STATUTORY INSTRUMENTS

1973 No. 1583

POLICE

The Police (Amendment) (No. 4) Regulations 1973

Made - - - -	11*th September* 1973
Laid before Parliament	20*th September* 1973
Coming into Operation	15*th October* 1973

In exercise of the powers conferred upon me by section 33 of the Police Act 1964**(a)**, and after consulting the Police Council for the United Kingdom in accordance with section 4(4) of the Police Act 1969**(b)** and the Police Advisory Board in accordance with section 46(3) of the said Act of 1964 as amended by section 4(6) of the said Act of 1969, I hereby make the following Regulations:—

PART I

CITATION, OPERATION ETC.

1. These Regulations may be cited as the Police (Amendment) (No. 4) Regulations 1973.

2. These Regulations shall come into operation on 15th October 1973 and shall have effect as from that date except that—

(*a*) for the purposes of Regulations 4, 5 and 7 thereof, they shall have effect as from 1st April 1973;

(*b*) for the purposes of Regulation 6 thereof, they shall have effect, as respects the year beginning on 1st May 1972, as provided therein and, subject as aforesaid, as from 1st May 1973.

3. In these Regulations any reference to the principal Regulations is a reference to the Police Regulations 1971**(c)**, as amended**(d)**.

PART II

PROVISIONS HAVING RETROSPECTIVE EFFECT

4.—(1) In paragraph (1) of Regulation 36 of the principal Regulations (reckoning by constables of overseas police service) after sub-paragraph (*c*) there shall be inserted the following provision:—

"(*d*) such service in a police force in the Channel Islands or the Isle of Man as is mentioned in paragraph (5),".

(a) 1964 c. 48. **(b)** 1969 c. 63.

(c) S.I. 1971/156 (1971 I, p. 439).

(d) The relevant amending Instruments are S.I. 1971/1141, 1972/74, 1195 (1971 II, p. 3373; 1972 I, p. 203; II, p. 3536).

(2) At the end of the said Regulation 36 there shall be added the following provision:—

"(5) 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 Guernsey Law of 1919 entitled Loi Ayant Rapport à la Police Salariée pour L'Ile Entière,

(*b*) the States of Jersey police force maintained under the Jersey Laws entitled the Police Force (Jersey) Laws 1951 and 1960, or

(*c*) the Isle of Man Constabulary maintained under the Police (Isle of Man) Act 1962 (an Act of Tynwald).".

5. For the Table in paragraph 1 of Schedule 7 to the principal Regulations (subsistence, refreshment and lodging allowances) there shall be substituted the Table set out in Appendix 1 to these Regulations.

6.—(1) For Tables A, B, C and D in Schedule 8 to the principal Regulations (motor car allowances) there shall be substituted the Tables set out in Appendix 2 to these Regulations.

(2) As respects the year beginning on 1st May 1972 a motor vehicle allowance in respect of a motor car payable under Regulation 55 of the principal Regulations shall be calculated as hereinafter provided.

(3) So far as the allowance falls to be calculated by reference to completed months of authorised use ending, or mileage of authorised use performed, on or after 1st April 1973 it shall be calculated in accordance with the principal Regulations as amended by this Regulation, and the principal Regulations shall have effect accordingly.

(4) Nothing in this Regulation shall affect the calculation of the allowance so far as it falls to be calculated by reference to completed months of authorised use ending, or mileage of authorised use performed, before 1st April 1973.

7. In paragraph 1 of Schedule 9 to the principal Regulations (bicycle allowance)—

(*a*) for the rate "£11 a year" there shall be substituted the rate "£17 a year", and

(*b*) for the amount "£2·75" there shall be substituted the amount "£4·25".

PART III

PROVISIONS HAVING EFFECT FROM THE COMING INTO OPERATION OF THE REGULATIONS

8. In Regulation 3(2)(*a*) of the principal Regulations (references to transfers) for the words "or the Police Act 1964," there shall be substituted the words "the Police Act 1964 or the Local Government Act 1972**(a)**,".

9. For Regulation 11 of the principal Regulations (business interests incompatible with membership of a police force) there shall be substituted the Regulation set out in Appendix 3 to these Regulations.

