtained by multiplying by the appropriate factor £1,827 a year, if his taking up residence is, in the opinion of the police authority, due to his having undertaken his course. Such supplementary pay shall be for the duration of the course, whether or not he is resident throughout that period.

PART 5

LEAVE

Leave

33. - (1) Every member of a police force shall, so far as the exigencies of duty permit, be granted in each leave year such annual leave as may be determined by the Secretary of State; and in this regulation "leave year" means that period of 12 months beginning on such date as may from time to time be determined by the police authority.

(2) In making a determination under paragraph (1) the Secretary of State may confer on the chief officer discretion -

- (a) to grant such additional days of annual leave in any leave year in such circumstances and subject to such conditions as the Secretary of State may determine, and
- (b) subject to such conditions as the Secretary of State may determine, to allow days of annual leave granted under this regulation to be taken as a single period, or as single days, or in periods of more than one day or as half days.

(3) In a determination under paragraph (1) the Secretary of State shall make provision for the compensation of a member of a police force for being recalled to duty during a period of annual leave granted under this regulation.

(4) Annual leave granted under this regulation shall be additional to the days on which the member is not required to perform police duties in accordance with a determination under regulation 26.

(5) A member of a police force shall not be entitled to be absent from duty on account of injury or illness otherwise than in such circumstances as shall be determined by the Secretary of State, and in making such a determination the Secretary of State may confer on the police authority power to appoint, or approve the appointment of, a medical practitioner for the purposes of any function to be carried out under the determination.

(6) A female member of a police force who is pregnant shall, in such circumstances as shall be determined by the Secretary of State, have the right not to be unreasonably refused special leave from duty to enable her to keep an appointment for the purpose of receiving antenatal care.

(7) A female member of a police force qualifies for maternity leave in such circumstances as shall be determined by the Secretary of State.

(8) A member of a police force shall, so far as the exigencies of duty permit, be granted such -

- (a) maternity support leave;
- (b) parental leave; and
- (c) adoption leave,

in such circumstances, as the Secretary of State shall determine; and in this paragraph "maternity support leave" means leave to enable support to be given to an expectant mother at or around the time of birth.

(9) A member of a police force shall, so far as the exigencies of duty permit, be entitled to be permitted to take a reasonable amount of time off during periods of duty in order to take such action, and for such purposes, in respect of a dependant of that member, and subject to such conditions, as shall be determined by the Secretary of State; and for this purpose the Secretary of State may determine the meaning of "dependant" in relation to members of a police force.

(10) The Secretary of State may determine that any period of leave or time off taken in accordance with a determination under paragraph (1), (6), (8) or (9) shall be treated as a period of duty.

(11) Paragraph (5) and any determination thereunder shall apply to a member who is in quarantine as it applies to a member who is ill subject, in the case of such a determination, to such modifications as may be determined by the Secretary of State.

ANNEX O

DETERMINATION FOR REGULATION 33

ANNUAL LEAVE

- 1) a) Every member of a police force of or above the rank of superintendent shall be granted in each leave year the following period of annual leave namely-
 - i) in the case of a member of the rank of superintendent or chief superintendent, 31 days;
 - ii) in the case of a member of a rank higher than that of chief superintendent who has not completed 10 years' relevant service, not less than 42 days; and
 - iii) in any other case, not less than 48 days.
- b) Subject to sub-paragraph (c) below every member of a police force holding a rank below that of superintendent shall be granted in each leave year commencing after 31 December 2002 the period of leave set out opposite his relevant service as a member of a police force in the Table below:-

Table

| Relevant service | Annual leave |
|------------------------------------|---------------------|
| Under 5 years' relevant service | 21 days |
| 5 or more years' relevant service | 23 days |
| 10 or more years' relevant service | 26 days |
| 15 or more years' relevant service | 27 days |
| 20 or more years' relevant service | 29 days |

- c) Where the annual leave entitlement of a member of a police force immediately before the coming into effect of this paragraph, in respect of the first leave year commencing after 31st December 2002, exceeded the period prescribed in his case in respect of that year by the foregoing provisions of this paragraph he shall continue to be entitled to be granted such greater period of leave until such time as he shall have completed such number of years' relevant service as, by virtue of the said provisions, entitle him to an increased period of leave.
- 2) In the leave year in which a member of a police force is appointed to, is promoted in, or retires from the force or completes such number of years' relevant service as will entitle him to an increased period of annual leave, his annual leave shall be calculated at the rate of a twelfth of the period of annual leave appropriate, under paragraph (1), to the rank held by him for each complete month of service in that rank in the leave year in question, a fraction of a day being reckoned as a day:

Provided that where a member of a police force is promoted or completes the said number of years' relevant service while completing a month's service in the leave year in question, he shall be treated for the purposes of this paragraph as if he had been promoted or, as the case may be, completed the said number of years' relevant service at the beginning of that month's service.

- 3) In the case of a member of a police force of a rank not higher than that of chief superintendent, the chief officer of police may, in his discretion and subject to the exigencies of duty-
 - a) notwithstanding anything in paragraphs (1) and (2), where he is satisfied that, in any leave year, the member has not taken the full period of annual leave specified in those paragraphs, grant the member, during the following leave year, additional days of annual leave not exceeding the number of days not taken, so however that he shall not exercise his discretion so as to grant more than 5 additional days of annual leave to a member unless he is satisfied that there are exceptional circumstances and that it is in the interests of efficiency to do so;
 - b) grant the member not more than 5 additional days of annual leave, to be taken in the last month of the leave year, subject to a corresponding reduction being effected in the member's period of annual leave under paragraph (1) for the following year.
- 4)
 - a) Subject to sub-paragraph (b), days of annual leave granted under this determination may be taken, in the discretion of the chief officer of police and subject to the exigencies of duty, as a single period, or as single days, or in periods of more than one day or as half days.
 - b) In the case of a member below the rank of superintendent, not more than 3 days of annual leave shall be taken as half days, and where annual leave is so taken, the member-
 - i) shall do duty on that day for 4 hours, and
 - ii) shall not be entitled to be allowed an interval for refreshment such as may be determined under regulation 22(b).
- 5)
 - a) Where a member of a police force has been recalled to duty from a period of absence from duty to which this paragraph applies, he shall be granted, in compensation for being recalled to duty on any day during that period which is a day of annual leave or a day taken off in lieu of overtime-
 - i) if he was so recalled to duty for 1 or 2 days (whether or not in the latter case those days formed a single period), an additional 2 days' annual leave (or, if the member so choose, 1 day's annual leave and 1 day's pay at double time) in lieu of each such day for which he was so recalled; or
 - ii) if he was so recalled to duty for 3 or more days (whether or not forming a single period), 2 days' annual leave (or, if the member so choose, 1 day's annual leave and 1 day's pay at double time) in lieu of each of the first 2 such days for which he was so recalled, and 1¹/₂ days' annual leave (or, if the member so choose, 1 day's annual leave and ¹/₂ day's pay at double time) in lieu of each such day for which he was so recalled thereafter.
 - b) This paragraph applies to a period of absence from duty of 3 or more days, where at least one of those days is a day of annual leave and the other days, if not days of annual leave, are rostered rest days, day taken off in lieu of overtime, public holidays (or days taken off in lieu thereof) or monthly leave days, or any combination thereof.

- 6) a) For the purposes of this determination-“relevant service” means any service which the member concerned is entitled to reckon for the purposes of pay together with any service which he was previously so entitled to reckon-
- (i) in the case of a member below the rank of superintendent, in any lower rank;
 - (ii) in any other case, in the rank of superintendent or any higher rank, except that relevant service shall not include any such service as is mentioned in regulation 44.
- b) Where a member of an aerodrome constabulary has been transferred to a police force by an order under section 30 of the Aviation Security Act 1982 then, for the purposes of this paragraph, his service in any rank in that constabulary shall be treated as if it were service in the corresponding rank in a police force.
- 7) a) In this determination and determinations made under regulations 22 and 25, “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.
- b) In discharging his functions under sub paragraph (a) above, the chief officer shall have regard to the wishes of the joint branch board.

ANNEX P

DETERMINATION FOR REGULATION 33

SICK LEAVE

- 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 determination 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.

3) PART-TIME MEMBERS

While a part-time member of the rank of constable or sergeant is entitled under this determination to be absent from duty, any rostered shift counts, for the purposes of Regulation 24(1) (pay) and any determination made thereunder, as a period of duty of the same duration.

