EXPLANATORY MEMORANDUM TO

THE POLICE (AMENDMENT) REGULATIONS 2007

2007 No. 1160

1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

2.1 The Regulations amend Schedule 3 to the Police Regulations 2003 (the **2003 Regulations**). The 2003 Regulations set out various terms and conditions of service of members of police forces. Changes to Schedule 3 of the Police Regulations 2003 are being made to amend the entitlement of certain police officers to a replacement allowance. These changes are being made to reflect an agreement of the Police Negotiating Board (PNB).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 Agreement to amend the 2003 Regulations was reached on the 20 September 2004 by the PNB. The instrument has effect from the date of the PNB agreement, except in so far as it relates to two married part-time officers, in which case it has effect from 1 July 2000. This is in order to comply with the Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000. Retrospective effect is permitted by section 50(5) of the Police Act 1996.

4. Legislative Background

4.1 The amendments to Schedule 3 to the 2003 Regulations were agreed by the PNB on the 20 September 2004. The amendments are set out in section 7 below.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 One of the policy objectives of the Police Act 1996 is to enable provision to be made for the government, administration and conditions of service of members of police

forces. Such provision is made in the 2003 Regulations. This instrument makes amendments to Schedule 3 to the 2003 Regulations, which contains provision for a replacement allowance. Under Schedule 3, the replacement allowance is paid to certain officers (who were police officers before 1st September 1994) who were previously in receipt of various housing emoluments under the Police Regulations 1987 (the **1987 Regulations**). The 1987 Regulations have now been revoked. One of these housing emoluments is a compensatory allowance, that was payable under regulation 52B of the 1987 Regulations.

7.2 Under regulation 52B (as it had effect before being revoked) a compensatory allowance was payable where a full time officer was married to and lived with a part time officer. The reason for this allowance was to compensate the couple for the lower housing or related entitlements which they received because one of them was part time.

7.3 On 20th September 2004, the PNB agreed that a replacement allowance should be payable under Schedule 3 of the 2003 Regulations as if regulation 52B of the 1987 Regulations had provided for a compensatory allowance in wider circumstances than set out in paragraph 7.2 above. These wider circumstances are that it should extend to unmarried couples and also to two or more officers sharing accomodation, where at least one of them is a part time officer.

7.4 The instrument makes these changes by providing that a replacement allowance is to be calculated as if for regulation 52B of the 1987 Regulations there were substituted the revised regulation 52B set out in the instrument.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector will be to administer any queries from police forces arising from changes made to Schedule 3 to the 2003 Regulations. The implications for individual forces will be to fund, implement, monitor and evaluate the operation of the amendments as outlined in Section 7 above.

9. Contact

Lorna Kunaka-Morrison at the Police Human Resource Unit, Home Office Tel: 020 7035 1874 or e-mail: Lorna.Kunaka-Morrison@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.