10. In Regulation 12(1) of the principal Regulations (business interests precluding appointment to a police force) the reference to paragraph (5) of Regulation 11 shall be omitted.

(a) 1972 c. 70.

11. For Regulation 23 of the principal Regulations (limitations on duties to be assigned to members statutorily transferred) there shall be substituted the Regulation set out in Appendix 4 to these Regulations.

12. For Regulation 34(1) of the principal Regulations (reckoning of service in the Royal Ulster Constabulary) there shall be substituted the following provision:—

"(1) Where a member of a police force joined or rejoined that force having left the Royal Ulster Constabulary, on or after 17th December 1969, for that purpose or on exercising the right of reversion conferred by section 2(1) of the Police Act 1969 then, for the purposes of Regulation 32, his service in any rank in the Royal Ulster Constabulary shall be treated as if it were service in the corresponding rank in the police force he joined or rejoined as aforesaid: but for the purposes hereof Regulation 32(2) shall have effect as if the words "on temporary promotion thereto" were omitted in each place where they occur:

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

13. In Regulation 49A of the principal Regulations (women's stockings allowance) for the rate "£9 a year" there shall be substituted the rate "£12 a year".

14. At the end of Regulation 69 of the principal Regulations (replacement of uniform and equipment) there shall be added the words "or, with such consent, retains it without payment.".

15. In Regulation 72(1) of the principal Regulations (meetings of Police Federation treated as police duty), after the words "central committee" there shall be inserted the words "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,".

16. In paragraph 3A of Schedule 11 to the principal Regulations (issue of women's stockings or tights) for the words "18 pairs" there shall be substituted the words "24 pairs".

Robert Carr,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
11th September 1973.

APPENDIX 1

TABLE SUBSTITUTED FOR TABLE IN SCHEDULE 7 TO THE PRINCIPAL REGULATIONS

TABLE

Description of allowance	Superintendents	Inspectors, Sergeants and Constables
	£	£
Refreshment Allowance:		
(i) for one meal	0·65	0·60
(ii) for two meals	0·94	0·84
Subsistence Allowance:		
Period of retention or engagement on duty—		
(i) over 5 hours and not exceeding 8 hours ...	0·94	0·84
(ii) over 8 hours and not exceeding 12 hours ...	1·35	1·22
(iii) over 12 hours and not exceeding 24 hours	2·32	2·00
(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 each complete period.		
Lodging Allowance—for each night	3·66	3·15

APPENDIX 2

TABLES SUBSTITUTED FOR TABLES A, B, C AND D IN SCHEDULE 8 TO THE PRINCIPAL REGULATIONS

TABLE A

STANDARD AMOUNT

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.	117	0·042	0·026
1,000 c.c. or more but less than 1,200 c.c.	105	0·037	0·023
Less than 1,000 c.c. ...	99	0·034	0·020

TABLE B

ABATED AMOUNT

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.	102	0·040	0·026
1,000 c.c. or more but less than 1,200 c.c.	93	0·035	0·023
Less than 1,000 c.c. ...	87	0·032	0·020

TABLE C

STANDARD AMOUNT

Cylinder capacity	Rate per mile
	£
1,200 c.c. or more but less than 1,700 c.c.	0·078
1,000 c.c. or more but less than 1,200 c.c.	0·069
Less than 1,000 c.c.	0·064

TABLE D

ABATED AMOUNT

Cylinder capacity	Rate per mile
	£
1,200 c.c. or more but less than 1,700 c.c.	0·072
1,000 c.c. or more but less than 1,200 c.c.	0·064
Less than 1,000 c.c.	0·059

APPENDIX 3

REGULATION SUBSTITUTED FOR REGULATION 11 OF THE PRINCIPAL REGULATIONS

Business interests incompatible with membership of a police force

11.—(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 of police 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 of police shall determine whether or not the interest in question is compatible with the member concerned remaining a member of the force and 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) Where a member of a police force has appealed to the police authority under paragraph (3) the police authority shall give him written notice of their determination of the appeal but, where they have upheld the decision of the chief officer of police 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 (5).

(5) 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 of police 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 (4), on such appeal, the police authority has upheld that decision, then, the chief officer of police 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.

(6) For the purposes of this Regulation, 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 (7);

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.

(7) The licence or permit referred to in paragraph (6)(*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.