- 4) a) In this determination and determinations made under regulations 22 and 25, "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.
- b) In discharging his functions under sub paragraph (a) above, the chief officer shall have regard to the wishes of the joint branch board.

ANNEX Q

DETERMINATION FOR REGULATION 33

LEAVE FOR THE PURPOSES OF ANTE-NATAL CARE

- 1) A female member 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 determination, have the right not to be unreasonably refused special leave from duty to enable her to keep the appointment.
- 2) Subject to paragraph (3), the chief constable shall not be required by virtue of this determination to permit a female member 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'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.

ANNEX R

DETERMINATION FOR REGULATION 33

MATERNITY LEAVE

1) In this determination:

“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 determination 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 expected 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 determination, 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 expected date of 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, 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 expected 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 expected 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 33(2) and the determination on sick leave thereunder.
- 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.
- 12) a) In this determination and determinations made under regulations 22 and 25, "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.
 - b) In discharging his functions under sub paragraph (a) above, the chief officer shall have regard to the wishes of the joint branch board.

ANNEX S

DETERMINATION FOR REGULATION 33

1) MATERNITY SUPPORT LEAVE

- a) So far as the exigencies of duty permit, a member of a police force who is the child's father or the partner or the nominated carer of an expectant mother shall be granted 5 days maternity support leave at or around the time of the birth.
- b) Leave taken as maternity support leave shall be treated as duty.
- c) For the purposes of this determination, a nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.
- d) In the case of a part-time member, each day of maternity support leave granted counts for the purposes of regulation 24(1) and the determination thereunder as a period of duty of 8 hours multiplied by the appropriate factor.

2) PARENTAL LEAVE

- a) A member of a police force who:
 - i) has served continuously for a period of not less than a year; and
 - ii) has, or expects to have, responsibility for a child,is entitled, in accordance with this determination, to be absent from work on parental leave for the purpose of caring for that child.
- b) A member has responsibility for a child, for the purposes of sub-paragraph (a), if:
 - i) he has parental responsibility for the child; or
 - ii) he has been registered as the child's father under any provision of section 10(1) or 10A(1) of the Births and Deaths Registration Act 1953.
- c) A member is entitled to thirteen weeks' leave in respect of any individual child.
- d) Where the period for which a member is normally required to do duty in the course of a week does not vary, a week's leave for the member is a period of absence from duty which is equal in duration to the period for which he is normally required to do duty.
- e) Where the period for which a member is normally required to do duty in the course of a week varies from week to week or over a longer period, or where he is normally required to work in some weeks but not in others, a weeks' leave for the member is a period of absence from duty which is equal in duration to the period calculated by dividing the total of the periods for which he is normally required to do duty in a year by 52.
- f) Where a member takes leave in periods shorter than the period which constitutes for him, a weeks' leave under whichever of sub-paragraphs (d) and (e) is applicable in his case, he completes a weeks' leave when the aggregate of the periods of leave he has taken equals the period constituting a weeks' leave for him under the applicable sub-paragraph.

- g) Except in the cases referred to in sub-paragraphs (h) and (i), a member may not exercise any entitlement to parental leave in respect of a child after the date of the child's 5th birthday or, in the case of a child placed with the member for adoption by him, on or after:
 - i) the 5th anniversary of the date on which the placement began, or
 - ii) the date of the child's 18th birthday,whichever is the earlier.
- h) In the case of a child:
 - i) born before 15th December 1999, whose 5th birthday was or is on or after that date, or
 - ii) placed with the member for adoption by him before 15th December 1999, the 5th anniversary of whose placement was or is on or after that date, not being a case to which sub-paragraph (i) applies, any entitlement to parental leave may not be exercised after 31st March 2005.
- i) In the case of a child who is entitled to a disability living allowance, any entitlement to parental leave may not be exercised on or after the date of the child's 18th birthday.
- j) A member of a police force shall give notice to the chief officer of his intention to take any part of the parental leave to which he is entitled. For the purposes of this sub-paragraph, the notice required is notice which:
 - i) specifies the dates on which the period of leave is to begin and end; and
 - ii) is given to the chief officer at least 21 days before the date on which that period is to begin.
- k) As far as the exigencies of duty permit, the chief officer shall grant the member parental leave where notice has been given in accordance with sub-paragraph (j) above.

3) ADOPTION LEAVE

- a) So far as the exigencies of duty permit, a member of a police force who is the child's adoptive parent shall be granted 5 days adoption leave at or around the time of the adoption.
 - b) Leave taken as adoption leave shall be treated as duty.
 - c) In the case of a part-time member each day of adoption leave granted counts for the purposes of regulation 24(1) and the determination thereunder as a period of duty of 8 hours multiplied by the appropriate factor.
- 4)
- a) In this determination and determinations made under regulations 22 and 25, "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.
 - b) In discharging his functions under sub paragraph (a) above, the chief officer shall have regard to the wishes of the joint branch board.

ANNEX T

DETERMINATION FOR REGULATION 33

TIME OFF FOR DEPENDANTS

- 1) A member of a police force is entitled to be permitted by his chief officer to take a reasonable amount of time off during his normal duty periods in order to take action which is necessary:
 - a) to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted,
 - b) to make arrangements for the provision of care for a dependant who is ill or injured,
 - c) in consequence of the death of a dependant,
 - d) because of the unexpected disruption or termination of arrangements for the care of a dependant, or
 - e) to deal with an incident which involves a child of the member and which occurs unexpectedly in a period during which an educational establishment which the child attends is responsible for him.
- 2) Paragraph (1) does not apply unless the member:
 - a) tells his chief officer the reason for his absence as soon as reasonably practicable, and
 - b) except where paragraph (a) cannot be complied with until after the member has returned to duty, tells his chief officer for how long he expects to be absent.
- 3) Subject to paragraphs (4) and (5), for the purposes of this section “dependant” means, in relation to a member of a police force:
 - a) a spouse,
 - b) a child,
 - c) a parent,
 - d) a person who lives in the same household as the member, otherwise than by reason of being his employee, tenant, lodger or boarder.
- 4) For the purposes of paragraphs (1)(a) or (b) “dependant” includes, in addition to the persons mentioned in paragraph (3), any person who reasonably relies on the member:
 - a) for assistance on an occasion when the person falls ill or is injured or assaulted, or
 - b) to make arrangements for the provision of care in the event of illness or injury.
- 5) For the purposes of paragraph (1)(d) “dependant” includes, in addition to the persons mentioned in paragraph (3), any person who reasonably relies on the member to make arrangements for the provision of care.
- 6) A reference in this determination to illness or injury includes a reference to mental illness or injury.
- 7) Leave taken as time off for dependants shall be treated as duty.

PART 6
ALLOWANCES AND EXPENSES

Allowances

34. - (1) Subject to regulation 38, the Secretary of State shall determine the entitlement of members of a police force to any allowance, and in making such a determination the Secretary of State may confer on -

- (a) the police authority;
- (b) the chief officer,

such functions -

- (i) in relation to the calculation of an allowance,
- (ii) where the payment of an allowance is subject to such conditions as may be specified in the determination, in relation to those conditions,

as he thinks fit.

(2) No allowances shall be paid to a member of a police force except as provided by or under these Regulations or approved by the Secretary of State, and the amounts and conditions of payment of such allowances shall be as so provided or approved.

(3) Nothing in this regulation shall apply to the reimbursement of expenses incurred by a member of a police force in the execution of his duty, being expenses authorised either generally or specifically by the police authority in respect of which no allowance is payable under these Regulations and no determination has been made under regulation 35.

ANNEX U

DETERMINATION FOR REGULATION 34 FOR SCHEDULE 2

ALLOWANCES

1) MOTOR VEHICLE ALLOWANCES

- a) Where the chief officer is of opinion that the duties normally performed by a member of a police force are of such a nature that it is-
- i) essential, or
 - ii) desirable,

that the member in question should, at all material times, have a motor vehicle at his disposal, he may authorise that member to use (subject to his directions) a motor vehicle owned by the member for the purposes of duties performed by him and, subject to the following provisions of this determination, in respect of such use the member shall be paid a motor vehicle allowance. Use of a motor vehicle during travelling time which is treated as duty in accordance with a determination under regulation 22(1)(e) shall be treated as use for the purposes of duties performed by the member.

