STATUTORY INSTRUMENTS

1965 No. 1722

POLICE

ENGLAND AND WALES

The Police (Amendment) (No. 2) Regulations 1965

Made - - - -	*17th September* 1965
Laid before Parliament	*24th September* 1965
Coming into Operation	*1st October* 1965

In exercise of the powers conferred on me by section 33 of the Police Act 1964(a), and after consulting the Police Council for Great Britain in accordance with section 45(4) of that Act, I hereby make the following Regulations:—

1. After Regulation 38 of the Police Regulations 1965(b) there shall be inserted the following Regulation:—

"*Application of Regulations 37 and 38 to members of regional crime squads*

38A.—(1) This Regulation shall apply to a member of a police force who is assigned to duty with a regional crime squad established in pursuance of a collaboration agreement made under section 13 of the Police Act 1964.

(2) Where a member of a police force to whom this Regulation applies moves his home and the removal is in the opinion of the appropriate committee of chief officers of police due to the exigencies of police duty or is made at the request of that committee and is, in their opinion, in the interest of the efficiency of the crime squad concerned, then notwithstanding the provisions of Regulation 37, the rent allowance to be paid to him shall be that which would be payable to him under that Regulation if he was a member of the force of the police area in which his home is for the time being situate.

(3) Where a member of a police force to whom this Regulation applies, being a widower with a child or children or a married man, is not living with his family and in the opinion of the appropriate committee of chief officers of police the only reason why he is not so living is that he could not conveniently return daily to the family home, then,—

(*a*) notwithstanding the provisions of paragraph (1)(*c*) of Regulation 38, that Regulation shall apply to him;

(*b*) Regulation 38(2) shall have effect in his case as if the word 'he were a member of the force of the police area in which his family are for the time being living and' were omitted, and

(*c*) where, if he were a member of the force of the police area in which he is for the time being living and entitled to a flat rate allowance

(a) 1964 c. 48. (b) S.I. 1965/538 (1965 I, p. 1555).

under Regulation 37, that allowance would be payable at a higher rate than 25s. 0d. a week, Regulation 38(3)(*b*) shall have effect in his case as if for the rate of 25s. 0d. a week there were substituted that higher rate.

(4) In this Regulation any reference to the appropriate committee of chief officers of police is a reference to the chief officers of police who are parties to the collaboration agreement referred to in paragraph (1) or such one or more of their number as they may have designated to act on their behalf for the purposes of this Regulation.".

2.—(1) For Regulation 44 of the said Regulations of 1965 (which relates to plain clothes allowances) there shall be substituted the following Regulation:—

"*Plain clothes allowances*

44.—(1) A member of a police force who is required for a continuous period of not less than a week to do duty in plain clothes shall be paid a plain clothes allowance.

(2) A plain clothes allowance payable under paragraph (1) in respect of duty performed on or after 1st May 1965 shall be payable at the rate of—

(*a*) £49 a year, in the case of a superintendent;

(*b*) £46 a year, in the case of an inspector;

(*c*) 15s. 6d. a week, in the case of a sergeant;

(*d*) 14s. 6d. a week, in the case of a constable.

(3) An inspector, sergeant or constable required to perform duties in plain clothes for not less than 48 hours in the aggregate in any period of 6 months ending on or after 1st August 1965 shall be paid a plain clothes allowance in respect of such duties:

Provided that for the purposes of calculating the said aggregate—

(*a*) where the duties were performed on an occasion falling within such a continuous period of plain clothes duty as is mentioned in paragraph (1), no account shall be taken of those duties;

(*b*) where the duties were performed before 1st May 1965 on a day in respect of which an allowance was payable by virtue of paragraph (3) of this Regulation as originally made or by virtue of proviso (i) to Regulation 34 of the Police Regulations 1952(**a**), no account shall be taken of those duties;

(*c*) where the duties performed on any occasion lasted less than 4 completed hours or, where they were performed before 1st May 1965, less than a day, no account shall be taken of those duties;

(*d*) no account shall be taken of duties performed by an inspector before 1st May 1965;

(*e*) a day's duty performed before 1st May 1965 shall be treated as consisting of duties lasting 8 completed hours;

(*f*) 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.

(**a**) S.I. 1952/1704 (1952 II, p. 2480).

(4) A plain clothes allowance payable under paragraph (3) shall be payable at the rate of—

(*a*) 5d. an hour, in the case of an inspector;

(*b*) 4½d. an hour, in the case of a sergeant;

(*c*) 4d. an hour, in the case of a constable.

(5) Notwithstanding anything in paragraph (2) or (4), 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 paragraph (1) or (3) shall be payable at such rate as may be approved by the Secretary of State.".

(2) This Regulation shall have effect as from 1st May 1965.

3. After Regulation 48 of the said Regulations of 1965 there shall be inserted the following Regulation:—

"*Motor vehicle allowances*

48A.—(1) Where a member of a police force is authorised by the chief officer of police to use a motor vehicle owned by him for the purposes of duties performed by him, he shall in respect of such use be paid a motor vehicle allowance as hereinafter provided:

Provided that such an allowance shall not be payable in respect of such use 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 hereof.

