STATUTORY INSTRUMENTS

1975 No. 1844

POLICE

The Police (Amendment) (No. 4) Regulations 1975

Made - - - -	11*th November* 1975
Laid before Parliament	20*th November* 1975
Coming into Operation	12*th December* 1975

In exercise of the powers conferred on 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 for England and Wales 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 1975.

2. These Regulations shall come into operation on 12th December 1975 and shall have effect—

(*a*) for the purposes of Part II thereof, as from 1st April 1974;

(*b*) for the purposes of Part III thereof, as from (subject to Regulation 5(2), below) 1st April 1975;

(*c*) for the purposes of Part IV thereof, as from 1st September 1975;

(*d*) for the purposes of Part V thereof, as from 29th December 1975.

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

PART II

PROVISION HAVING EFFECT FROM 1ST APRIL 1974

4. Regulation 42 of the principal Regulations (rent allowance) shall have effect in respect of the period beginning with 1st April 1974 and ending immediately before 1st April 1975 as if the reference in paragraph (3)(*a*) thereof to the amount paid in rates by a member of a police force were a reference to the aggregate of the amount so paid and the amount of any rate rebate granted to him under a statutory or local rate rebate scheme within the meaning of section 22 of the Local Government Act 1974.

(**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. 1972/1195; 1975/211, 915 (1972 II p. 3536; 1975 I, p. 552; II, p. 3228).

PART III

PROVISIONS HAVING EFFECT FROM 1ST APRIL 1975

5.—(1) For Regulation 42 of the principal Regulations (rent allowance) there shall be substituted the Regulation set out in the Appendix to these Regulations.

(2) Where the rent allowance payable to a member of a police force in respect of a period ending before 12th December 1975 would, but for this paragraph, be reduced or cease to be payable in consequence of the amendment made by paragraph (1) above then, in respect of that period, the said Regulation 42 shall have effect in the cases of that member and his spouse as if—

(*a*) the said amendment had not been made, and

(*b*) in Regulation 4 above for the date "1st April 1975" there were substituted the date "12th December 1975".

6. In Regulation 43(1)(*a*) of the principal Regulations (supplementary rent allowance)—

(*a*) the words "other than a woman member" shall be omitted;

(*b*) after the words "a widower" there shall be inserted the words "or widow";

(*c*) for the words "a married man" there shall be substituted the words "is married".

7. In paragraph 4(2)(*d*) of Schedule 4 to the principal Regulations (university scholars) for the words "where he is a widower with a child or children or a married man" there shall be substituted the words "where the scholar is a widower or widow with a child or children or is married".

PART IV

PROVISIONS HAVING EFFECT FROM 1ST SEPTEMBER 1975

8. In paragraph 4(2)(*d*) of the said Schedule 4 (as amended by Regulation 7, above) for the rate "£3·35 a week", in both places where it occurs, there shall be substituted the rate "£3·87 a week".

PART V

PROVISION HAVING EFFECT FROM 29TH DECEMBER 1975

9. For Regulation 13(1)(*b*) of the principal Regulations (qualifications for appointment to a police force) there shall be substituted the following provision:—

"(*b*) must have attained the age of 18 years 6 months and, unless he has previous service as a member of a police force or by reason of other

experience or his personal qualities is specially suitable for appointment, must not have attained the age of 30 years or, if he has previous whole-time service in the armed forces or previous service as a seaman, 40 years;".

Roy Jenkins,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.

11th November 1975.

APPENDIX

Regulation Substituted for Regulation 42 of the Principal Regulations with effect from 1st April 1975

Rent allowance

42.—(1) A member of a police force who is not provided with a house or quarters free of rent and rates shall be paid a rent allowance which shall be either a maximum limit allowance or a flat-rate allowance:

Provided that—

(*a*) a member to whom Regulation 43 applies who is so provided with quarters shall be paid a rent allowance in addition;

(*b*) a woman member of a police force shall not be paid a rent allowance if she is on unpaid maternity leave.

(2) Subject to paragraph (3), a maximum limit allowance—

(*a*) shall be paid to a member married to (but not separated from) a person who either—

(i) is not a member of a police force, or

(ii) is such a member but is on unpaid maternity leave;

(*b*) shall be paid to an unmarried member, or a member separated from his spouse, who—

(i) has attained the age of 30 years,

(ii) has served for 5 years as a member of that or any other police force, and

(iii) occupies as owner or tenant the accommodation in which he is living;

(*c*) may, if the police authority think fit, be paid to a member, not being a member to whom sub-paragraph (*a*) or (*b*) applies who—

(i) has a dependent relative living with him,

(ii) is separated from, or has divorced or been divorced by, his spouse, or

(iii) is a widower or widow;

and in all other cases a flat-rate allowance shall be paid.