- b) A motor vehicle allowance shall not be payable in respect of the authorised use of a motor vehicle unless there was in force in relation thereto a policy of insurance in terms approved by the police authority, in relation to the use in question, for the purposes thereof.
- c) A motor vehicle allowance shall not be payable in respect of the authorised use of a motor car of a cylinder capacity exceeding 500 c.c. unless the member concerned was willing to carry passengers for the purposes of the duties performed by him or, in the case of passengers being members of a police force, by those members.
- d) A motor vehicle allowance in respect of the authorised use of a motor car of a cylinder capacity exceeding 500 c.c. shall, subject as aforesaid, be payable-
- i) where the chief officer of police is of the opinion mentioned in subparagraph (a)(i), at the essential user's rate;
 - ii) where the chief officer of police is of the opinion mentioned in subparagraph (a)(ii), at the casual user's rate,

as provided in sub-paragraphs (e) and (f) .

Provided that where the member concerned holds a rank above that of chief superintendent he may instead be paid a flat-rate motor vehicle allowance at such annual rate as is determined by the police authority on such basis as is approved by the Secretary of State.

- e) i) Subject to the following provisions of this determination, the amount of a motor vehicle allowance payable at the essential user's rate shall in any year comprise a fixed element and a mileage element calculated as provided in sub-paragraphs (ii) and (iii).

- ii) The fixed element shall be calculated by reference to the number of completed months comprised in the period of authorised use for the year in question at the annual rate specified in sub-paragraph (g) by reference to the cylinder capacity of the motor car in question.
- iii) The mileage element shall be calculated in relation to authorised use at the rate specified in sub-paragraph (g) by reference to the cylinder capacity of the motor car in question, and for that purpose sub-paragraph (g) so specifies:
- (1) a basic rate, in relation to authorised use not exceeding the mileage specified in sub-paragraph (g) ("the basic mileage"), and
 - (2) a reduced rate in relation to authorised use in excess of the basic mileage.
- (f) A motor vehicle allowance in respect of the authorised use of-
- (i) a motor car of a cylinder capacity not exceeding 500 c.c., or
 - (ii) a motor bicycle,
- shall, subject as aforesaid, be payable on such conditions and at such rate as is approved by the Secretary of State.
- g) Rates, with effect from 1 April 2002

| | 451-999cc | 1000-1199cc | 1200-1450cc |
|--|------------------|--------------------|--------------------|
| Essential users | | | |
| Lump sum per annum | £657 | £735 | £945 |
| Per mile - first 8,500 miles | 28.1p | 31.2p | 38.3p |
| Per mile - after 8,500 miles | 10.1p | 11.1p | 12.4p |
| Petrol element per mile | 6.631p | 7.073p | 7.763p |
| Amount of VAT per mile in petrol element | 0.988p | 1.053p | 1.156p |
| Casual users | | | |
| Per mile - first 8,500 miles | 35.8p | 39.9p | 49.4p |
| Per mile - after 8,500 miles | 10.1p | 11.1p | 12.4p |
| Petrol element per mile | 6.631p | 7.073p | 7.763p |
| Amount of VAT per mile in petrol element | 0.988p | 1.053p | 1.156p |

- h) Where in any year a motor vehicle allowance is payable at the essential user's rate it shall be payable in such instalments, in advance or in arrears, as the police authority may determine; but when the amount of the allowance for that year is finally calculated, any over-payment shall be recoverable.
- i) Where in any year a motor vehicle allowance is payable at the essential user's rate to a member of a police force and the member is on sick leave, or maternity leave, or the motor car in question is out of order, for a continuous period of four or more weeks in that year the allowance shall be reduced by such amount as the police authority, with the approval of the Secretary of State, determines as being appropriate in all the circumstances.

- j) Where in any year a motor vehicle allowance is payable at the essential user's rate but the period of authorised use is a fraction only of that year, sub-paragraph (e)(iii) shall have effect as if for the reference to the basic mileage there were substituted a reference to the corresponding fraction of that mileage; and for the purposes of this paragraph the monthly rate of the fixed element of such an allowance so payable shall be taken to be a twelfth of the annual rate.
- k) The amount of a motor vehicle allowance payable at the casual user's rate shall in any year be an amount calculated in relation to the mileage of authorised use in that year at the rate specified in sub-paragraph (g) by reference to that mileage and the cylinder capacity of the motor car in question, except that where the amount of the allowance would be less if it were calculated at the essential user's rate, it shall be of an amount calculated in accordance with sub-paragraph (e).
- l) The amount of a motor vehicle allowance payable to a member of a police force shall not exceed that which would be payable if the vehicle in question were of such a cylinder capacity, not being less than 1,000 c.c., as the chief officer of police, with the approval of the police authority, has determined appropriate for use for the purposes of the duties normally performed by the member concerned.
- m) In its application to a chief officer of police this determination shall have effect as if any reference therein to that officer were a reference to the police authority.
- n) For the purposes of this determination-
- “authorised use” means the use, authorised under sub-paragraph (a), of a motor vehicle owned by the member of a police force concerned for the purposes of his duties as a member of that force or, where he has been statutorily transferred from one force to another force, as a member of either of those forces, and
- “period of authorised use” means the period during which such use is authorised;
- “cylinder capacity” means the cylinder capacity of the engine of a vehicle calculated in accordance with regulations under paragraph 2(4) of Schedule 1 to the Vehicle Excise and Registration Act 1994;
- “motor bicycle” means a mechanically propelled bicycle (including a motor scooter, a bicycle with an attachment for propelling it by mechanical power and a mechanically propelled bicycle used for drawing a sidecar);
- “motor car” means a mechanically propelled vehicle other than a motor bicycle and, accordingly, includes a mechanically propelled tricycle;
- “year” means a period of twelve months beginning on such date as may be determined by the police authority;
- and a reference to a motor vehicle owned by a member of a police force is a reference to such a vehicle kept and used by him.

2) DOG HANDLER'S ALLOWANCE

- a) Where a dog owned by the police authority is kept and cared for by a member of a police force at his home, the member shall be paid a dog handler's allowance in respect of the care accorded to the dog on the member's rest days and on public holidays.

- b) For this purpose the member shall be treated as keeping and caring for a dog at his home if he would be doing so but for his being on annual leave.
- c) The annual rate of this allowance with effect from 1 September 2002 is £1,710.
- d) Where the member keeps and cares for at his home more than one dog owned by the police authority, there shall be added to the allowance an amount equal to 25 per cent of the sum specified in sub-paragraph (c) for each such dog.

3) LONDON ALLOWANCE

- a) A member of the City of London or metropolitan police force shall be paid a London allowance at the rate of:
 - i) £4,338 a year if appointed on or after 1 September 1994 and not receiving a replacement allowance under Schedule 3;
 - ii) £1,011 a year in other cases.
- b) A part-time member of the City of London or metropolitan police force shall be paid a London allowance of:
 - i) (£4,338 multiplied by 6/12520) an hour if appointed on or after 1 September 1994 and not receiving a replacement allowance under Schedule 3;
 - ii) (£1,011 multiplied by 6/12520) an hour in other cases.
- c) A member of the City of London or metropolitan police force suspended under the Conduct Regulations, other than a member to whom paragraph 1(1) of Schedule 2 applies, shall be entitled to receive the London allowance.

4) LONDON TRANSITIONAL SUPPLEMENT

- a) A member of the City of London or metropolitan police force who joined before 1 September 1994 and receives an allowance being:
 - i) at half rate, a replacement allowance equivalent to a housing allowance under regulation 49 of the 1987 Regulations as it had effect before 1 September 1994, or
 - ii) at flat rate, a replacement allowance equivalent to a transitional rent allowance under regulation 49B of the 1987 Regulations as it had effect before 1 September 1994 shall be paid an allowance at the rate of £1000 a year.
- b) A part-time member of the City of London or metropolitan police force who joined before 1 September 1994 and receives an allowance as at (a)(i) or (ii) shall be paid an allowance of (£1000 multiplied by 6/12520) an hour.
- c) Payment shall cease if the member moves to the full rate of replacement allowance.

5) SOUTH EAST ENGLAND ALLOWANCE

- a) A member of the Essex, Hertfordshire, Kent, Surrey or Thames Valley constabulary shall be paid an allowance at the rate of £2,000 a year if appointed on or after 1 September 1994 and not receiving a replacement allowance under Schedule 3.
- b) A member of the Bedfordshire, Hampshire or Sussex constabulary shall be paid an allowance at the rate of £1,000 a year if appointed on or after 1 September 1994 and not receiving a replacement allowance under Schedule 3.
- c) A part-time member of the Essex, Hertfordshire, Kent, Surrey or Thames Valley constabulary shall be paid an allowance of (£2000 multiplied by 6/12520) an hour if appointed on or after 1 September 1994 and not receiving a replacement allowance under Schedule 3.
- d) A part-time member of the Bedfordshire, Hampshire or Sussex constabulary shall be paid an allowance of (£1000 multiplied by 6/12520) an hour if appointed on or after 1 September 1994 and not receiving a replacement allowance under Schedule 3.

