STATUTORY INSTRUMENTS

1971 No. 133

POLICE

The Police (Discipline) (Amendment) Regulations 1971

Made - - -	26*th January* 1971
Laid before Parliament	3*rd February* 1971
Coming into Operation	15*th February* 1971

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.—(1) These Regulations may be cited as the Police (Discipline) (Amendment) Regulations 1971.

(2) These Regulations shall come into operation on 15th February 1971 and shall have effect as from that date except that in the case of a member of a police force who is then suspended under Regulation 17 of the principal Regulations they shall have effect as from the date of his suspension.

2.—(1) In these Regulations any reference to the principal Regulations is a reference to the Police (Discipline) Regulations 1965(c), as amended (d).

(2) The Interpretation Act 1889(e) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. For Regulation 17(2), (3) and (4) of the principal Regulations (pay and allowances in respect of a period of suspension) there shall be substituted the following provisions :—

"(2) Subject to paragraph (4), a member of a police force suspended under this Regulation shall not, by virtue of the Police Regulations, be entitled to any allowance, other than a rent allowance, supplementary rent allowance, compensatory grant or special area undermanning allowance, in respect of the period of suspension.

(3) Subject to paragraph (4), a member of a police force suspended under this Regulation who—

(*a*) is detained in pursuance of a sentence of a court in a prison or other institution to which the Prison Act 1952(f) applies, or is in custody (whether in prison or elsewhere) between conviction by a court and sentence, or

(a) 1964 c. 48.
(b) 1969 c. 63.
(c) S.I. 1965/543 (1965 I, p. 1678).
(d) S.I. 1967/185 (1967 I, p. 333).
(e) 1889 c. 63.
(f) 1952 c. 52.

(*b*) has absented himself from duty and whose whereabouts are unknown to the chief constable concerned,

shall not, by virtue of the Police Regulations, be entitled to pay in respect of his period in detention or custody or, as the case may be, in respect of the period during which his whereabouts are unknown to the chief constable.

(4) Where a member of a police force returns to duty when the period of suspension comes to an end and—

(*a*) it has been decided that he shall not be charged with a disciplinary offence, or

(*b*) he has been so charged and all the charges have been dismissed, or

(*c*) he has been so charged and has been punished by a reduction in his rate of pay, fine, reprimand or caution,

he shall receive, as from the date of his suspension, the allowances to which, but for paragraph (2), and the pay to which, but for paragraph (3), he would have been entitled by virtue of the Police Regulations.".

R. Maudling,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.

26th January 1971.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the Police (Discipline) Regulations 1965 and provide that a member of a police force who is suspended shall be entitled to full pay in circumstances in which, at present, he is, instead, paid a suspension allowance equal to two-thirds of his pay.

In so far as Regulation 1(2) provides that the Regulations shall have retrospective effect, it is made in exercise of the power conferred by section 33(4) of the Police Act 1964.