STATUTORY INSTRUMENTS

1968 No. 766

POLICE

ENGLAND AND WALES

The Police (Amendment) (No. 2) Regulations 1968

Made - - -	13*th May* 1968
Laid before Parliament	21*st May* 1968
Coming into Operation	1*st June* 1968

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. In Regulation 25 of the principal Regulations (which relates to rates of pay) after paragraph (3) there shall be inserted the following paragraph :—

'(3A) Where a member of a combined police force has been a member of a police force for an area comprised in whole or in part in the combined area (hereafter in this paragraph referred to as "the former force") and—

(*a*) he ceased to be a member of the former force and became a member of the combined force by reason only of the provisions of one or more amalgamation schemes under the Police Act 1964, and

(*b*) immediately before he ceased to be a member of the former force he held the office of deputy chief constable,

then, notwithstanding anything in paragraph (1), his pay may be increased by such amount as may be approved by the Secretary of State.'.

2. For Regulation 48 of the principal Regulations (which relates to motor vehicle allowances) there shall be substituted the following Regulation :—

"*Motor vehicle allowances*

48.—(1) Where the chief officer of police is of opinion that the duties normally performed by a member of a police force are of such a nature that it is—

(*a*) essential, or

(*b*) 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 as hereinafter provided, in respect of such use the member shall be paid a motor vehicle allowance.

(**a**) 1964 c. 48.

(2) 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 hereof.

(3) 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.

(4) 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—

(*a*) where the chief officer of police is of the opinion mentioned in paragraph (1)(*a*), at the essential user's rate;

(*b*) where the chief officer of police is of the opinion mentioned in paragraph (1)(*b*), at the casual user's rate,

as provided in Schedule 6:

Provided that where the member concerned holds the office of deputy chief constable or a rank above that of superintendent he may instead be paid a flat rate motor vehicle allowance at such annual rate as is determined by the police authority with the approval of the Secretary of State.

(5) A motor vehicle allowance in respect of the authorised use of—

(*a*) a motor car of a cylinder capacity not exceeding 500 c.c., or

(*b*) a motor bicycle,

shall, subject as aforesaid, be payable on such conditions and at such rate as is approved by the Secretary of State.

(6) In its application to a chief officer of police this Regulation shall have effect as if any reference therein to that officer were a reference to the police authority.

(7) Paragraph 4 of Schedule 6 shall have effect for the purposes of the interpretation of this Regulation.".

3. For Regulation 54(2), (3) and (4) of the principal Regulations (which provide for the payment of temporary duty allowances to members of police forces below the rank of superintendent) there shall be substituted the following provisions:—

'(2) A member of a police force below the rank of superintendent who, in any year, has been required to perform duties normally performed by a member of the force of a higher rank than his own for 14 complete days shall be granted, in respect of each further complete day in that year on which he is required to perform such duties, a temporary duty allowance at a rate equal to the difference between his rate of pay and the lowest rate of pay for the higher rank.

(3) For the purposes of this Regulation the expression "year" means a period of 12 months beginning on 1st April.'.

4. For Schedule 6 to the principal Regulations (which relates to motor vehicle allowances) there shall be substituted the Schedule set out in the Appendix hereto.

5. In these Regulations any reference to the principal Regulations is a reference to the Police Regulations 1968(**a**), as amended (**b**).

6.—(1) These Regulations shall come into operation on 1st June 1968 and shall have effect in accordance with the next following paragraph.

(2) These Regulations shall have effect—

(*a*) for the purposes of Regulation 1, as from their coming into operation ;

(*b*) for the purposes of Regulations 2 and 4, as from 1st May 1968 except that if, in the circumstances of a particular case, a motor vehicle allowance in respect of the use of a motor vehicle on or after that date but before the coming into operation of these Regulations, payable in accordance with the provisions of Regulation 48 of, and Schedule 6 to, the principal Regulations, as amended by these Regulations, is less than it would have been if payable in accordance with the said provisions, as originally made, the allowance in respect of such use shall be payable in accordance with the said provisions as originally made, and

(*c*) for the purposes of Regulation 3, as from 1st April 1968 except that nothing therein shall affect the entitlement of a member of a police force to a temporary duty allowance under Regulation 54(2) of the principal Regulations, as originally made, in respect of a day on or after that date but before the coming into operation of these Regulations, but where a member of a police force is so entitled no account shall be taken of that day for the purposes of Regulation 54(2) of the principal Regulations, as amended by these Regulations.