6) SOUTH EAST ENGLAND TRANSITIONAL SUPPLEMENT

- a) A member of the Hertfordshire, Kent or Surrey constabulary who joined the police service before 1 September 1994 and receives an allowance at the rate of less than £2,000 a year being:
 - i) at half rate, a replacement allowance equivalent to a housing allowance under regulation 49 of the 1987 Regulations as it had effect before 1 September 1994, or
 - ii) at flat rate a replacement allowance equivalent to a transitional rent allowance under regulation 49B of the 1987 Regulations as it had effect before 1 September 1994 shall be paid a supplementary allowance at the rate of the difference between £2000 and the replacement allowance that he is receiving.
- b) A part-time member of the Hertfordshire, Kent or Surrey constabulary who joined before 1 September 1994 and receives an allowance as at (a)(i) or (ii) shall be paid a supplementary allowance at the hourly rate of the difference between (£2000 multiplied by 6/12520) and the hourly rate of the replacement allowance that he is receiving.
- c) Payment shall cease if the member moves to the full rate of replacement allowance.

7) SPECIAL PRIORITY PAYMENTS

- a) A member in a qualifying post in his force's special priority payment scheme who meets the personal criteria in sub-paragraph (f) below shall be paid an allowance (special priority payment).
- b) The annual amount for each qualifying post shall be determined by the chief officer and the police authority. The amount shall normally be no less than £500 and no more than £3,000, although exceptionally, annual amounts of up to £5,000 may be determined.

- c) The payment will be made as a single non-pensionable lump sum in December of each year commencing in 2003
- d) In December 2003, a member who is entitled to a special priority payment shall be paid an amount
- i) equal to three quarters of the annual amount for the qualifying post when the member has been in the post from 1 April to 31 December 2003, or,
 - ii) in other cases, a fraction of the amount in sub-paragraph (i) corresponding to the fraction of the period from 1 April to 31 December 2003 during which the member has been in the post
- e) In December 2004 and in subsequent years, a member who is entitled to a special priority payment shall be paid an amount
- i) equal to the annual amount for the qualifying post when the member has been in post from 1 January to 31 December in that year, or
 - ii) in other cases, a fraction of the amount in sub-paragraph (i) corresponding to the fraction of the period from 1 January to 31 December during which the member has been in the post.
- f) In agreeing the qualifying posts for the force's special priority payment scheme, the chief officer and police authority shall have regard to the following criteria in respect of any post, that it:
- Carries a significantly higher responsibility level than the norm for the rank; or
 - Presents particular difficulties in recruitment and retention; or
 - Has specially demanding working conditions or working environments.
- g) The personal criteria are that the member has demonstrated that he is fully competent in and highly committed to his duties and responsibilities.

8) BONUS PAYMENTS

A chief officer may award a payment of between £50 and £500 to a member of his force where he is satisfied that the member concerned has performed a piece of work of an outstandingly demanding, unpleasant or important nature.

9) PLAIN CLOTHES ALLOWANCE

- a) Until 31st March 2004 a member of a police force below the rank of assistant chief constable who is required for a continuous period of not less than a week, or on 7 or more consecutive days in the case of a part-time member, to do duty in plain clothes shall be paid a plain clothes allowance at the annual rate. From 1st April 2003 to 31st March 2004 the annual rate shall be £129. For a part-time member, the annual rate shall be multiplied by the appropriate factor.
- b) Until 31st March 2004 a member of a police force below the rank of superintendent who is required to perform duties in plain clothes for not less than 40 hours in the aggregate, in any period of 6 months shall, subject to sub-paragraph (c), be paid a plain clothes allowance for these duties at an hourly rate. From 1st April 2003 to 31st March 2004 the hourly rate shall be 6.5p.

- c) For the purposes of sub-paragraph (b) and the calculation of the aggregate duration of the duties there referred to-
 - i) where the duties were performed on an occasion falling within such a continuous period of plain clothes duty as is mentioned in sub-paragraph (a), no account shall be taken of those duties;
 - ii) where the duties performed on any occasion lasted less than 4 complete hours, no account shall be taken of those duties;
 - iii) where the duties performed on any occasion lasted for a completed number of hours and a fraction of an hour, no account shall be taken of that fraction.
- d) Notwithstanding anything in sub-paragraph (a) or (b), where a member of a police force is provided with overalls when doing duty in plain clothes or for any other reason is, in the opinion of the Secretary of State, put to substantially less or substantially more than the normal expense caused by wearing his own clothes, a plain clothes allowance payable to him under sub-paragraph (a) or (b) shall be payable not at the rate determined in the paragraph in question but at such rate as may be approved by the Secretary of State having regard to the circumstances of the case.
- e) Entitlement to plain clothes allowance shall cease after 31st March 2004.

REGULATION 35
ANNEX V REFERS

Expenses

35. - (1) The Secretary of State shall determine the entitlement of members of a police force to reimbursement of any expenses incurred by such a member in or in connection with the execution of his duty.

(2) Where, in making a determination under paragraph (1), the Secretary of State specifies conditions subject to which expenses are to be reimbursed, he may in that determination confer on -

- (a) the police authority;
- (b) the chief officer,

such functions in relation to those conditions as he thinks fit.

ANNEX V

DETERMINATION FOR REGULATION 35

EXPENSES

1) REIMBURSEMENT OF MEDICAL CHARGES

- a) A member of a police force, if the charges are incurred by reason of an injury received without his default in the execution of his duty as a constable, shall be reimbursed any charges incurred in his case under section 77, 78 or 79 of the National Health Service Act 1977 (which sections relate to charges for certain drugs, medicines and appliances and for dental treatment).
- b) For the purposes of sub-paragraph (a), "injury" and "injury received in the execution of duty" have the same meanings as they have in the Police Pensions Regulations.

2) REMOVAL EXPENSES

- a) Where a member of the police force moves his home in circumstances to which this sub-paragraph applies, the police authority-
 - i) shall either reimburse the reasonably incurred cost of removal or carry out the removal;
 - ii) shall, where the member was the owner of his former home, reimburse expenses reasonably incurred by him in connection with the disposal thereof;
 - iii) shall, where the member is the owner of his new home, reimburse expenses reasonably incurred by him in connection with the acquisition thereof if-
 - (1) he was the owner of his former home, or
 - (2) the police authority, after consulting the chief officer of police, are satisfied that he could neither have been provided with a suitable house or quarters nor have been reasonably expected to find suitable rented accommodation within a reasonable distance of his normal place of duty,

so, however, that where the police authority are of opinion that the member could have acquired a suitable home for a consideration less than that actually paid, they may restrict the reimbursement of expenses directly related to the consideration paid by him to expenses which would have been reasonably incurred had he paid that lesser consideration;

- iv) shall reimburse the member payments made by him to meet relevant liabilities in respect of the first 26 weeks following the move and may, if they think fit, reimburse him such payments in respect of such further period as they may determine so, however, that where the police authority are of opinion that the member has not taken all reasonable steps to reduce or terminate his liability to make such payments as aforesaid they may restrict the reimbursement to payments which the member would have been liable to make had he taken all such steps.