(8) If a member of a police force or a relative included in his family has a business interest within the meaning of this Regulation and, on that interest being notified or

disclosed as mentioned in paragraph (1), the chief officer of police 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, this Regulation 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.

(9) In its application to a chief constable, deputy chief constable or assistant chief constable, this Regulation shall have effect as if—

(*a*) for any reference therein to the chief officer of police there were substituted a reference to the police authority;

(*b*) for any reference in paragraph (3), (4) or (5) to an appeal there were substituted a reference to a request for reconsideration, and

(*c*) the references in paragraph (5) 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 this Regulation without giving him an opportunity of making representations and shall consider any representations so made.

(10) In its application to a member of the metropolitan police force, this Regulation shall have effect as if—

(*a*) for any reference to the chief officer of police there were substituted a reference to an assistant commissioner of police of the metropolis, and

(*b*) for any reference to the police authority there were substituted a reference to the commissioner of police of the metropolis;

except that nothing in this paragraph shall affect the power of the commissioner of police, subject to the approval of the police authority, to dispense with the services of a member of the metropolitan police force in pursuance of paragraph (5).

APPENDIX 4

Regulation substituted for Regulation 23 of the Principal Regulations

Limitations on duties to be assigned to members statutorily transferred

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

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

(*a*) a transfer in accordance with the provisions of an amalgamation scheme under the Police Act 1964, or

(*b*) a transfer taking effect on 1st April 1974,

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

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

(*a*) since he became a member of that police force he has been a chief officer of police, or

(*b*) after he was statutorily transferred from that police force he has given written notice to the chief officer of the police force of which he was at the time a member that the protection accorded by paragraph (1) should cease to apply to him, or

(*c*) that force was a county or combined police force and after he was statutorily transferred therefrom but before 1st February 1968 he was assigned to such duties as are mentioned in paragraph (1),

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 has 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 the expressions "present force" and "former force" mean, respectively, the force first mentioned and that secondly mentioned in paragraph (1).

EXPLANATORY NOTE

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

These Regulations amend the Police Regulations 1971; for the purposes of the Regulations in Part II they have retrospective effect as hereinafter mentioned (this is authorised by section 33(4) of the Police Act 1964).

Regulation 4, with effect from 1st April 1973, provides that previous service in a police force in the Channel Islands or the Isle of Man shall be reckonable for the purposes of the scale of pay for the rank of constable.

Regulation 5, with effect from the same date, increases the rates of subsistence, refreshment and lodging allowances.

Regulation 6 increases the rates of motor car allowances; these allowances are payable on an annual basis and are calculated by reference to completed months of authorised use and mileage performed in the year in question. Transitory provision is made as respects the year beginning on 1st May 1972 and the increases take effect as from 1st April 1973 as respects the calculation of an allowance by reference to months of use completed, or mileage performed, on or after that date.

Regulation 7, with effect from 1st April 1973, increases the rate of bicycle allowances.

Regulations 8 and 11 make provision in respect of the transfer of members of police forces in pursuance of the Local Government Act 1972. In particular, the protection accorded to certain members by Regulation 23 of the Regulations of 1971, against being required after transfer to move their homes, is extended to cover all members who are transferred on 1st April 1974.

Regulation 9 makes fresh provision as respects business interests which are incompatible with membership of a police force. In particular, it provides that a member of a police force shall have a right of appeal to the Secretary of State against a decision that a business interest is so incompatible. Regulation 10 contains a consequential amendment.

Regulation 12 relates to the reckoning of previous service for the purposes of pay and assimilates the provisions of Regulation 34(1) of the Regulations of 1971 (persons transferring from the Royal Ulster Constabulary to a police force) to those of Regulation 33(2) (persons transferring from one police force to another).

Regulation 13 increases the rate of the allowance payable to women members of police forces where stockings or tights are not supplied by the police authority. Regulation 16 provides that, where they are so supplied, they shall be supplied at the rate of 24 pairs a year.

Regulation 14 provides that where an item of uniform or equipment is replaced by the police authority, the member concerned may, with their consent, retain the old item without payment.

Regulation 15 extends the provision for treating as police duty attendance at certain Police Federation meetings.

SI 1973/1583
ISBN 0-11-031583-9

