

**DETERMINATIONS OF THE SECRETARY OF STATE UNDER THE POLICE
REGULATIONS 2003**

The Secretary of State, in exercise of the powers conferred by regulations 11, 14, 22, 27, 30, 32, 33, 34, 35 and 45 of the Police Regulations 2003 (SI 2003/537), as amended, makes the following determination.

In accordance with the requirements of regulation 46 of the Police Regulations 2003, the Secretary of State has taken into consideration the recommendations made by the Police Negotiating Board and supplied that Board with a draft of this determination, and has supplied the Police Advisory Board for England and Wales with a draft of this determination and taken into consideration the representations made by that Board.

This determination has effect from 22nd November 2012, save that—

- a) the amendment made to Annex UU by paragraph (10) of this determination shall have effect from 1st February 2012;
- b) the amendments made to Annex V by paragraphs (11)(b), (c) and (d) of this determination shall have effect from 1st April 2012.

The Secretary of State has determined that—

(1) In the determination under regulation 14 of the Police Regulations 2003 (Annex D - Retirement)—

- a) for paragraph (1)(b) and (c) there shall be substituted—
 - “b) The Police (Conduct) Regulations 2004 relating to resignation as an alternative to dismissal (in a case where those Regulations still apply)
 - c) Sections 38(3) to (5), 39(5) and (6), 40(4) and (5), 48(3) to (6) and 49(3) to (5) of, and Parts 2 and 3 of Schedule 8 to, the Police Reform and Social Responsibility Act 2011 relating to enforced retirement:”;
- b) in the words at the end of paragraph (1), for “police authority” there shall be substituted “police pension authority”;
- c) paragraph (2)(b) shall be omitted;
- d) after paragraph (2) there shall be inserted—
 - “3) In the case of a chief officer of police, paragraph (1) shall have effect as if, for “police pension authority”, there were substituted “pension supervising authority”.
 - 4) In this determination “police pension authority” and “pension supervising authority” have the meanings given in section 11(2) of the

Police Pensions Act 1976.”.

(2) In the determination under regulation 22 of the Police Regulations 2003 (Annex E - Duty), in paragraph (6)(a)(ii), “after consulting the police authority and local representatives of the representative bodies” shall be omitted.

(3) In the determination under regulation 27 of the Police Regulations 2003 (Annex I – Temporary Salary), in paragraph (1)—

a) after “assistant chief constable” there shall be inserted “(or the equivalent ranks in the Metropolitan and City of London Police Forces)”;

b), for “an amount determined by the police authority” there shall be substituted—

“an amount determined by—

(a) the local policing body (in the case of a chief officer of police and any other officer of the City of London Police Force to whom this paragraph applies); or

b) the chief officer of police (in any other case)”.

(4) In the determination under regulation 30 of the Police Regulations 2003 (Annex M – Fixing of pay day and calculations of monthly, weekly and daily pay), in paragraph (1)—

a) for “police authority” (in each place where that term appears) there shall be substituted “local policing body”

b) for paragraph (1)(c) there shall be substituted—

“c) The chief officer of police (or, where the member is the chief officer or any member of the City of London Police Force, the local policing body) may, if the chief officer thinks fit, pay to a member such part of the member’s pay as the chief officer may determine in advance of the day on which it would otherwise be due to be paid in accordance with this determination.”.

(5) In the determination under regulation 32 of the Police Regulations 2003 (Annex N – University Scholars)—

a) in paragraph (2), for “police authority” there shall be substituted “chief constable (or, where the member is the chief constable, the local policing body)”;

b) in paragraph (3), for “police authority” substitute “chief constable (or, where

the member is the chief constable, the local policing body)".

(6) In the determination under regulation 33 of the Police Regulations 2003 (Annex O – Annual Leave)—

a) in paragraph (6)(b), for “the police authority shall make him a payment” there shall be substituted “the member shall be entitled to a payment”;

b) in paragraph (6)(d), for “the police authority are entitled to compensation” there shall be substituted “the member shall provide compensation”.

(7) In the determination under regulation 33 of the Police Regulations 2003 (Annex OO – Career Breaks)—

a) in paragraph (1), for “the chief officer shall consider the application and shall” there shall be substituted “the application shall be considered by a human resources professional authorised for these purposes by the chief officer, who shall”;

b) for paragraph (2) there shall be substituted—

“(2) A member whose application to take a career break has been rejected may submit a notice of appeal to the chief officer, within 28 days of receiving the rejection and the reasons for the rejection, and the appeal shall be determined personally by the chief officer or an acting chief officer.”