- b) Sub-paragraph (a) applies where the member moves his home-
 - i) on joining the force in the rank of assistant chief constable or a higher rank; or
 - ii) except as a consequence of joining the force otherwise than on being statutorily transferred thereto, and the removal is, in the opinion of the chief officer of police, due to the exigencies of police duty or is made at the request of the chief officer of police and is, in his opinion, in the interests of the efficiency of the force.
- c) For the purposes of sub-paragraph (a)(iv) relevant liabilities are-
 - i) liabilities in respect of mortgage interest or rent payable in connection with his former home; and
 - ii) in respect of any days in respect of which he is liable to pay council tax in respect of his former home, the amount by which that tax and any council tax he is liable to pay in respect of his new home exceeds the council tax that he would have been liable to pay in respect of his former home if he had not moved from it.
- d) Where a member of a police force moves his home in consequence of his voluntarily transferring from one force to another, otherwise than in circumstances to which sub-paragraph (b) applies, the police authority of the force to which he transfers-
 - i) may either reimburse the reasonable cost of removal or carry out the removal;
 - ii) may, in the circumstances mentioned in sub-paragraph (a)(ii), reimburse the expenses there mentioned;
 - iii) may, in the circumstances and subject to the conditions mentioned in subparagraph (a)(iii), reimburse the expenses there mentioned;
 - iv) may, subject to the conditions mentioned in sub-paragraph (a)(iv), reimburse the expenses there mentioned.
- e) Where the cost of removal is reimbursed or the removal is carried out by the police authority under sub-paragraph (a) or (d) the police authority shall reimburse
 - i) an item of expenditure incidental to the move and not otherwise covered in this determination if the member can satisfy the police authority of the necessity of the expenditure.
 - ii) where he satisfies the police authority that, in consequence of the move, he has failed to benefit, in whole or in part, from expenditure reasonably incurred by him prior to the move (other than such payments as are referred to in sub paragraph (a)(iv)), the whole or the proportionate part of that expenditure so far as it is not recoverable by him.
- f) Where a member of a police force has been requested by the chief officer of police, in the interests of the efficiency of the force, to move his home, and-
 - i) the member has, in consequence, in connection with the contemplated disposal of his home and aquisition of a new home, incurred any expenses; and

- ii) he would, if he had moved his home, have been reimbursed those expenses by the police authority in pursuance of sub-paragraph (a)(i) or (iii); but
 - iii) in consequence of a subsequent decision of the chief officer of police, the member does not in fact move his home, he shall be entitled, notwithstanding that he has not moved his home, to be reimbursed those expenses by the police authority.
- g) To qualify for reimbursement, an item of removal expenditure must be necessary, reasonable and backed by a receipt.
- h) In this determination-
- i) any reference to an owner of any property is a reference to an occupier thereof whose interest therein is either a freehold interest or a leasehold interest which is neither a yearly or shorter tenancy nor a furnished tenancy, and
 - ii) any reference to expenses incurred in connection with the disposal or acquisition of any property shall be construed as including, in particular, estate agent's, auctioneer's and solicitor's fees, stamp duty and expenses in connection with the redemption, transfer or taking out of a mortgage; and any reference to expenses incurred in connection with the acquisition of any property shall be construed as also including expenses in connection with the contemplated acquisition of a property other than that acquired.

3) FOOD AND ACCOMMODATION EXPENSES

- a) When a member of a police force is necessarily prevented in the course of a tour of duty from obtaining a meal in his usual way, he shall be reimbursed the difference between the meal he then obtains and the meal he usually takes in the course of that tour of duty, provided that the additional expenditure is reasonable and backed by a receipt.
- b) When a member of a police force is retained on duty beyond his normal daily period of duty, he shall be reimbursed the cost of any meal he then necessarily obtains provided that expenditure is reasonable and backed by a receipt.
- c) A member of a police force shall be reimbursed accommodation expenses necessarily incurred in connection with duty away from his usual place of duty, or necessary because he has been retained on duty beyond his normal daily period of duty provided that the expenditure is reasonable and backed by a receipt.
- d) The usual place of duty for this purpose is the police establishment in which the member is stationed. The chief officer shall determine the date at which a member on duty away from his usual establishment becomes for the time being stationed at the place where he is temporarily on duty.
- e) A member of a police force shall, if he requests, be given an advance to cover, as far as practicable, probable expenses of duty away from his usual place of duty.

- f) In the case of a part-time member and in the case of a member working in accordance with variable shift arrangements, in sub-paragraph (a) for the words “tour of duty” and in sub-paragraph (b) for the words “normal daily period of duty”, substitute “rostered shift”.

4) TRAIN TRAVEL EXPENSES FOR CERTAIN RANKS

A member of a police force of the rank of superintendent or above who is required to travel by train in the execution of his duty shall be entitled to travel in first-class accommodation and to be reimbursed his expenses accordingly.

5) RELEVANT TRAVELLING EXPENSES

- a) This paragraph applies where a member of a police force is-
 - i) required to perform his normal daily period of duty in more than one tour of duty, or
 - ii) 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 paragraph referred to as “relevant travelling”).
- b) 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 and determinations thereunder, 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.

6) UNIVERSITY SCHOLARS

- a) This Annex shall have effect in relation to a university scholar subject to the provision contained in (b).
- b) Where a university scholar moves his home and the removal is, in the opinion of the police authority, due to his having undertaken or completed his course of study and is, in their opinion, reasonable in all the circumstances of his case, paragraph (2) shall have effect in his case as if the removal were such as is mentioned in subparagraph (a) thereof.

REGULATION 36

Continuance of allowances when member ill

36. If a member of a police force who is regularly in receipt of an allowance to meet an expense which ceases during his or her absence from duty is placed upon the sick list or is on maternity leave, the allowance shall be payable during his or her absence from duty up to a period of a month, but thereafter, during the remainder of his or her absence from duty, payment may be suspended at the discretion of the chief officer.

REGULATION 37

Allowances in respect of periods of suspension

37. This Part of these Regulations shall have effect in relation to a member of a police force suspended under the Conduct Regulations, subject to the provisions of paragraphs 2 and 3 of Schedule 2.

REGULATION 38

Replacement allowance

38. Schedule 3 shall have effect.

REGULATION 39

Restriction on payments for private employment of police

39. Without prejudice to the generality of regulation 34(2), a member of a police force who is engaged on duty at the request of any person who has agreed to pay the police authority for the member's services shall not be entitled to any payment for those services except as provided by or under these Regulations; and any payments made in pursuance of that agreement shall be made by that person to the police authority.

PART 7

RECKONING OF SERVICE

Reckoning of service in the Police Service of Northern Ireland

40. - (1) Where a member of a police force joined or rejoined that force having left the Police Service of Northern Ireland, on or after 17th December 1969, for that purpose or on exercising the right of reversion conferred prior to 1st April 1995 by section 2(1) of the Police Act 1969 and on or after that date by section 53C of the Police Act 1964 or section 97 of the Act then, for the purposes of regulation 24, his service in any rank in the Police Service of Northern Ireland shall be treated as if it were service in the corresponding rank in the police force he joined or rejoined as aforesaid:

Provided that in the case of a member of a police force of a rank higher than that of chief inspector this paragraph shall have effect subject to any contrary agreement.

(2) A member of a police force of the rank of constable shall be entitled to reckon, for the purposes of pay for that rank, any period of service in the Police Service of Northern Ireland not reckonable under paragraph (1).

(3) In this regulation, any reference to a rank corresponding to a rank in a police force is a reference to a rank in the Police Service of Northern Ireland designated by the Secretary of State for the purposes hereof as the rank corresponding to the rank in question.

REGULATION 41

Reckoning of service in the British Transport Police Force

41. - (1) Where a member of a police force joined or rejoined that force having left the British Transport Police Force, on or after 1st September 1994 then, for the purposes of regulation 24, his service in any rank in the British Transport Police Force shall be treated as if it were service in the corresponding rank in the police force he joined or rejoined as aforesaid:

Provided that in the case of a member of a police force of a rank higher than that of chief inspector this paragraph shall have effect subject to any contrary agreement.

(2) A member of a police force of the rank of constable shall be entitled to reckon, for the purposes of pay for that rank, any period of service in the British Transport Police Force not reckonable under paragraph (1).

(3) In this regulation, any reference to a rank corresponding to a rank in a police force is a reference to a rank in the British Transport Police Force designated by the Secretary of State for the purposes hereof as the rank corresponding to the rank in question.

REGULATION 42

Reckoning by constables of service in certain constabularies

42. - (1) A member of a police force of the rank of constable shall be entitled to reckon for the purposes of pay for that rank any period of service in a constabulary mentioned in paragraph (2).

(2) The constabularies referred to in paragraph (1) are -

- (a) the Ministry of Defence Police, that is to say the force established by section 1 of the Ministry of Defence Police Act 1987 or, before the coming into force of that Act, comprising constables appointed under section 3 of the Special Constables Act 1923 on the nomination of the Defence Council or, before 1st April 1964, of the Admiralty, Army Council or Air Council;
- (b) the Port of Tilbury Constabulary or, before the coming into force of the Port of Tilbury Transfer Scheme 1991 Confirmation Order 1992, 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.

