STATUTORY INSTRUMENTS

2016 No. 1200

POLICE, ENGLAND AND WALES

The Police (Amendment) (No. 2) Regulations 2016

Made - - - -	*7th December 2016*
Laid before Parliament	*12th December 2016*
Coming into force - -	*4th January 2017*

The Secretary of State, in exercise of the powers conferred by section 50 of the Police Act 1996(**1**), makes the following Regulations.

In accordance with section 50(2ZC) of that Act(**2**), and in so far as these Regulations relate to matters specified in that section, the text of these Regulations has been approved by the College of Policing.

In accordance with section 52A(5)(b) of that Act(**3**), and in so far as these Regulations relate to matters specified in section 52A(1), the Secretary of State has not considered advice from the Senior Salaries Review Body or referred these matters to the Police Remuneration Review Body because she considers it is unnecessary to do so by reason of the nature of the Regulations.

In accordance with section 52A(6), and in so far as these Regulations relate to matters specified in section 52A(1), before making these Regulations the Secretary of State has supplied a draft of them to, and considered any representations made by, persons whom the Secretary of State considers to represent the interests of those persons referred to in section 52A(6).

In accordance with section 63(3) of that Act(**4**), and in so far as these Regulations relate to matters other than those mentioned in sections 50(2ZC) and 52A(1), the Secretary of State has supplied a draft of these Regulations to the Police Advisory Board for England and Wales and taken into consideration any representations made by that Board.

(**1**) 1996 c. 16. Section 50 was amended by section 126(1) of, and paragraph 3 of Schedule 22 and Part 8 of Schedule 28 to, the Criminal Justice and Immigration Act 2008 (c. 4); section 3 of the Policing and Crime Act 2009 (c. 26); section 82(12) of, and paragraph 32 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011 (c. 13); section 27 of, and paragraph 23 of Schedule 8 to, the Public Service Pensions Act 2013 (c. 25); and section 123(1) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).

(**2**) Section 50(2ZC) was inserted by section 123(1) of the Anti-social Behaviour, Crime and Policing Act 2014, with effect from 13th May 2014 (S.I. 2014/949). Section 123 was the subject of a correction slip published on 4th August 2014.

(**3**) Section 52A(5) was inserted by section 133(1) of the Anti-social Behaviour, Crime and Policing Act 2014, with effect from 1st September 2014 (S.I. 2014/2125).

(**4**) Section 63(3) was amended by section 59 of, and paragraphs 68 and 78(1) and (3) of Schedule 4 to, the Serious Organised Crime and Police Act 2005 (c. 15); section 1(3) of, and paragraphs 61, and 68(1) and (3) of Part 7 of Schedule 1 to, the Police and Justice Act 2006 (c. 48); section 126(1) of, and paragraph 6 of Schedule 22 to, the Criminal Justice and Immigration Act 2008; section 10(3)(a) and (b) of the Policing and Crime Act 2009; section 15(3) of, and paragraphs 38 and 43 of Part 2 of Schedule 8 to, the Crime and Courts Act 2013 (c. 22); and sections 123(4) and 133(2) of the Anti-social Behaviour, Crime and Policing Act 2014. Other amendments have been made to this section that are not relevant.

Citation and commencement

1. These Regulations may be cited as the Police (Amendment) (No. 2) Regulations 2016 and come into force on 4th January 2017.

Amendments to the Police Regulations 2003

2. The Police Regulations 2003(**5**) are amended as follows.

(1) In regulation 11—

(a) for paragraph (1), substitute—

"(1) Subject to sections 38 and 42 of the 2011 Act and regulations 9A and 10—

(a) the Secretary of State may determine—

(i) the rank that must be held, or have been held; and

(ii) the period for which such rank must be held or have been held,

for the purposes of appointment to the rank of chief constable, Commissioner of Police for the City of London or Commissioner of Police of the Metropolis ("chief constable or commissioner rank"); and

(b) where the Secretary of State makes a determination under paragraph (a), a person may not be appointed to chief constable or commissioner rank unless they hold or have held such rank and for such period as determined by the Secretary of State.";

(b) for paragraph (1A)(**6**), substitute—

"(1A) Subject to any enactment governing an appointment to a rank higher than that of Chief Superintendent, and to regulations 9A and 10—

(a) the Secretary of State may determine courses or assessment centres that candidates must have completed to be eligible for appointment to such a rank; and

(b) where the Secretary of State makes a determination under paragraph (a), a person may not be appointed to such a rank unless that person has satisfactorily completed such courses or assessments centres as determined by the Secretary of State.".

(2) In regulation 19A(**7**)—

(a) for paragraph (2), substitute—

"(2) The chief officer of a police force may require a member of the force who—

(a) gives the chief officer reasonable cause to suspect that the member is under the influence of alcohol while on duty; or

(b) is selected in accordance with a regime of routine random testing,

to give a sample of breath to be tested for evidence of alcohol in accordance with procedures determined by the Secretary of State.";

(b) in paragraph (3)(b), omit "falls within paragraph (1)(d) and who,".

(3) In regulation 31, after paragraph (1)(b) insert—

(**5**) S.I. 2003/527.
(**6**) Regulation 11(1A) was inserted by S.I. 2011/3026.
(**7**) Regulation 19A was inserted by S.I. 2005/2834 and amended by S.I. 2012/680.