STATUTORY INSTRUMENTS

1976 No. 538

POLICE

The Police (Amendment) Regulations 1976

Made - - - -	*2nd April* 1976
Laid before Parliament	*12th April* 1976
Coming into Operation	*1st May* 1976

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), I hereby make the following Regulations:—

1. These Regulations may be cited as the Police (Amendment) Regulations 1976 and shall come into operation on 1st May 1976.

2. For Schedule 8 to the Police Regulations 1971(c), as amended(d), (motor vehicle allowances) there shall be substituted the Schedule set out in the Appendix to these Regulations.

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

Home Office,
Whitehall.
2nd April 1976.

(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. 1975/915, 1324 (1975 II, pp. 3228, 4473).

APPENDIX

SCHEDULE 8 Regulation 55

MOTOR VEHICLE ALLOWANCES IN RESPECT OF MOTOR CARS

1.—(1) For the purposes of Regulation 55 and of this Schedule the following expressions have the meanings hereby respectively assigned to them:—

"authorised use" means the use, authorised under Regulation 55, 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 the regulations from time to time in force under the Vehicles (Excise) Act 1971**(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 twelve 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.

(2) For the purposes of this Schedule any reference to Table A or B is a reference to the Table so designated for those purposes as shall be determined hereunder by the Secretary of State.

2.—(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 fixed element and a mileage element calculated as provided in sub-paragraphs (2) and (3).

(2) 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—

(*a*) save where sub-paragraph (*b*) or (*c*) applies, at the standard annual rate set opposite the cylinder capacity of the motor car in question in the second column of Table A;

(*b*) where it falls to be calculated by reference to completed months of authorised use beginning at a time when the member of a police force concerned was—

(i) provided with a garage free of rent and rates, or

(ii) in receipt of a maximum limit rent allowance which was less than the maximum limit applicable in his case and the house or accommodation occupied by him included a garage,

save where sub-paragraph (*c*) applies, at the abated annual rate so set out in the third column of Table A;

(*c*) where the cylinder capacity of the motor car in question is 1,750 c.c. or more, at such annual rate as is approved by the Secretary of State.

(3) The mileage element shall be calculated, in relation to the first 7,200 miles of authorised use in the year in question, at the basic rate set opposite the cylinder capacity of the motor car in question in the fourth column of Table A and, in relation to any further authorised use in that year, at the reduced rate so set out in the fifth column of the said Table except that, where the cylinder capacity of the motor car in question

(a) 1971 c. 10.

is 1,750 c.c. or more, the mileage element shall be calculated at such basic and reduced rates, respectively, as are approved by the Secretary of State.

(4) 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.

(5) 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.

(6) 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 (3) 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.

3. Subject as hereinafter provided, 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 opposite the cylinder capacity of the motor car in question in the second column of Table B except that—

(*a*) subject to sub-paragraph (*b*), where the cylinder capacity of that motor car is 1,750 c.c. or more, the amount of the allowance shall be calculated at such rate as is approved by the Secretary of State;

(*b*) 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 paragraph 2.

4. 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.

5.—(1) Where in any year a change is made in Tables A and B with effect from a date specified by the Secretary of State (hereinafter referred to as the "specified date") then, unless the specified date is 1st May, as respects that year a motor vehicle allowance shall be calculated subject to the provisions of this paragraph.

(2) 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 the specified date, it shall be calculated by reference to the changed Tables but, save aforesaid, the allowance shall be calculated as if the Tables had not been changed.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate, with amendments, the provisions of Schedule 8 to the Police Regulations 1971 relating to the calculation of motor vehicle allowances.

Schedule 8 to the Regulations of 1971 contemplates that the amount of such allowances, whether payable at the essential or casual user's rate, shall differ according to whether or not the policeman concerned is provided with a garage free of rent and rates (or has a garage and is in receipt of such a rent allowance as is specified in the Regulations). The amendments made by these Regulations limit this differentiation to an allowance payable at the essential user's rate.

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