REGULATION 43

Reckoning of service in an airport constabulary

43. Where a member of an aerodrome constabulary has been transferred to a police force by an order under section 30 of the Aviation Security Act 1982 then, for the purposes of regulation 24, his service in any rank in that constabulary shall be treated as if it were service in the corresponding rank in a police

REGULATION 44

Reckoning by constables of overseas police service

44. - (1) A member of a police force of the rank of constable shall be entitled to reckon for the purposes of pay for that rank the following periods of service, that is to say, any period of -

- (a) certified overseas police service such as is mentioned in paragraph (2);
- (b) certified service in the British South Africa Police such as is mentioned in paragraph (3),
- (c) such service in a police force in the Channel Islands or the Isle of Man as is mentioned in paragraph (4),

notwithstanding that such service is not service in the rank of constable in a police force in Great Britain.

(2) The reference in paragraph (1) to certified overseas police service is a reference to -

(a) continuous service as a member of a police force in any territory or country outside the United Kingdom, being a colony, protectorate or protected state within the meaning of the British Nationality Act 1948 a dependent territory within the meaning of the British Nationality Act 1981 or, where appropriate, the territory or country wherein the colony, protectorate or protected state or dependent territory was incorporated after the inception of the service, subject to it having been certified by or on behalf of the Secretary of State that -

(i) the service was, at its inception, pensionable, and

(ii) in his opinion the person concerned ceased so to serve for reasons connected with constitutional developments in the territory or country in question, or

(b) continuous service for 6 years or more as a member of a police force outside the United Kingdom, subject to it having been certified by or on behalf of the Secretary of State that -

(i) the person concerned so served under a contract of service,

(ii) immediately before he ceased so to serve, the person concerned was, for the purposes of section 12 of the Overseas Development and Co-operation Act 1980, a person designated in accordance with such an agreement as is therein mentioned, and

(iii) in his opinion the person concerned ceased so to serve for reasons connected with constitutional developments in the territory or country in question,

except that the said reference in paragraph (1) does not include a reference to service as a reversionary member of a home police force.

(3) The reference in paragraph (1) to certified service in the British South Africa Police is a reference to continuous service as a member thereof, for a period which included 11th November 1965, up to such time, on or after that date, as the person concerned ceased to perform duties therein, subject to his having ceased to perform those duties before 2nd March 1970 and subject to it having been certified by or on behalf of the Secretary of State that he approves the application of this regulation in the case of the person concerned.

(4) The reference in paragraph (1) to service in a police force in the Channel Islands or the Isle of Man is a reference to service in -

- (a) the Island police force maintained under the Police Force (Guernsey) Law 1986;
- (b) the States of Jersey police force maintained under the Jersey Laws entitled the Police Force (Jersey) Law 1974, or
- (c) the Isle of Man Constabulary maintained under the Police Act 1993 (an Act of Tynwald).

(5) A certificate given by or on behalf of the Minister of Overseas Development before 12th November 1970, shall be treated for the purposes of paragraph (2) as if it had been given by or on behalf of the Secretary of State.

PART 8

UNIFORM AND EQUIPMENT

Issue of uniform and equipment

45. The Secretary of State shall determine the circumstances in which and the conditions subject to which uniform and equipment is to be issued by the police authority to a member of a police force of the rank of constable or sergeant, and in making such a determination the Secretary of State may confer on the police authority discretion -

- (a) to specify the type of uniform and equipment to be issued;
- (b) to issue uniform and equipment to members of the police force in ranks other than constable or sergeant.

ANNEX W

DETERMINATION FOR REGULATION 45

UNIFORM

Sergeants and constables shall be entitled to receive the uniform and equipment that they need free of charge and in a clean and serviceable condition. The police authority shall determine the extent of this need. The police authority may decide to provide uniform and equipment for police force members of higher ranks. Unless other arrangements are made, such uniform and equipment remains the property of the police authority and shall be returned when the member leaves the force.

PART 9

DETERMINATIONS

Determinations

46. - (1) Before making a determination under any provision of these Regulations relating to the matters mentioned in section 61(1) of the Act, 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 Act 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.

(2) Before making a determination under any provision of these Regulations relating to any other matter, the Secretary of State shall supply the Police Advisory Board for England and Wales with a draft of the determination, and take into consideration any representations made by that Board.

(3) A determination under any provision of these Regulations for regulating pay and allowances 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 or allowances payable to any person to be reduced retrospectively.

(4) A determination under any provision of these Regulations may make different provision for different cases and circumstances.

PART 10

REVOCATIONS AND SAVINGS

Revocations and savings

47. - (1) The Regulations specified in Part 1 of Schedule 4 are revoked to the extent specified.

(2) The revocations have effect subject to the savings in Part 2 of Schedule 4.

John Denham
Minister of State

Home Office
5th March 2003

RESTRICTIONS ON THE PRIVATE LIFE OF MEMBERS OF POLICE FORCES

1. A member of a police force shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his duties or which is likely to give rise to the impression amongst members of the public that it may so interfere; and in particular a member of a police force shall not take any active part in politics.

2. A member of a police force shall not reside at premises which are not for the time being approved by the chief officer.

3. - (1) A member of a police force shall not, without the previous consent of the chief officer, receive a lodger in a house or quarters with which he is provided by the police authority or sub-let any part of the house or quarters.

(2) A member of a police force shall not, unless he has previously given written notice to the chief officer, receive a lodger in a house in which he resides and in respect of which he receives an allowance under Schedule 3 or sub-let any part of such a house.

4. A member of a police force shall not wilfully refuse or neglect to discharge any lawful debt.

EFFECT OF DISCIPLINARY ACTION ON PAY AND ALLOWANCES

1. - (1) Subject to paragraph 3, a member of a police force suspended under the Conduct Regulations who -

- (a) is detained in pursuance of a sentence of a court in a prison or other institution to which the Prison Act 1952 applies, or is in custody (whether in prison or elsewhere) between conviction by a court and sentence, or
- (b) has absented himself from duty and whose whereabouts are unknown to the chief officer (or an assistant chief officer acting as chief officer),

shall not, by virtue of regulation 24, be entitled to pay in respect of his period in detention or custody or, as the case may be, in respect of the period during which his whereabouts are unknown as aforesaid.

(2) Where the member suspended is a chief constable or other senior officer within the meaning of the Police (Conduct) (Senior Officers) Regulations 1999, sub-paragraph (1)(b) shall have effect as if for the words after "unknown" there were substituted "to the police authority".

2. Subject to paragraph 3, a member of a police force suspended under the Conduct Regulations shall not, by virtue of Part 6 of these Regulations, be entitled to any allowance, in respect of the period of suspension, other than -

- (a) an allowance under Schedule 3; or
- (b) in the case of a member to whom paragraph 1(1) does not apply, such allowance as the Secretary of State may determine.

3. Where a member of a police force returns to duty when the period of suspension comes to an end and -

- (a) it has been decided that he shall not be charged with a disciplinary offence, or
- (b) he has been so charged and all the charges have been dismissed, or
- (c) he has been so charged and has been punished by a reduction in his rate of pay, fine, reprimand or caution,

he shall receive, as from the date of his suspension, the pay to which, but for paragraph 1, and the allowances to which, but for paragraph 2, he would have been entitled by virtue of these Regulations.

4. Where a member of a police force is fined under the Conduct Regulations, the fine shall, without prejudice to any other method of recovery, be recoverable by way of deductions from the member's pay during the period of 13 weeks following the imposition of the fine so, however, that the aggregate sum which may be deducted in pursuance of this paragraph in respect of any one week (whether on account of one or more fines) shall not exceed a seventh of his weekly pay:

Provided that in the event of the member leaving the police force, the whole amount of any fine unpaid may be deducted from any pay then due.

ANNEX U

DETERMINATION FOR REGULATION 34 FOR SCHEDULE 2

ALLOWANCES

1) MOTOR VEHICLE ALLOWANCES

- a) Where the chief officer is of opinion that the duties normally performed by a member of a police force are of such a nature that it is-
- i) essential, or
 - ii) desirable,

that the member in question should, at all material times, have a motor vehicle at his disposal, he may authorise that member to use (subject to his directions) a motor vehicle owned by the member for the purposes of duties performed by him and, subject to the following provisions of this determination, in respect of such use the member shall be paid a motor vehicle allowance. Use of a motor vehicle during travelling time which is treated as duty in accordance with a determination under regulation 22(1)(e) shall be treated as use for the purposes of duties performed by the member.