7. These Regulations may be cited as the Police (Amendment) (No. 2) Regulations 1968.

James Callaghan,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
13th May 1968.

(**a**) S.I. 1968/26 (1968 I, p. 38).
(**b**) The amending Regulations are not relevant to the subject matter of these Regulations.

APPENDIX

SCHEDULE 6

Regulation 48

MOTOR VEHICLE ALLOWANCES IN RESPECT OF MOTOR CARS

1.—(1) Subject as hereinafter provided, the amount of a motor vehicle allowance payable at the essential user's rate shall in any year comprise—

(*a*) a fixed element calculated, by reference to the number of completed months comprised in the period of authorised use in that year, at the annual rate set opposite the cylinder capacity of the motor car in question in the second column of the following Table or, in the case of a motor car of a cylinder capacity of 1,700 c.c. or more, at such annual rate as is approved by the Secretary of State, and

(*b*) a mileage element calculated, in relation to the first 7,200 miles of authorised use in that year, at the basic rate so set out in the third column of the said Table and, in relation to any further authorised use in that year, at the reduced rate so set out in the fourth column of the said Table or, in the case of a motor car of a cylinder capacity of 1,700 c.c. or more, at such basic and reduced rates, respectively, as are approved by the Secretary of State:—

TABLE

Cylinder capacity	Annual rate of fixed element	Mileage element	
		Basic rate per mile	Reduced rate per mile
1,200 c.c. or more but less than 1,700 c.c.	£81	7¼d.	4¼d.
1,000 c.c. or more but less than 1,200 c.c.	£71	6¼d.	4d.
Less than 1,000 c.c.	£64	5¾d.	3¼d.

(2) 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 overpayment shall be recoverable.

(3) Where in any year a motor vehicle allowance is payable at the essential user's rate to a member of a police force and he is on sick 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 appropriate in all the circumstances.

(4) 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 (1)(*b*) shall have effect as if for the reference to 7,200 miles 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.

2. 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 set out opposite the cylinder capacity of the motor car in question in the second column of the following Table or, in the case of a motor

car of a cylinder capacity of 1,700 c.c. or more, at such rate as is approved by the Secretary of State ; except that, where the amount of the allowance would be less if it were payable at the essential user's rate it shall be of an amount calculated in accordance with paragraph 1 :—

TABLE

Cylinder capacity	Rate per mile
1,200 c.c. or more but less than 1,700 c.c.	1s. 0½d.
1,000 c.c. or more but less than 1,200 c.c.	11½d.
Less than 1,000 c.c.	10d.

3. 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 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.

4. For the purposes of Regulation 48 and of this Schedule the following expressions have the meanings hereby respectively assigned to them :—

"authorised use" means the use, authorised under Regulation 48, 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 so authorised ;

"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 May ;

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.

(a) 1962 c. 13.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Police Regulations 1968.

Regulation 1 provides that a member of a police force who ceases to hold the office of deputy chief constable on being transferred to another force by a police amalgamation scheme may, nevertheless, continue to be paid at a rate higher than that appropriate to his rank. By virtue of Regulation 6(2)(*a*), Regulation 1 has effect as from 1st June 1968.

Regulations 2 and 4 make fresh provision as respects the rates of motor vehicle allowances and the circumstances in which such allowances are payable. By virtue of Regulation 6(2)(*b*), made in exercise of the power conferred by section 33(4) of the Police Act 1964, Regulations 2 and 4 have effect (subject to transitional provisions) as from 1st May 1968.

Regulation 3 makes fresh provision as respects the circumstances in which a member of a police force below the rank of superintendent is entitled to a temporary duty allowance for performing the duties of a member of higher rank than his own. By virtue of Regulation 6(2)(*c*), made as mentioned above, Regulation 3 has effect (subject to transitional provisions) as from 1st April 1968.