STATUTORY INSTRUMENTS

2002 No. 1758

POLICE, ENGLAND AND WALES

The Police (Amendment) Regulations 2002

Made - - - -	*9th July 2002*
Laid before Parliament	*10th July 2002*
Coming into force	*1st August 2002*

The Secretary of State, in exercise of the powers conferred on him by section 50 of the Police Act 1996**(a)**, and after taking into consideration the recommendations of the Police Negotiating Board and supplying that Board with a draft of these Regulations in accordance with section 62(1) of that Act, and supplying a draft of these Regulations to the Police Advisory Board for England and Wales and taking into consideration their representations in accordance with section 63(3) of that Act, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Police (Amendment) Regulations 2002 and shall come into force on 1st August 2002.

(2) In these Regulations "the 1995 Regulations" means the Police Regulations 1995**(b)**.

Amendments to the 1995 Regulations

2. In regulation 4(1) of the 1995 Regulations the following definition is inserted in the appropriate place—

""British Transport Police Force" means the force of constables appointed under section 53 of the British Transport Commission Act 1949 (c.xxix);".

3. In regulation 14 of the 1995 Regulations (probationary service) in paragraph (4) sub-paragraph (e)**(c)** on each occasion where "fourteen" occurs substitute "eighteen".

4. The following regulation is inserted after regulation 20 of the 1995 Regulations—

"**Samples**

20A.—(1) Every member of a police force, except those members appointed following their transfer from another police force, shall on appointment and in accordance with the directions of the chief officer of police have a sample taken.

(2) Samples or the information derived from samples of members of a police force taken in accordance with this regulation shall be kept separate from the samples or the information derived from samples taken in accordance with section 63 of the Police and Criminal Evidence Act 1984**(d)**.

(a) 1996 c.16.
(b) S.I. 1995/215; relevant amending instruments are S.I. 1996/699, 2000/2013.
(c) Sub-paragraph (e) was inserted by S.I. 1996/699.
(d) 1984 c.60.

(3) The samples or information derived from samples of a member of a police force taken in accordance with this regulation, and all copies and records thereof shall be destroyed on his ceasing to be a member of that force except by reason of a transfer to another force.

(4) In this regulation "sample" means—

(a) a sample of hair, other than pubic hair, complete with roots;

(b) saliva; or

(c) a swab taken from the mouth."

5.—(1) Regulation 39 of the 1995 Regulations (rate of pay) is amended as follows.

(2) In paragraph (2) for the words "police force; and service" substitute "police force, and service".

(3) In paragraph (2A) sub-paragraph (f)**(a)** on each occasion where "fourteen" occurs substitute "eighteen".

6. The following regulation is inserted after regulation 42 of the 1995 Regulations—

"**Reckoning of service in the British Transport Police Force**

42A.—(1) Where a member of a police force joined or rejoined that force having left the British Transport Police Force, on or after 1st September 1994 then, for the purposes of regulation 39, his service in any rank in the British Transport Police Force shall be treated as if it were service in the corresponding rank in the police force he joined or rejoined as aforesaid:

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

(2) A member of a police force of the rank of constable shall be entitled to reckon, for the purposes of pay for that rank, any period of service in the British Transport Police Force not reckonable under paragraph (1).

(3) In this regulation, any reference to a rank corresponding to a rank in a police force is a reference to a rank in the British Transport Police Force designated by the Secretary of State for the purposes hereof as the rank corresponding to the rank in question.".

7.—(1) Schedule 13 to the 1995 Regulations**(b)** (replacement allowance) is amended as follows.

(2) In paragraph 1, the following sub-paragraph is inserted after sub-paragraph (3)—

"(3A) Where a member of the British Transport Police Force in receipt of a housing allowance transfers on or after 1st September 1994 to a police force in England and Wales he shall be treated from the date of his transfer as if he were a qualifying member.".

(3) In sub-paragraph (6) of paragraph 1 after "means" there is inserted "a housing allowance paid to members of the British Transport Police Force or".

Home Office
9th July 2002

John Denham
Minister of State

(a) Sub-paragraph (f) was inserted by S.I. 1996/699.
(b) Schedule 13 was inserted by S.I. 2000/2013.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Regulations 1995.

A new regulation 20A is inserted. This regulation requires members of a police force to provide a sample of hair or saliva upon appointment (other than in cases of transfer between police forces) from which a DNA profile can be derived. The sample and information derived from the sample will be stored separately from samples and information derived from samples provided in accordance with the provisions of section 63 of the Police and Criminal Evidence Act 1984. Samples and information derived from them will be destroyed when the officer providing the sample ceases to be a member of a police force.

A new regulation 42A is inserted. This regulation allows a member of a police force who, on or after 1st September 1994, joined or rejoined that force from the British Transport Police Force to reckon his service with the British Transport Police Force as service for the purposes of regulation 39 (rate of pay). If the member of the police force is of the rank of chief inspector or higher then a contrary agreement can be reached.

Schedule 13 to the Regulations is amended to provide for the payment of a replacement allowance to a member of a police force who has transferred to that force on or after 1st September 1994 from the British Transport Police Force and who was in receipt of a housing allowance prior to the transfer.

Regulations 14 and 39 are amended to increase from fourteen weeks to eighteen weeks the period of maternity leave that can be reckoned for the purposes of probation and pay. Regulation 39 is also amended to make it clear that any period of service in a higher rank counts as a period that can be reckoned for the purposes of pay at the lower rank.

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