(3) A maximum limit allowance shall not be payable—

(*a*) to a member who lives in accommodation in respect of which he makes no payment (by way of rent, rates or otherwise), or

(*b*) to a member who shares with another member accommodation of which they are joint owners or tenants so, however, that this sub-paragraph shall not preclude the payment of a maximum limit allowance by virtue of sub-paragraph (ii) of paragraph (2)(a).

(4)(*a*) A maximum limit allowance payable to a member shall not be less than a half of, nor more than, the maximum limit for his rank but, subject as aforesaid shall be the aggregate of the amount paid in rates and the amount of any rate rebate granted to him together with—

(i) where the member owns the house he occupies, the amount which in the opinion of the District Valuer would be paid in rent therefor if the house were let unfurnished,

(ii) where the member is living in unfurnished accommodation, the amount paid in rent therefor, or

(iii) subject to sub-paragraph (*a*)(i), where the member is living in furnished accommodation, an amount which in the opinion of the police authority would have been paid in rent therefor had the accommodation been unfurnished:

Provided that where part of the said house or part of the said accommodation is let to or occupied by a tenant or lodger, as the case may be, who is not a member of a police force, the police authority may make a deduction from the said aggregate in respect of such part.

(*b*) The maximum limit shall be fixed by the police authority with the approval of the Secretary of State for each rank.

(5) A flat-rate allowance shall be an allowance equal to half the amount fixed as the maximum limit for members of the same rank.

(6) Except where the member's spouse or former spouse is a member of a police force, a married member who is separated from his spouse or a member who has divorced, or been divorced by, his spouse, may, if he regularly makes periodic payments to or for the benefit of his spouse or former spouse, be granted—

(*a*) where he is in receipt of a rent allowance under paragraph (1), an addition to that rent allowance, or

(*b*) where he is provided with a house or quarters free of rent and rates, a rent allowance,

equal to whichever is the lesser of the two following amounts, namely, the amount by which his former allowance exceeds his present allowance or the amount paid by him to or for the benefit of his spouse or former spouse.

(7) In this Regulation—

(*a*) the expression "his former allowance" means—

(i) in relation to a member who, immediately before his spouse commenced to live apart from him, was being provided with a house or quarters free of rent and rates, a sum fixed as the value for the time being of that house or those quarters;

(ii) in relation to any other member, the maximum limit allowance which would for the time being be payable to him if he were still entitled to such an allowance and the aggregate referred to in paragraph (4)(*a*) were unchanged since immediately before his spouse commenced to live apart from him;

(*b*) the expression "his present allowance" means the rent allowance which is being paid to the member under paragraph (1) or, as the case may be, a sum fixed as the value for the time being of the house or quarters with which he is provided;

(*c*) the expression "rates" means—

(i) any general rate within the meaning of the General Rate Act 1967**(a)** and in addition any rate mentioned in paragraphs (*a*), (*b*) and (*c*) of the definition of "excepted rate" in section 115(1) of that Act (drainage, tithe, common and other rates of a similar character), and

(ii) any rate or charge for a supply of water for domestic purposes;

(*d*) the expression "rate rebate" means a rate rebate granted under a statutory or local rate rebate scheme within the meaning of section 22 of the Local Government Act 1974;

(*e*) a reference to the provision of a house or quarters free of rent and rates is a reference to such provision by a police authority.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Police Regulations 1971.

Parts II, III and IV of the present Regulations make fresh provision as respects rent allowances. The principal changes are two-fold. First, in so far as rates are taken into account in the calculation of a rent allowance, any reduction in rates on account of the payment of a rate rebate is, with effect from 1st April 1974, to be disregarded. Secondly, with effect from 1st April 1975, a member of a police force's entitlement to a rent allowance is no longer affected by his or her sex.

Under the 1971 Regulations, the normal maximum age for recruitment to a police force is 30 years in the case of a man and 35 years in the case of a woman; Part V of the present Regulations, with effect from 29th December 1975, provides for the age of 30 years to be applied irrespective of the sex of the recruit.

(a) 1967 c. 9.

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