(2) Where the authorised use is for the purposes of duties normally performed by the member in question and from time to time performed by him, the allowance shall be a normal rate vehicle allowance and shall be payable in accordance with Parts I and III of Schedule 8:

Provided that where the member concerned is of, or above, the rank of superintendent, or where, by reason that the period for which the vehicle is held available for use as aforesaid substantially exceeds the period of actual use, an allowance in accordance with the said Parts I and III would not, in the opinion of the police authority, constitute an appropriate contribution towards the cost to the member of the vehicle and his expenditure in connection therewith, he may instead be paid a flat rate vehicle allowance at an annual rate determined by the police authority with the approval of the Secretary of State.

(3) Where the authorised use is for the performance of duties on a particular occasion or occasions, the allowance shall be an occasional rate vehicle allowance and shall be payable in accordance with Parts II and III of Schedule 8; and such use may be authorised for the purposes of this Regulation notwithstanding that it has already occurred.

(4) In this Regulation 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.".

4.—(1) In paragraph 1 of Schedule 2 to the said Regulations of 1965 sub-paragraph (2) (which relates to annual leave in a year which began before 1st July 1964) shall be omitted.

(2) At the end of paragraph 2 of the said Schedule 2 (which relates to annual leave in the year in which a member of a police force is appointed, is promoted, retires or completes 10 years' service) there shall be added the following proviso:—

"Provided that where a member of a police force is promoted or completes 10 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 10 years' relevant service at the beginning of that month's service.".

5.—(1) For paragraph 2(1)(*b*) of Part I of Schedule 3 to the said Regulations of 1965 (which provides that a constable who has attained the age of 22 years shall be entitled to a special scale of pay if his service includes 30th November 1964) there shall be substituted the following provision:—

"(*b*) begins on or before 30th November 1964,".

(2) For paragraph 2(1)(*b*) of Part II of the said Schedule 3 (which makes similar provision in the case of a woman constable) there shall be substituted the following provision:—

"(*b*) begins on or before 30th November 1964,".

(3) This Regulation shall have effect as from 1st April 1965.

6.—(1) For the Table to paragraph 1 of Schedule 5 to the said Regulations of 1965 (which relates to subsistence, refreshment and lodging allowances) there shall be substituted the following Table:—

"Description of Allowance	Superintendents	Inspectors	Sergeants and Constables
	s. d.	s. d.	s. d.
Refreshment Allowance:			
(i) for one meal	6 6	6 0	5 6
(ii) for two meals	9 6	8 6	7 9
Subsistence Allowance:			
Period of retention or engagement on duty—			
(i) over 5 hours and not exceeding 8 hours	9 6	8 6	7 9
(ii) over 8 hours and not exceeding 12 hours	14 0	12 6	10 9
(iii) over 12 hours and not exceeding 24 hours	24 0	20 6	18 0
(iv) over 24 hours—at the rate under (iii) above for each complete period of 24 hours' retention or engagement, together with whichever is the appropriate amount under the preceding provisions of this Table for any excess over the aggregate of such complete periods.			
Lodging Allowance—for each night ...	43 0	33 0	30 0"

(2) This Regulation shall have effect as from 1st September 1965.

7. After Schedule 7 to the said Regulations of 1965 there shall be added the following Schedule:—

"SCHEDULE 8

Regulation 48A

MOTOR VEHICLE ALLOWANCES

PART I

NORMAL RATE

1. Subject as hereafter in this Schedule provided, the amount of a normal rate vehicle allowance shall be calculated, by reference to the authorised use in a year expressed in miles, at the rate per mile set opposite the description and cylinder capacity of the vehicle in question in the following Table :—

(*a*) in the case of a motor car of a cylinder capacity exceeding 500 c.c., in relation to the first 7,200 miles of authorised use, in the third column thereof and, in relation to any further authorised use, in the fourth column thereof ;

(*b*) in the case of any other motor vehicle, in the third column thereof :—

TABLE

Motor vehicle			Rate per mile	
Description		Cylinder capacity	Basic rate	Reduced rate over 7,200 miles
Motor car	...	2,000 c.c. or more	10¾d.	4½d.
„	...	1,200 c.c. or more but less than 2,000 c.c.	9d.	4½d.
„	...	1,000 c.c. or more but less than 1,200 c.c.	7¾d.	3½d.
„	...	Exceeding 500 c.c. but less than 1,000 c.c.	7¼d.	3d.
„	...	Not exceeding 500 c.c.	4d.	—
Motor cycle	...	Exceeding 500 c.c.	4d.	—
„	...	Exceeding 150 c.c. but not exceeding 500 c.c.	3d.	—
„	...	Exceeding 120 c.c. but not exceeding 150 c.c.	2½d.	—
„	...	Not exceeding 120 c.c.	2d.	—

2. The amount of a normal rate vehicle allowance shall not exceed that which would be payable if the vehicle in question were of such a description and cylinder capacity as the chief officer of police, with the approval of the police authority, has determined appropriate for use for the purposes of the duties in question.