- b) A motor vehicle allowance shall not be payable in respect of the authorised use of a motor vehicle unless there was in force in relation thereto a policy of insurance in terms approved by the police authority, in relation to the use in question, for the purposes thereof.
- c) A motor vehicle allowance shall not be payable in respect of the authorised use of a motor car of a cylinder capacity exceeding 500 c.c. unless the member concerned was willing to carry passengers for the purposes of the duties performed by him or, in the case of passengers being members of a police force, by those members.
- d) A motor vehicle allowance in respect of the authorised use of a motor car of a cylinder capacity exceeding 500 c.c. shall, subject as aforesaid, be payable-
- i) where the chief officer of police is of the opinion mentioned in subparagraph (a)(i), at the essential user's rate;
 - ii) where the chief officer of police is of the opinion mentioned in subparagraph (a)(ii), at the casual user's rate,

as provided in sub-paragraphs (e) and (f) .

Provided that where the member concerned holds a rank above that of chief superintendent he may instead be paid a flat-rate motor vehicle allowance at such annual rate as is determined by the police authority on such basis as is approved by the Secretary of State.

- e) i) Subject to the following provisions of this determination, the amount of a motor vehicle allowance payable at the essential user's rate shall in any year comprise a fixed element and a mileage element calculated as provided in sub-paragraphs (ii) and (iii).

- ii) The fixed element shall be calculated by reference to the number of completed months comprised in the period of authorised use for the year in question at the annual rate specified in sub-paragraph (g) by reference to the cylinder capacity of the motor car in question.
- iii) The mileage element shall be calculated in relation to authorised use at the rate specified in sub-paragraph (g) by reference to the cylinder capacity of the motor car in question, and for that purpose sub-paragraph (g) so specifies:
- (1) a basic rate, in relation to authorised use not exceeding the mileage specified in sub-paragraph (g) (“the basic mileage”), and
 - (2) a reduced rate in relation to authorised use in excess of the basic mileage.
- (f) A motor vehicle allowance in respect of the authorised use of-
- (i) a motor car of a cylinder capacity not exceeding 500 c.c., or
 - (ii) a motor bicycle,
- shall, subject as aforesaid, be payable on such conditions and at such rate as is approved by the Secretary of State.
- g) Rates, with effect from 1 April 2002

| | 451-999cc | 1000-1199cc | 1200-1450cc |
|--|------------------|--------------------|--------------------|
| Essential users | | | |
| Lump sum per annum | £657 | £735 | £945 |
| Per mile - first 8,500 miles | 28.1p | 31.2p | 38.3p |
| Per mile - after 8,500 miles | 10.1p | 11.1p | 12.4p |
| Petrol element per mile | 6.631p | 7.073p | 7.763p |
| Amount of VAT per mile in petrol element | 0.988p | 1.053p | 1.156p |
| Casual users | | | |
| Per mile - first 8,500 miles | 35.8p | 39.9p | 49.4p |
| Per mile - after 8,500 miles | 10.1p | 11.1p | 12.4p |
| Petrol element per mile | 6.631p | 7.073p | 7.763p |
| Amount of VAT per mile in petrol element | 0.988p | 1.053p | 1.156p |

- h) Where in any year a motor vehicle allowance is payable at the essential user's rate it shall be payable in such instalments, in advance or in arrears, as the police authority may determine; but when the amount of the allowance for that year is finally calculated, any over-payment shall be recoverable.
- i) Where in any year a motor vehicle allowance is payable at the essential user's rate to a member of a police force and the member is on sick leave, or maternity leave, or the motor car in question is out of order, for a continuous period of four or more weeks in that year the allowance shall be reduced by such amount as the police authority, with the approval of the Secretary of State, determines as being appropriate in all the circumstances.

- j) Where in any year a motor vehicle allowance is payable at the essential user's rate but the period of authorised use is a fraction only of that year, sub-paragraph (e)(iii) shall have effect as if for the reference to the basic mileage there were substituted a reference to the corresponding fraction of that mileage; and for the purposes of this paragraph the monthly rate of the fixed element of such an allowance so payable shall be taken to be a twelfth of the annual rate.
- k) The amount of a motor vehicle allowance payable at the casual user's rate shall in any year be an amount calculated in relation to the mileage of authorised use in that year at the rate specified in sub-paragraph (g) by reference to that mileage and the cylinder capacity of the motor car in question, except that where the amount of the allowance would be less if it were calculated at the essential user's rate, it shall be of an amount calculated in accordance with sub-paragraph (e).
- l) The amount of a motor vehicle allowance payable to a member of a police force shall not exceed that which would be payable if the vehicle in question were of such a cylinder capacity, not being less than 1,000 c.c., as the chief officer of police, with the approval of the police authority, has determined appropriate for use for the purposes of the duties normally performed by the member concerned.
- m) In its application to a chief officer of police this determination shall have effect as if any reference therein to that officer were a reference to the police authority.
- n) For the purposes of this determination-
- “authorised use” means the use, authorised under sub-paragraph (a), of a motor vehicle owned by the member of a police force concerned for the purposes of his duties as a member of that force or, where he has been statutorily transferred from one force to another force, as a member of either of those forces, and
- “period of authorised use” means the period during which such use is authorised;
- “cylinder capacity” means the cylinder capacity of the engine of a vehicle calculated in accordance with regulations under paragraph 2(4) of Schedule 1 to the Vehicle Excise and Registration Act 1994;
- “motor bicycle” means a mechanically propelled bicycle (including a motor scooter, a bicycle with an attachment for propelling it by mechanical power and a mechanically propelled bicycle used for drawing a sidecar);
- “motor car” means a mechanically propelled vehicle other than a motor bicycle and, accordingly, includes a mechanically propelled tricycle;
- “year” means a period of twelve months beginning on such date as may be determined by the police authority;
- and a reference to a motor vehicle owned by a member of a police force is a reference to such a vehicle kept and used by him.

2) DOG HANDLER'S ALLOWANCE

- a) Where a dog owned by the police authority is kept and cared for by a member of a police force at his home, the member shall be paid a dog handler's allowance in respect of the care accorded to the dog on the member's rest days and on public holidays.

- b) For this purpose the member shall be treated as keeping and caring for a dog at his home if he would be doing so but for his being on annual leave.
- c) The annual rate of this allowance with effect from 1 September 2002 is £1,710.
- d) Where the member keeps and cares for at his home more than one dog owned by the police authority, there shall be added to the allowance an amount equal to 25 per cent of the sum specified in sub-paragraph (c) for each such dog.

3) LONDON ALLOWANCE

- a) A member of the City of London or metropolitan police force shall be paid a London allowance at the rate of:
 - i) £4,338 a year if appointed on or after 1 September 1994 and not receiving a replacement allowance under Schedule 3;
 - ii) £1,011 a year in other cases.
- b) A part-time member of the City of London or metropolitan police force shall be paid a London allowance of:
 - i) (£4,338 multiplied by 6/12520) an hour if appointed on or after 1 September 1994 and not receiving a replacement allowance under Schedule 3;
 - ii) (£1,011 multiplied by 6/12520) an hour in other cases.
- c) A member of the City of London or metropolitan police force suspended under the Conduct Regulations, other than a member to whom paragraph 1(1) of Schedule 2 applies, shall be entitled to receive the London allowance.

4) LONDON TRANSITIONAL SUPPLEMENT

- a) A member of the City of London or metropolitan police force who joined before 1 September 1994 and receives an allowance being:
 - i) at half rate, a replacement allowance equivalent to a housing allowance under regulation 49 of the 1987 Regulations as it had effect before 1 September 1994, or
 - ii) at flat rate, a replacement allowance equivalent to a transitional rent allowance under regulation 49B of the 1987 Regulations as it had effect before 1 September 1994 shall be paid an allowance at the rate of £1000 a year.
- b) A part-time member of the City of London or metropolitan police force who joined before 1 September 1994 and receives an allowance as at (a)(i) or (ii) shall be paid an allowance of (£1000 multiplied by 6/12520) an hour.
- c) Payment shall cease if the member moves to the full rate of replacement allowance.

5) SOUTH EAST ENGLAND ALLOWANCE

- a) A member of the Essex, Hertfordshire, Kent, Surrey or Thames Valley constabulary shall be paid an allowance at the rate of £2,000 a year if appointed on or after 1 September 1994 and not receiving a replacement allowance under Schedule 3.
- b) A member of the Bedfordshire, Hampshire or Sussex constabulary shall be paid an allowance at the rate of £1,000 a year if appointed on or after 1 September 1994 and not receiving a replacement allowance under Schedule 3.
- c) A part-time member of the Essex, Hertfordshire, Kent, Surrey or Thames Valley constabulary shall be paid an allowance of (£2000 multiplied by 6/12520) an hour if appointed on or after 1 September 1994 and not receiving a replacement allowance under Schedule 3.
- d) A part-time member of the Bedfordshire, Hampshire or Sussex constabulary shall be paid an allowance of (£1000 multiplied by 6/12520) an hour if appointed on or after 1 September 1994 and not receiving a replacement allowance under Schedule 3.

