EXPLANATORY MEMORANDUM TO
THE POLICE (MINIMUM AGE FOR APPOINTMENT) REGULATIONS 2006

2006 No.2278

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

2. Description

2.1 These Regulations lower the age for appointment as a police officer and as a Special Constable from 18 years and six months to 18 years.

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

3.1 None.

4. Legislative Background

4.1 Part 2 of the Police Act 1996 makes provision for the central supervision of the police and related matters. Sections 50 and 51 of the Police Act enable regulations to be made setting out the qualifications for appointment of police officers and Special Constables. These Regulations lower the minimum age for appointment as a police officer and a Special Constable from 18 years and six months to 18 years. This change is being made to comply with new Regulations governing discrimination on the grounds of age which come into force on 1 October 2006.

5. Extent

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 The Police Act enables regulations to be made which set out the conditions of service of police officers and Special Constables. Under current Regulations, for a person to be appointed as a police officer or a Special Constable, he/she must be aged 18 years and six months or over. The Police Advisory Board for England and Wales (**PABEW**) has reviewed the need to maintain a minimum age for recruitment for compliance with forthcoming regulations governing discrimination on the grounds of age (the Employment Equality (Age) Regulations 2006 which will come into force on 1 October

2006). The PABEW concluded that there are justifiable reasons for retaining a minimum age of recruitment of 18 years, but that the current minimum age for appointment of 18 years and six months is potentially discriminatory. These Regulations therefore lower the minimum age for appointment to 18 years.

7.2 In accordance with the provisions of section 63(3) of the Police Act 1996, the Regulations were sent in draft to the PABEW for consultation. The Board advised that the Home Secretary should make the Regulations.

7.3 Police officers and Special Constables regularly work in exceptionally difficult and stressful environments. Chief Officers have a duty of care to their staff and need to ensure that young people below the age of 18 are not exposed to situations which may be beyond their physical or psychological capacity. Young people should not be involved in work where there is a risk of danger which it may be reasonably assumed cannot be recognised or avoided by them due to the insufficient attention to safety or lack of experience of young people. Young people also need to be protected from risk to their health and safety as a consequence of their lack of experience or absence of awareness of existing or potential risks or the fact that they have not fully matured.

7.4 In carrying out their functions and exercising authority, police officers and Special Constables must also maintain the confidence of the public. Any perception that police officers lack authority or that there are situations in which police officers are unable to recognise potential risks could have serious consequences for public safety and would damage public confidence.

7.5 These Regulations remove a potentially discriminatory age criterion and replace it with a justifiable provision.

7.6 Police staff support associations were also consulted on the policy and are in agreement with it. There has been limited public interest in these Regulations.

8. Impact

8.1 No Regulatory Impact Assessment has been prepared because no impact on the private or voluntary sector is foreseen.

9. Contact

9.1 Further information on this instrument can be obtained from:
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