3. Where for a period ending immediately before 1st October 1965 a member of a police force has been paid a mileage allowance, approved by the Secretary of State for the purposes of Regulation 35, in respect of his use, for the purposes mentioned in Regulation 48A(2), of a motor vehicle owned by him (within the meaning of Regulation 48A) then, so long as he continues to use the same motor vehicle, any normal rate vehicle allowance payable to him for a period ending before 1st October 1967 shall be calculated in the manner provided in paragraphs 1 and 2 or in the like manner as his former allowance was calculated, whichever is the more favourable in his case.

PART II

OCCASIONAL RATE

Subject as hereafter in this Schedule provided, the amount of an occasional rate vehicle allowance shall be calculated, by reference to the authorised use expressed in miles—

(*a*) in the case of a motor bicycle of a cylinder capacity not exceeding 500 c.c., at the rate of 2½d. a mile;

(*b*) in the case of any other motor vehicle at the rate of 3½d. a mile.

PART III

PASSENGER SUPPLEMENT AND INTERPRETATION

1.—(1) Where in the course of the authorised use of a motor car or of a motor bicycle used for drawing a sidecar a member of a police force carries a passenger either for the purposes of the duties performed by the member or, where the passenger is himself a member of a police force, by the passenger, then, subject to sub-paragraph (2), the vehicle allowance payable to him shall be supplemented, in respect of each passenger—

(*a*) in the case of a normal rate vehicle allowance, by ½d. for each mile that he is so carried;

(*b*) in the case of an occasional rate vehicle allowance, by 1d. for each mile that he is so carried.

(2) A normal rate vehicle allowance calculated otherwise than in accordance with paragraphs 1 and 2 of Part I of this Schedule, by virtue of paragraph 3 thereof, shall not be supplemented under this paragraph.

2. For the purposes of this Schedule the following expressions have the meanings hereby respectively assigned to them:—

'authorised use' means use for such purposes as are mentioned in paragraph (2) or, as the case may be, paragraph (3) of Regulation 48A in respect of which a normal or occasional rate vehicle allowance is payable;

'cylinder capacity' means the cylinder capacity of the engine of a vehicle calculated in accordance with the regulations from time to time in force under the Vehicles (Excise) Act 1962(a);

'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 12 months beginning on 1st October.".

8. Where for any period beginning on or after 1st December 1964 and ending before the coming into operation of the said Regulations of 1965, that is to say before 1st April 1965, the pay of a member of a police force holding the rank of constable was less than it would have been if for Regulation 23(1A)(*b*) of the Police Regulations 1952, as set out in Regulation 1 of the Police (Amendment) (No. 4) Regulations 1964(b), (which provided that a constable who had attained the age of 22 years should be

(a) 10 & 11 Eliz. 2. c. 13. (b) S.I. 1964/1894 (1964 III, p. 4219).

entitled to a special scale of pay if his or her service included 30th November 1964) there had been substituted the following provision:—

"(*b*) begins on or before 30th November 1964,",

then he shall be entitled to the difference by way of an increase of pay for that period.

9.—(1) These Regulations may be cited as the Police (Amendment) (No. 2) Regulations 1965.

(2) These Regulations shall come into operation on 1st October 1965 and, subject to the provisions thereof, shall have effect as from that date.

Frank Soskice,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
17th September 1965.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations (other than Regulation 8) amend the Police Regulations 1965.

Regulation 1 modifies the provisions relating to rent allowances in their application to members of regional crime squads.

Regulation 2, which has effect from 1st May 1965, increases the rates of plain clothes allowances, relaxes the conditions under which an allowance is payable in respect of occasional plain clothes duty and extends the entitlement to an allowance so payable to inspectors.

Regulations 3 and 7 provide that a member of a police force shall be paid an allowance in respect of the authorised use, for the purposes of duty, of a motor vehicle owned by him.

Regulation 4(1) revokes a provision applicable to the calculation of leave in a year which began before 1st July 1964. Regulation 4(2) makes additional provision applicable to the calculation of leave in the year in which a member of a police force is promoted or completes 10 years' service.

Constables whose period of service includes 30th November 1964 are entitled, if they have attained the age of 22 years, to be paid at the special rate applicable to those whose period of service begins after that date and after attaining that age. Regulation 5, which has effect from 1st April 1965, extends this entitlement to constables with broken service who were not serving on 30th November 1964 but whose period of service begins before that date. Regulation 8 makes similar provision as respects the period 1st December 1964 to 1st April 1965 (when the Police Regulations 1965 came into operation).

Regulation 6, which has effect from 1st September 1965, increases the rates of subsistence, refreshment and lodging allowances.

The Regulations come into operation and have effect as from 1st October 1965 except that, as mentioned above, the provisions of Regulations 2, 5, 6, and 8 have retrospective effect. (Section 33(4) of the Police Act 1964 provides that Regulations increasing pay or allowances may be made with such effect.).