6) SOUTH EAST ENGLAND TRANSITIONAL SUPPLEMENT

- a) A member of the Hertfordshire, Kent or Surrey constabulary who joined the police service before 1 September 1994 and receives an allowance at the rate of less than £2,000 a year being:
 - i) at half rate, a replacement allowance equivalent to a housing allowance under regulation 49 of the 1987 Regulations as it had effect before 1 September 1994, or
 - ii) at flat rate a replacement allowance equivalent to a transitional rent allowance under regulation 49B of the 1987 Regulations as it had effect before 1 September 1994 shall be paid a supplementary allowance at the rate of the difference between £2000 and the replacement allowance that he is receiving.
- b) A part-time member of the Hertfordshire, Kent or Surrey constabulary who joined before 1 September 1994 and receives an allowance as at (a)(i) or (ii) shall be paid a supplementary allowance at the hourly rate of the difference between (£2000 multiplied by 6/12520) and the hourly rate of the replacement allowance that he is receiving.
- c) Payment shall cease if the member moves to the full rate of replacement allowance.

7) SPECIAL PRIORITY PAYMENTS

- a) A member in a qualifying post in his force's special priority payment scheme who meets the personal criteria in sub-paragraph (f) below shall be paid an allowance (special priority payment).
- b) The annual amount for each qualifying post shall be determined by the chief officer and the police authority. The amount shall normally be no less than £500 and no more than £3,000, although exceptionally, annual amounts of up to £5,000 may be determined.

- c) The payment will be made as a single non-pensionable lump sum in December of each year commencing in 2003
- d) In December 2003, a member who is entitled to a special priority payment shall be paid an amount
- i) equal to three quarters of the annual amount for the qualifying post when the member has been in the post from 1 April to 31 December 2003, or,
 - ii) in other cases, a fraction of the amount in sub-paragraph (i) corresponding to the fraction of the period from 1 April to 31 December 2003 during which the member has been in the post
- e) In December 2004 and in subsequent years, a member who is entitled to a special priority payment shall be paid an amount
- i) equal to the annual amount for the qualifying post when the member has been in post from 1 January to 31 December in that year, or
 - ii) in other cases, a fraction of the amount in sub-paragraph (i) corresponding to the fraction of the period from 1 January to 31 December during which the member has been in the post.
- f) In agreeing the qualifying posts for the force's special priority payment scheme, the chief officer and police authority shall have regard to the following criteria in respect of any post, that it:
- Carries a significantly higher responsibility level than the norm for the rank; or
 - Presents particular difficulties in recruitment and retention; or
 - Has specially demanding working conditions or working environments.
- g) The personal criteria are that the member has demonstrated that he is fully competent in and highly committed to his duties and responsibilities.

8) BONUS PAYMENTS

A chief officer may award a payment of between £50 and £500 to a member of his force where he is satisfied that the member concerned has performed a piece of work of an outstandingly demanding, unpleasant or important nature.

9) PLAIN CLOTHES ALLOWANCE

- a) Until 31st March 2004 a member of a police force below the rank of assistant chief constable who is required for a continuous period of not less than a week, or on 7 or more consecutive days in the case of a part-time member, to do duty in plain clothes shall be paid a plain clothes allowance at the annual rate. From 1st April 2003 to 31st March 2004 the annual rate shall be £129. For a part-time member, the annual rate shall be multiplied by the appropriate factor.
- b) Until 31st March 2004 a member of a police force below the rank of superintendent who is required to perform duties in plain clothes for not less than 40 hours in the aggregate, in any period of 6 months shall, subject to sub-paragraph (c), be paid a plain clothes allowance for these duties at an hourly rate. From 1st April 2003 to 31st March 2004 the hourly rate shall be 6.5p.

- c) For the purposes of sub-paragraph (b) and the calculation of the aggregate duration of the duties there referred to-
 - i) where the duties were performed on an occasion falling within such a continuous period of plain clothes duty as is mentioned in sub-paragraph (a), no account shall be taken of those duties;
 - ii) where the duties performed on any occasion lasted less than 4 complete hours, no account shall be taken of those duties;
 - iii) where the duties performed on any occasion lasted for a completed number of hours and a fraction of an hour, no account shall be taken of that fraction.
- d) Notwithstanding anything in sub-paragraph (a) or (b), where a member of a police force is provided with overalls when doing duty in plain clothes or for any other reason is, in the opinion of the Secretary of State, put to substantially less or substantially more than the normal expense caused by wearing his own clothes, a plain clothes allowance payable to him under sub-paragraph (a) or (b) shall be payable not at the rate determined in the paragraph in question but at such rate as may be approved by the Secretary of State having regard to the circumstances of the case.
- e) Entitlement to plain clothes allowance shall cease after 31st March 2004.

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) Where a member of the British Transport Police Force in receipt of a housing allowance transfers on or after 1st September 1994 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.

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

(6) "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.

(7) "Housing emoluments" means a housing allowance paid to members of the British Transport Police Force or any one or more of the following kinds of payments under the revoked provisions 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.

(8) "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.

(9) "The 1987 Regulations" means the Police Regulations 1987.

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.

(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 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.

REVOCATIONS AND SAVINGS**PART 1****REVOCATIONS**

| Instruments Revoked | References | Extent of revocation |
|---|-------------------|-----------------------------|
| The Police Regulations 1995 | S.I. 1995/215 | The whole Regulations |
| The Police (Amendment) Regulations 1995 | S.I. 1995/547 | The whole Regulations |
| The Police (Amendment No. 2) Regulations 1995 | S.I. 1995/2020 | The whole Regulations |
| The Police (Amendment) Regulations 1996 | S.I. 1996/699 | The whole Regulations |
| The Police (Amendment) Regulations 1998 | S.I. 1998/493 | The whole Regulations |
| The Police Pensions (Amendment) Regulations 1998 | S.I. 1998/577 | Regulation 5(4) |
| The Police (Efficiency) Regulations 1999 | S.I. 1999/732 | Regulation 23 |
| The Greater London Authority Act 1999 (Consequential Amendments) (Police) Order 2000 | S.I. 2000/1549 | Article 4 |
| The Police (Amendment) Regulations 2000 | S.I. 2000/2013 | The whole Regulations |
| The Police (Amendment) Regulations 2001 | S.I. 2001/3293 | The whole Regulations |
| The Criminal Justice and Police Act 2001 (Consequential Amendments) (Police Ranks) Regulations 2001 | S.I. 2001/3888 | Regulation 3 |
| The Police (Amendment) Regulations 2002 | S.I. 2002/1758 | The whole Regulations |
| The Police (Amendment) (No.2) Regulations 2002 | S.I. 2002/2529 | The whole Regulations |
| The Police (Amendment) (No.3) Regulations 2002 | S.I. 2002/3162 | The whole Regulations |

PART 2**SAVINGS**

In relation to a person performing part-time service in the rank of inspector or chief inspector pursuant to an appointment in the rank in question made under regulation 8A of the Police Regulations 1987 before 1st September 1994, these Regulations, and any determination made thereunder, shall have effect as if, for all purposes except that of determining pay, the appointment had been in a rank lower than inspector.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations (which extend to England and Wales) replace the Police Regulations 1995 as amended by the regulations specified in Part 1 of Schedule 4 ("the 1995 Regulations"). The amendments, other than drafting amendments, made by these Regulations are as follows.

Regulations 11 (appointment of senior officers), 12 (probationary service), 14 (retirement), 22 (duty), 25 (overtime), 26 (public holidays and rest days), 27 (temporary salary and temporary promotion), 28 (sick pay), 29 (maternity pay), 30 (fixing of pay day and calculation of pay), 32 (university scholars), 33 (leave), 34 (allowances), 35 (expenses) and 45 (uniform and equipment) provide for the determination by the Secretary of State of certain matters prescribed by the 1995 Regulations. Such determinations, together with determinations under regulation 24 (pay), are subject to the provisions of regulation 46.

Regulation 33 makes new provision for parental and adoption leave and for time off for dependants, and replaces provision in the 1995 Regulations for paternity leave with provision for maternity support leave.

Regulations 8, 23 and 71 of the 1995 Regulations (which provided for the division of police areas into beats, sections and divisions, and for work which is not to be performed by members of police forces and made temporary provision about deputy chief constables) are not reproduced.