(2A) In paragraphs (1) and (2)—

“acting chief officer” has the same meaning as in regulations 7 to 9 of the Police Regulations 2003;

“human resources professional” has the same meaning as in the Police (Performance) Regulations 2012.”.

(8) In the determination under regulation 33 of the Police Regulations 2003 (Annex P – Sick Leave)—

a) in paragraph (1), for “police authority” (in each place where that term appears) there shall be substituted chief officer”;

b) after paragraph (1) there shall be inserted—

“1A) In the case of a person who is a chief officer or any member of the City of London Police Force, paragraph (1) shall have effect as if, for “chief officer”, there were substituted “local policing body.”.

(9) In the determination under regulation 34 of the Police Regulations 2003 (Annex U – Allowances)—

a) in paragraph (1)(l), the words “with the approval of the police authority”

shall be omitted;

b) for paragraph (1)(m) there shall be substituted—

“m) This determination shall have effect—

i) in its application to a chief officer of police, as if every power conferred on the chief officer; and

ii) in its application to any other officer of the City of London Police Force, as if the powers conferred on the chief officer by virtue of paragraph (1)(b), the proviso to paragraph (1)(d), paragraph (1)(h), paragraph (1)(i) and paragraph (1)(n),

were conferred on the local policing body instead.”

c) for “police authority”, in every other place in paragraph (1) where that term appears, there shall be substituted “chief officer”;

d) in paragraph (2)(a) and (d), for “owned by the police authority” (in each place where that term appears) there shall be substituted “owned for the purposes of the police force”;

e) in paragraph (9)(b), “and in agreement with the police authority” shall be omitted.

(10) In the determination under regulation 34 (Annex UU – Acting Up Allowance), in paragraph (12) the words “full time” shall be omitted.

(11) In the determination under regulation 35 of the Police Regulations 2003 (Annex V – Expenses)—

a) for “police authority” (in each place in paragraph (2) where that term appears) there shall be substituted “chief officer of police”;

b) after paragraph (2)(c) there shall be inserted the following sub- paragraph:

“ca) Where a member of a police force moves his home in consequence of his voluntarily transferring from one force to another, otherwise than in circumstances to which sub-paragraph (b) applies, the chief officer of police of the force to which he transfers-

i) may either reimburse the reasonable cost of removal or carry out the removal;

ii) may, in the circumstances mentioned in sub-paragraph (a)(ii), reimburse the expenses there mentioned;

- iii) may, in the circumstances and subject to the conditions mentioned in sub-paragraph (a)(iii), reimburse the expenses there mentioned;
- iv) may, subject to the conditions mentioned in sub-paragraph (a)(iv), reimburse the expenses there mentioned.”;

c) in paragraph (2)(d), after “under sub-paragraph (a)” there shall be inserted “or (ca)”;

d) after paragraph (2)(d) there shall be inserted the following sub-paragraph:

“da) Where a member of a police force has been requested by the chief officer of police, in the interests of the efficiency of the force, to move his home, and-

- i) the member has, in consequence, in connection with the contemplated disposal of his home and acquisition of a new home, incurred any expenses; and
- ii) he would, if he had moved his home, have been reimbursed those expenses by the local policing body in pursuance of sub-paragraph (a)(i) or (iii); but
- iii) in consequence of a subsequent decision of the chief officer of police, the member does not in fact move his home,

he shall be entitled, notwithstanding that he has not moved his home, to be reimbursed those expenses by the chief officer of police.”;

e) at the end of paragraph (2) there shall be inserted—

“g) This determination shall have effect—

- i) in its application to a chief officer of police, as if every reference to the chief officer; and
- ii) in its application to any member of the City of London Police force other than the chief officer, as if every reference to the chief officer with the exception of the references in sub-paragraphs (a)(ii) and (b)(ii),

were references to the local policing body.”;

f) in paragraph (6)(b), for “police authority” there shall be substituted “chief officer (or, where the scholar is a chief officer or any officer of the City of

London Police Force, the local policing body)”.

(12) In the determination under regulation 45 of the Police Regulations 2003 (Annex W – Uniform)—

a) for “police authority” (in the first place) there shall be substituted “(chief officer (or, in the case of the City of London Police Force, the local policing body)”;

b) for “The police authority may decide to provide uniform and equipment for police force members of higher ranks” there shall be substituted “The chief officer may decide to provide uniform and equipment for police force members of higher ranks, but in the case of uniform and equipment for the chief officer or for any other higher ranks of the City of London Police force, the decision shall be that of the local policing body.”