EXPLANATORY MEMORANDUM TO

THE POLICE (AMENDMENT) REGULATIONS 2025

2025 No. 1274

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Sarah Jones MP, Minister for Policing and Crime Prevention at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Peter Spreadbury, Deputy Director for Police Workforce and Professionalism Unit, at the Home Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Tom Appleyard at the Home Office can be contacted by email at the following address with any queries regarding the instrument: policepayandconditions@homeoffice.gov.uk

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument makes changes to the Police Regulations 2003 ('the 2003 Regulations') that govern police officers' terms and conditions of service, which includes the 2003 Regulations relating to part-time appointments and leave. The changes are necessary to provide parity and consistent treatment with full-time officers, and to allow annual leave to be taken in a way that is relevant to flexible working patterns.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales.

5. Policy Context

What is being done and why?

5.1 The Police Regulations 2003 govern police officer terms and conditions of service in England and Wales. The 2003 Regulations enable police officers to be appointed on a full-time or part-time basis. However, the 2003 Regulations were originally drafted at a time when flexible working arrangements were less common. As a result, changes are required in respect of part-time officers so that the 2003 Regulations are more practical and simpler to operate.

5.2 This instrument will clarify that annual leave can be taken by officers for any length of time, and it is not just limited to a single period, as single days or half days. This instrument, which aligns with the Government's Public Sector Equality Duty, updates the terminology relating to the granting and taking of annual leave based on "days" and "half days" and replaces it with "periods" of annual leave that are not limited to whole or half days, such as shorter blocks of time or multiple segments within a leave year. This adjustment reflects modern working practices and operational needs, allowing chief officers to manage leave in a way that better supports workforce wellbeing and service delivery. The conditions under which such leave may be granted remain subject to determination by the Secretary of State. The instrument also provides for parity and consistent treatment between full-time and part-time officers with respect to appointments, probation, and the circumstances and manner in which overtime can be taken. It does this by removing wording that makes a distinction between how full-time and part-time officers are treated. This amendment is intended to take into account officers' differing working patterns and to provide forces with flexibility.

What was the previous policy, how is this different?

5.3 The Police Regulations 2003, which were originally drafted at a time when flexible working arrangements were less common within policing, previously conferred discretion on chief officers to grant and allow annual leave to be taken in a single period, as single days or half days. The 2003 Regulations also previously drew a distinction between part-time and full-time officers with respect to: appointments, by requiring chief officers to consult with local representatives of a representative body before appointing officers as part-time members of their force; probation, by requiring part-time officers transferring from another force to complete a longer probation period; and the circumstances and manner in which overtime can be taken, by varying the definition of overtime for part-time officers. This instrument will remove wording that makes distinction between full-time and part-time officers in respect to these circumstances listed, therefore providing parity and consistent treatment between officers. The instrument, which aligns with the Government's Public Sector Equality Duty, updates the terminology relating to the granting and taking of annual leave based on "days" and "half days" and replaces it with "periods" of annual leave that are not limited to whole or half days.

6. Legislative and Legal Context

How has the law changed?

6.1 Regulation 5 of the Police Regulations 2003 has been amended to remove the requirement on chief officers to consult with local representatives of a representative body before appointing officers as part-time members of their force.

6.2 Regulation 5 of the Police Regulations 2003 has been amended to remove wording that makes a distinction between the treatment of probation for part-time and full-time officers who transfer from another force. It has also been amended to remove wording that varies the definition of overtime for part-time officers.

6.3 Regulation 33 of the Police Regulations 2003 has been amended so that annual leave may be granted and taken for any length of time, and not just for a single period, as single days or half days.

Why was this approach taken to change the law?

6.4 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 Consultation on these proposed amendments was carried out with the Police Federation of England and Wales, Police Superintendents' Association, Chief Police Officers' Staff Association, National Police Chiefs' Council and Association of Police and Crime Commissioners from April to May 2024. A copy of the draft instrument was shared with consultees in accordance with the requirements under section 52A(6) of the Police Act 1996.

7.2 Comments that were received were mostly minor, or seeking clarification on points of detail, and have been incorporated into the final draft where appropriate. As the nature of the issue was very limited, specific and technical, the consultation was just with the stakeholders set out above. Therefore, the consultation was not published, and there will not be a formal response document.

7.3 The text in the draft instrument, where appropriate, was approved by the College of Policing in accordance with section 50(2ZC) of the Police Act 1996.

8. Applicable Guidance

8.1 No Home Office guidance is to be issued on this instrument. Policing stakeholders are aware of the amendments to the Police Regulations 2003 and will be notified when they come into force.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because it can only affect police forces and is not a regulatory provision that effects business activity. Flexibility to work part-time may have a potential positive impact on police officers, by enabling them to adjust their work pattern to suit their individual needs. This instrument ensures full-time and part-time officers are treated consistently.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because this change only applies in the public sector.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because this is an administrative change which only applies to police forces and does not incur any additional public sector costs.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is through ongoing engagement with policing partners to ensure parity between full-time and part-time officers.

10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").